

TITLE 1100 - ZONING

CHAPTER 1100 – TITLE

This Ordinance shall be known, cited and referred to as the “CITY OF SPRING GROVE ZONING ORDINANCE” except as referenced to herein, where it shall be known as “this Ordinance.”

CHAPTER 1102 –INTENT AND PURPOSE

This Ordinance is adopted for the following purposes:

Protecting the public health, safety, morals, comfort, convenience and general welfare of the property and present and future residents of the City of Spring Grove and surrounding environs.

Dividing the City of Spring Grove into zones and districts, restricting and regulating therein the location and use of structures and land.

Promoting the efficient and orderly development of the residential, business, industrial, recreational and public land uses.

Providing adequate light, air, and convenience of access to property.

Preserving and protecting the quiet, peaceful enjoyment and habitability of the community.

Limiting congestion in the public rights-of-way and securing safety from fire and other dangers.

Providing for the compatibility of existing and future land uses.

Promoting the efficient utilization of roads and public infrastructure.

Conserving the natural and scenic beauty and attractiveness of roadsides.

Providing for the administration of this Ordinance and amendments thereto.

Defining the powers and duties of the administrative officers and bodies.

Prescribing penalties for the violation of the provisions of this Ordinance or any amendment thereto.

CHAPTER 1104 - RULES

A. The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

1. Any use not herein expressly provided as a permitted use, conditional use or accessory use is hereby expressly prohibited, unless such use is sufficiently similar to an allowed use as determined by the City Council (see Chapter 1108, A.).
2. All measured distances expressed in feet shall be to the nearest tenth of a foot. In event of conflicting provisions, the more restrictive provision shall apply.

CHAPTER 1106 - DEFINITIONS:

The following words and terms, whenever they occur in this Ordinance, are defined as follows:

1. **Abutting**

Making contact with or separated only by public thoroughfare, railroad, or public utility right-of-way

2. **Accessory Building**

A subordinate building or a portion of the main building which is located on the same lot or parcel as the main building and the use of which is clearly incidental to that of the main building or to the use of the premises. A detached garage shall be considered an accessory building. An attached garage shall not be considered an accessory building.

3. **Accessory Use**

A use subordinate to and serving the principal use on the same lot and customarily incidental thereto

4. **Alley**

A narrow thoroughfare (public or private) providing vehicle access to the rear of lots or buildings.

5. **Animals – Domestic**

Animals commonly kept for house pets, such as dogs, cats and similar animals

6. Animals - Non-domestic

Livestock and poultry commonly kept for productive purposes on a farm, such as cattle, swine, horses, sheep, goats, chickens, and other similar animals

7. Animals – Exotic

Exotic and nontraditional house pets such as, but not limited to, ocelots and wild cats

8. Antenna

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

9. Automobile Court/Motel

A building or group of two or more buildings containing guest rooms with automobile parking space provided in connection with and used primarily for the accommodation of automobile travelers

10. Automobile Service

The service or replacement or repair of any part of the automobile which does not include or require body or fender work or repair, painting or upholstering service. Automobile service may include motor fuel sales

11. Automobile Repair and Reconditioning

General repair, rebuilding, or reconditioning of engines, motor vehicles or trailers, including body work, framework, welding, painting service, and upholstering service

12. Basement

A portion of a building located partly under ground but having more than half its floor to ceiling height below the average grade of the adjoining ground

13. Bed and Breakfast – An owner-occupied residence with guest rooms where temporary lodging facilities and some meals are provided to paying lodgers within a single-family dwelling.

14. Boarding House

A dwelling wherein two (2) or more persons, not members of the principal family therein, are provided lodging and/or meals for compensation but not including a building having ten (10) or more guest rooms

15. Buildable Lot

A legal lot of record that meets all of the applicable zoning (Title 1100) and subdivision (Title 1300) requirements of this Code

16. Building

Any structure having a roof which may provide shelter, support, protection, or enclosure of persons, animals or property of any kind

17. Building Height

A distance to be measured from the mean curb level along the front lot line or from the mean ground level for all of that portion of the structure having frontage on a public right-of-way, whichever is higher, to the top of the cornice of a flat roof, to the deck line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, to the mean distance of the highest gable on a pitched or hip roof

18. Building Line

A line delineating the buildable area and the required yards as defined herein

19. Building Setback

The minimum horizontal distance between any building, house, garage or other permanent structure and lot line

20. Business

Any occupation, employment or enterprise, wherein merchandise is exhibited or sold, or which occupies time, attention, labor and materials, or where services are offered for compensation

21. Carport

Automobile shelter having one or more sides open.

22. Cemetery

Site set aside for the burial or interment of the human dead

23. Church

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

24. Zoning Administrator.

The official appointed by the City Council to manage government operations.

25. Clear Cutting

The removal of an entire stand of vegetation

26. Club (or Lodge)

A non-profit association of persons who are bona fide members paying annual dues. Their club structure, meeting place or lodge is a premise restricted to club members and their guests, where food and drink may be served on such premises, providing adequate dining room space and kitchen facilities are available in compliance with the applicable federal, state, and municipal laws

27. Commercial Wireless Telecommunication Services

Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS) specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services

28. Common Open Space

Land, water or a combination of land and water within a multiple dwelling area which is designed and intended for the use and enjoyment of residents of the development. Common open space includes all land within the development, except for individual building lots and land accepted for public dedication.

29. Compatible

The exterior architectural appearance, lot layout and design of a proposed structure or subdivision shall be in character with adjacent uses and structures and shall not cause:

- a. A depreciation of adjacent property values;
- b. A nuisance, compared to existing or other proposed structures or uses. Types of nuisance characteristics include but are not limited to: noise, dust, odors, glare, unsightly building exterior, unsightly exterior storage, traffic generation, signs, refuse, or lack of landscaping.

30. Conditional Use

A use of land classified by the regulations of a primary zoning district as a conditional use

31. Conference Center

A facility operated to conduct or provide facilities for short term meetings, conferences, seminars and retreats to serve the needs of for-profit and non-profit patrons, religious or spiritual institutions and general group meeting engagements. Conference centers may include lodging, food service and recreational facilities

32. Convenience Store

A retail store that offers for sale a limited amount of food and household products, and may also include motor fuel sales

33. County

County of Houston

34. Covenant

A contract between two or more individuals which constitutes a restriction of a particular parcel of land

35. Crematorium

A state-licensed facility or establishment for the cremation of human corpses. A crematorium may only operate as a conditional use accessory to a cemetery or mortuary

36. Day Care Nursery

A facility or home where children under twelve (12) years of age who are not members of the family or the supervisor or custodian in charge:

- a. Meet or are scheduled to meet regularly for more than one day a week, for all or part of the day;
- b. Meet either to be watched or cared for while their parent or guardian is otherwise engaged.

These terms shall not include hospitals, Sunday schools, facilities under the direction of an established and accredited school system, facilities used for club or organization meetings when such club or organization regularly meets no more than once a week, or casual babysitting.

37. Developer

The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase or duly authorized representative action with the written consent of the fee owner.

38. Development

The construction, installation or alteration of any structure, the extraction, clearing or other alteration of land, terrestrial or aquatic vegetation, or the course current or cross section of any water body or water-course or the division of land into two or more parcels.

39. Drive-In Business

Any business in which people are provided a service or a sale is made without the passenger being required to leave the vehicle.

40. Dwelling Unit

A residential building or portion thereof, including a manufactured home as defined by Minnesota Statutes intended for permanent occupancy by a family but not including hotels, motels, boarding or rooming houses, tourist homes or trailers.

41. Easement

Authorization by a property owner of the use of the property by another or for a public purpose.

42. Essential Services

Underground or overhead gas, electrical, steam, telephone or water transmission or distribution systems; collection, communication, supply or disposal systems including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith, but not including buildings, antennas, wind generators, satellite equipment for commercial use, personal communication service (PCS) system towers, microwave equipment and substations.

43. Exterior Storage (Includes open storage)

The storage of goods, materials, equipment, motor vehicles, manufactured products and similar items not fully enclosed by a building.

44. Family

A family is:

- a. An individual, or two or more persons related by blood, marriage, adoption or guardianship, living together as a single housekeeping unit, or
- b. A group of not more than four (4) persons, who need not be related by blood, marriage or adoption or guardianship, living together as a single housekeeping unit in a dwelling unit.

45. Fence

Any partition, structure, wall, or gate erected as a divider marker, barrier or enclosure and located along the boundary, or within the required yard.

46. Floor Area

The sum of the gross horizontal areas of the several floors of the building or portion thereof devoted to a particular use. However, the floor area shall not include: basement or cellar floor area other than area devoted to retailing activities, the production or processing of goods, or to business or professional offices.

47. Floor Area Ratio

The ratio of gross building area to gross land area.

48. Floor Plan

A graphic representation of the anticipated utilization of the floor area within a building or structure, but not necessarily as detailed as construction plans.

49. Frontage

That boundary of a lot which abuts an existing or dedicated public street.

50. Garage, Private

A detached or attached accessory building which is used primarily for storing passenger vehicles or trailers.

- a. Attached Private Garage - A building that shares common walls and footings and is built of similar material, is color coordinated with the principal dwelling, and materials and exterior finish of the walls common to the principal dwelling are the same.
- b. Detached Private Garage - Free standing building with an independent structural system built of similar material and color coordinated with the principal dwelling.

51. Garage, Public

A building or portion of a building, except as herein defined as a private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire and in which any sale of gasoline, oil and accessories is only incidental to the principal use.

52. Garage, Repair

A building or space utilized for the repair or maintenance of motor vehicles.

53. Garage Sale

Any display of used goods and/or samples for sale of said goods on a property customarily used as a residence. The persons conducting the sale shall be residents of the immediate neighborhood.

54. Governing Body

Spring Grove City Council

55. Group Home

A state-licensed residential facility where persons reside for purposes of rehabilitation, treatment, or special care. Such persons may be orphaned, suffer chemical or emotional impairment, or suffer social maladjustment or dependency.

56. Health Care Facility

A state-certified or licensed facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, including, but not limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, outpatient clinic, dispensary, home health care agency, boarding home or other home for sheltered care, and bio-analytical laboratory or central services facility serving one (1) or more such institutions but excluding institutions that provide healing solely by prayer.

57. Home Occupation

Any gainful occupation or profession engaged in only by the occupant of a dwelling at or from the dwelling when carried on within a dwelling unit or in an accessory building conducted from property zoned residential use, provided that no signs other than those normally utilized in a residential district are present, limited stock in trade is stored on the premises, and over-the-counter retail sales are not involved.

58. Hotel

A building which provides a common entrance, lobby, halls and stairway and in which lodging is offered with or without meals to eight or more guests.

59. Interim Use

A temporary use of a property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

60. Junk

Shall include parts of machinery, motor vehicles, trailers, unused appliances stored in the open; remnants of wood, decayed, weathered or broken construction materials no longer suitable as approved building materials; metal or any other material or castoff material of any kind whether or not the same could be put to any reasonable use.

- a. Junk Yard: An open area where waste, used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber, tires and bottles. A junk yard includes an auto reduction yard.
- b. Junk Automobiles: Shall include any motor vehicle, part of a motor vehicle or former motor vehicle, stored in the open, which does not have attached thereto a valid and current license plate by the proper State agency or is not in operable condition.

61. Kennel, Animal

Any place where four or more of any single type of domestic animals, over six months of age, are owned, boarded, bred, or offered for sale.

62. Landscaping

Alteration of the natural terrain including the planting of trees, grass, shrubs, and ground cover.

63. Loading Space (or Loading Berth)

An area, not within a building, used for loading or unloading of goods from any type of vehicle.

64. Lot

A parcel or plot of land occupied or capable of being occupied by one or more structures and intended as a unit for purposes of ownership. A lot is not necessarily buildable.

65. Lot of Record

Any lot which individually or as a part of a subdivision has been recorded in the office of the Registrar of Deeds or County Recorder of Houston County.

66. Lot Area

The area of a lot in a horizontal plane bounded by the lot lines.

67. Lot, Corner

A lot situated at the junction of, and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees, and which fronts on the outside of a curve not greater in length than 110 feet with a radius not greater than 70 feet.

68. Lot Depth

The mean horizontal distance between the front lot line and the rear lot line of a lot.

69. Lot Line

A lot line is the property line bounding a lot except that where any portion of a lot extends into the public right-of-way for roadway purposes, the line of such public right-of-way shall be the lot line for purposes of this Ordinance whether such right-of-way is dedicated within a plat, conveyed by easement or established by prescriptive right.

70. Lot Line, Front

That boundary of a lot which abuts an existing or dedicated public street; in the case of a corner lot it shall be the side of the lot that the house is addressed from.

71. Lot Line, Rear

That boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

72. Lot Line, Side

Any boundary of a lot which is not a front lot line or a rear lot line.

73. Lot, Through

A lot which has a pair of opposite lot lines abutting two substantially parallel streets, and which is not a comer lot. On a through lot, both street lines shall be front lot lines for applying this Ordinance.

74. Lot Width

The maximum horizontal distance between the side lot lines of a lot measured at the front yard setback line.

75. Manufacturing

All uses which include the compounding, processing, packaging, treatment, or assembly of products and materials provided such use will not generate offensive odors, glare, smoke, dust, noise, vibrations, or other objectionable influences that extend beyond the lot on which the use is located. Generally, these are industries dependent upon raw materials refined elsewhere.

76. Metes and Bounds Description

A method of property description whereby properties are described by means of their directions from an easily identifiable location.

77. Mineral Excavation (Mining)

The extraction of sand, gravel, rock, soil or other material from the land in the amount of 100 cubic yards or more and the removal thereof from the site. For the purpose of this Ordinance, mining shall not include: the removal of materials associated with the construction of a building, the removal of excess materials in accordance with approved plats or utility and highway construction, minor agricultural and sod removal except as further regulated herein.

78. Motel

A dwelling wherein two (2) or more persons, not members of the principal family therein, are provided lodging and/or meals for compensation which can include a building having ten (10) or more guest rooms

79. Non-conforming Structure

Any structure which would not conform to the applicable regulations if the structures were to be erected under the provisions of this Ordinance.

80. Non-conforming Use

Use of land, buildings or structures which does not comply with all the regulations of this Ordinance or any amendments thereto governing the zoning district in which such use is located.

81. Noxious Matter or Material

Material capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects on the physical well-being of individuals or the environment.

82. Nursing Home/Assisted Living Facility

A nursing home shall mean a state licensed facility used to provide care for aged or infirm persons who require nursing care and related services in accordance with these regulations.

83. Occupancy

The purpose for which a building is used or intended to be used. The term shall also include the building or rooms housing such use. Change of occupancy is not intended to include change of tenants or proprietors.

84. Office Uses

Those commercial activities that take place in office buildings where goods are not produced, sold, or repaired. These include: banks, general offices, governmental office, insurance office, real estate office, travel agency or transportation ticket office, telephone exchange, utility office, radio broadcasting and similar uses.

85. Off-Street Loading Space

A space accessible from a street or driveway for the use of trucks or other vehicles while loading or unloading merchandise or materials. Such space shall be of size as to accommodate one vehicle of the type typically used in the particular business.

86. Open Sales Lot (Exterior Storage)

Any land used or occupied for the purpose of buying, selling, and storing of any goods, materials, or merchandise where such goods are not enclosed within a building.

87. Outside Corner Lot.

A lot located on the outside corner of a roadway

88. Parking Space

A suitably surfaced and permanently maintained area either within or outside of a building of sufficient size to store a vehicle.

89. Performance Standard

Any criterion established by this Ordinance or deemed necessary by the City Council to achieve the goals and objectives in this Ordinance.

90. Person

An individual, firm, partnership, association, corporation or organization of any kind.

91. Principal Structure or Use

One which determines the predominant use as contrasted to accessory use or structure. A "principal" use may be either a permitted or conditional use.

92. Plan, Site

A map or graphics prepared to scale depicting the development of a tract of land, including, but not limited to, the location and relationship of the structures, streets, driveways, recreation areas, parking areas, utilities, landscaping, existing and proposed grading, walkways, and other site development information as related to a proposed development.

93. Plat

A map, graphics or drawing which graphically delineates the boundary of land parcels for the purpose of identification and record title. The plat is a recorded legal document and must conform to all Minnesota State Laws.

94. Public Land

Land owned or operated by municipal, school district, county, state or other governmental units.

95. Research

Medical, chemical, electrical, metallurgical or other scientific research conducted in accordance with the provisions of this Ordinance.

96. Rest Home (Nursing Home/Assisted Living Facility)

A private home for the care of children or the aged or infirm. Such a home does not contain equipment for surgical care or for the treatment of disease or injury, nor does it include maternity care or care for mental illnesses or infirmities

97. Restaurants (Class I)

Traditional restaurant where food is served by a waitress or waiter to a customer and consumed while seated at a counter or a table. Food is served predominantly on non- disposable containers.

98. Restaurants (Class II)

Fast food restaurants in which a majority of the customers are served food at a counter and take it to a table to eat or may take food outside to consume in a vehicle or off the premises.

99. Residential structure

Any dwelling unit permitted under this ordinance to exist in a residential zoning district.

100. Retail Shopping Uses

Stores and shops selling personal services or goods to the general public or over a counter.

101. Road

A public right-of-way affording primary access by vehicles to abutting property whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, land, place, or however otherwise designated. Egress and ingress easements shall not be considered roads.

102. Screening

A physical barrier that reduces the visibility between adjoining uses by installation of berms, landscaping, walls or similar improvements.

103. Setback

The minimum required horizontal distance between a sign or the vertical wall of a building and lot line. Distances are to be measured at the closest point of the structure to the lot line at ground level.

104. Sewage

Sewage is any water carrying domestic waste, exclusive of drainage of any residence, industry, agricultural or commercial establishment, whether treated or untreated and includes the liquid waste produced by bathing, laundry, and culinary operations, and from toilets and floor drains.

105. Sign

Any written announcement, declaration, demonstration, display, illustration, insignia or illumination used to advertise or promote the interest of any person or persons when the same is displayed or placed out of doors in view of the general public, or inside of a building within three feet (3') of a transparent window. A sign shall be considered as a structure or a part of a structure for the purpose of applying yard and height regulations except as herein provided.

106. Sign, Advertising

A sign which directs attention to a business, commodity, service, activity, or entertainment not conducted, sold, or offered upon the premises where such sign is located.

107. Street

A public right-of-way which affords the principal means of access to abutting property.

108. Street, Collector

Roadways which are designed to perform the function of collecting traffic from local streets and distributing it to arterials.

109. Street, Principal Arterial

Roadways which are designed to accommodate long trips at the highest allowable speeds within and through the area. They connect all sub-regions within the area and urban and rural service areas, as well as by providing connections to other cities.

110. Structure

Anything erected, the use of which requires more or less permanent location on the ground, or attached to something having a permanent location on the ground. This shall include signs.

111. Story

That portion of a building included between the surface of any floor and the surface of the floor next above it; or if there is no floor above, the space between the floor and the ceiling next above.

112. Structural Alteration

Any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.

113. Subdivision

The division or re-division of a lot, tract, or parcel of land into two or more lots, either by plat, metes and bounds, or by registered land survey.

114. Tower

Any ground or roof mounted pole, spire, structure, or combination thereof taller than 15 feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade. This definition will not apply to any radio tower which is used for commercial broadcasting purposes and is more than 150 feet in height.

115. Transient Sale

The temporary or transient sale and delivery of goods, wares and merchandise, or transaction of any temporary, seasonal or transient business, outside of a building with a valid certificate of occupancy, in or upon any vacant lot, lot, motor vehicle, trailer, tent or railroad car.

116. Travel Trailer

Any type of vehicle which can be readily adapted to or does provide facilities for a person or persons to eat or sleep, and is readily adaptable for transporting.

117. Use, Permitted

A public or private use which may be lawfully established in a particular district or districts, which of itself conforms to all purposes, objectives, requirements, regulations, and performance standards of a particular district.

118. Vehicle

A machine propelled by power other than human power, designed to travel along the ground by use of wheels, treads, runners or slides, and transports persons or property or pulls machinery and shall include, without limitation, automobiles, trucks, motorcycles, snowmobiles, all terrain vehicles, and tractors.

119. Vehicle, Passenger

Any motor vehicle designed and used for carrying not more than ten (10) persons.

120. Veterinary

Those uses concerned with the diagnosis, treatment and care of animals, including animal or pet hospitals.

121. Warehousing

The storage of materials or equipment within an enclosed building as a principal use.

122. Wetland

- a. Means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is covered by shallow water.

For purposes of this Title, wetland must:

- i. have a predominance of hydric soils;

- ii. be inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophilic vegetation typically adapted for life in saturated soil conditions; and
 - iii. under normal circumstances, support a prevalence of hydrophilic vegetation.
- b. Wetland means a distinct hydrologic feature with characteristics of item A, surrounded by non-wetland and including all contiguous wetland types.
- c. "Wetland area" means a portion of "a wetland" or "the wetland."
- d. Wetland does not include public waters, wetlands and public waters that are designated on the public water inventory maps prepared under Minnesota Statutes, Section 103G.201.

123. Wholesaling (Warehousing)

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

124. Yard

A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest level to the sky except as permitted in this Ordinance. The yard extends along the lot line and at right angles to such lot line to a depth or width specified in the setback regulations for the zoning district in which such lot is located.

125. Yard, Rear

The portion of the yard on the same lot with the principal building located between the rear line of the building and rear lot line and extending for the full width of the lot.

126. Yard, Side

The yard extending along the side lot line between the front and rear yards to a depth or width required by setback regulations for the zoning district in which such lot is located.

127. Yard, Front

A yard extending along the full width of the front lot line between side lot lines and extending from the abutting street right-of-way line to depth required in the setback regulations for the zoning district in which such lot is located.

128. Zoning Administrator

The officer charged with the administration enforcement of this Ordinance.

129. Zoning Amendment

A change of the zoning map or zoning text authorized by the City, either in the allowed use with a district, or in the boundaries of a district.

130. Zoning District

An area or areas within the limits of the Community for which the regulations and requirements governing use are uniform.

CHAPTER 1108 - GENERAL PROVISIONS

A. APPLICATION

1. Except as in this Ordinance specifically provided, no structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose or in any manner which is not in conformity with this Ordinance.
2. From and after the effective date of this Ordinance, the use of all land and every building or portion of a building erected, altered in respect to height and area, added to, or relocated, and every use within a building or use accessory thereto, in the City shall be in conformity with the provisions of this Ordinance. Any existing building or structure and any existing use or properties not in conformity with the regulations herein prescribed, shall be regarded as non-conforming, but may be continued, extended or changed, subject to the special regulations herein provided with respect to non-conforming properties or uses.
3. When a use is neither specifically allowed nor specifically prohibited, the City Council may determine that the proposed use is sufficiently similar to an allowed use in which case the proposed use shall be deemed allowed.
4. The City Council on their own initiative or upon request, may conduct a study to determine if a use which is neither allowed nor prohibited is acceptable and if so, what zoning district would be most appropriate and the conditions and standards relating to development of the use. The City Council, or property owner, if

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Adopted July 20, 2004

Revised April 19, 2005, July 15, 2008, September 23, 2008, October 1, 2015, November 20, 2018, August 15, 2023,
March 11, 2024

appropriate, may initiate the consideration of an amendment to this Ordinance to provide for the particular use under consideration or shall find that the use is not compatible for development within the City.

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

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

C. **NON-CONFORMING USES AND STRUCTURES.**

1. Any structure or use lawfully existing upon the effective date of this Ordinance may be continued at the size and in a manner or operation existing upon such date except as hereinafter specified.
2. No structural alterations shall be made except as provided in (7) below.
3. Nothing in this Ordinance shall prevent the placing of a structure in safe conditions when said structure is declared unsafe by the proper zoning official.
4. When any lawful non-conforming use of any structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to any non-conforming use.
5. Whenever a nonconforming structure that is occupied as a principal dwelling unit shall have been damaged by fire, flood, explosion, earthquake, war, riot, or act of God, it may be reconstructed as it was before provided that construction details shall conform to the building codes. Reconstruction shall commence within twelve months after such calamity.
6. Whenever a lawful, non-conforming structure or use of a building or structure or land is discontinued for a period of one year, any future use of said building or structure or land shall be in conformity with the provisions of this Ordinance.
7. Routine maintenance of a building or other structure containing or related to a non-conforming use or structure is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use or structure.

8. A lawful non-conforming use may be changed only to a use of the same or more restricted classification.

D. LOT PROVISIONS.

1. There shall be no more than one principal building on any lot in R-1 residential districts.
2. An access drive to every principal building shall be provided and constructed according to minimum standards of the City as set out in Chapter 702.I.1.h.
3. No zoning permit shall be issued for any lot which is not buildable as defined by Section 1106 (13) of this Title.

E. ACCESSORY BUILDINGS, STRUCTURES, AND USES.

Purpose and Intent: The purpose and intent of this chapter is to establish standards that preserve the character of the principal building, to promote building compatibility, to provide maximum use of private property, and to provide for minimal adverse impacts to surrounding property through the implementation of screening regulations.

1. No Accessory Building or Private Garage shall be constructed or developed on a lot prior to the time of construction of the principal building to which it is an accessory.
2. Any new home shall have a garage as an accessory, whether attached or detached. Detached garages shall be considered an accessor building.
3. An attached garage may be remodeled for use as living quarters integrated with an existing home provided an attached or detached garage is constructed concurrently with such building remodeling or there is an existing detached garage or accessory building which is in compliance with the dimensional standards contained in Section 1108, E.9.c.
4. No Accessory Building or Detached Private Garage shall be located nearer the front lot line than the principal building. In the case of a corner lot, the front lot line shall be located on the side on which the principal building is addressed.
5. Accessory buildings and detached private garages shall not be closer than 5 feet from the side and rear lot lines if abutting another property, nor shall they be any closer to the rear or side lot lines than 15 feet when abutting an alleyway.
6. Accessory Buildings in an Agricultural District shall be no closer than 50 feet from the lot lines if abutting another property zoned differently than Agricultural.

7. Accessory buildings or detached private garages shall not be the focal point of the property and must be color coordinated with the principal building on a lot.
8. Temporary structures, including tents, Quonset huts, hoop sheds, and similar shelters, are not permitted on a property as an accessory structure, except, such structures are allowed, without permit, on a temporary basis for no longer than seven consecutive days, and in any event, not more than two weeks in a calendar year.

9. Requirements for Accessory Buildings:

- a. Construction of any accessory buildings pursuant to this section shall require a zoning permit.
- b. Construction of any accessory building, including carports, shall be of wood frame construction and shall be of similar design and building materials as the principal building, including but not limited to siding, and the pitch of the roof. In cases where the roof pitch of the principal building cannot be determined, the roof pitch shall be the minimum required by the state building code.
- c. The total building floor area shall not exceed 1,200 square feet, and the sidewall height shall not exceed 12 feet (12'). A principal building may have only one accessory building in addition to any detached garage.
- d. The Zoning Administrator may require screening along any permanent accessory structure that has side walls greater than 8 feet, so that it does not appear unsightly from the street or adjacent neighbors. Screening, when required, shall consist of a minimum combination of two architectural and/or landscape features along any sidewall directly adjacent to and visible from a public right of way; landscape features shall include medium or upright coniferous and deciduous shrubs or shade, ornamental, or evergreen trees.

10. Requirements for detached garages:

- a. Detached private garage size shall contain not less than 240 square feet total building floor area
- b. Detached private garages shall be of wood frame construction and shall be of similar design and building materials as the principal building, including but not limited to siding, and the pitch of the roof. In cases where the roof pitch of the principal building cannot be determined, the roof pitch shall be the minimum required by the state building code. Detached private garages shall incorporate building materials used on the principal building, such as brick, brick fronts, logs,

or stucco, on that portion of the front elevation which is between the floor elevation and four (4) feet above the floor elevation. The front elevation shall be the elevation that contains the overhead door. Where the overhead door faces away from the front lot line, the side of the building facing the front lot line shall incorporate the building materials required by this subsection. On corner lots, both elevations facing public streets shall be finished as required by this subsection.

11. No accessory building or detached private garage may be placed on an easement.

12. No Accessory Building or Detached Private Garage shall exceed the elevation of the principal building on a lot, except as permitted by Section 1108, F.4.

F. PERMITTED ENCROACHMENTS. The following shall not be considered as encroachments on setback and height requirements subject to other conditions hereinafter provided:

1. In side and rear yards: Fences 30 percent open, walls and hedges six feet (6') in height or less; balconies, eaves, extensions or decks eight feet (8') above grade may extend into the yards to within three feet (3') of a lot line provided said balconies or decks do not extend over driveways.
2. On any lot, nothing shall be placed or allowed to grow in such a manner as materially to impede the vision of traffic or prevent the maintenance and operation of utility equipment. On a corner lot, the landowner shall be required to maintain a clear view within the thirty (30) foot intersection sight distance triangle measured from the end of the road.
3. In rear yards: Outdoor patio, gazebos, and outdoor eating facilities, provided these are not less than five feet (5') from any lot line and fifteen feet (15') from any alleyway.
4. Height limitations shall not apply to church spires, belfries, cupolas, domes, flag poles, public and public utility facilities, and parapet walls extending not more than four feet (4') above the limiting height of the building except as hereinafter provided.

G. PLATTING. All buildings hereafter shall not be on un-platted land unless such un-platted land is within the corporate boundaries of the City of Spring Grove at the time of adoption of this Ordinance except as provided for in this Ordinance.

H. RELOCATED STRUCTURES. Before any house or other structure is moved onto a vacant lot, the person moving said structure shall provide a notarized document to the City on structural deficiencies and whether it conforms to all current state building codes and City ordinances. If the structure does not meet

applicable regulations, the owner must provide to the City, complete and detailed plans showing the changes to be made to bring the structure into conformance with such regulations. If the City Council determines that a structure would have a negative effect on surrounding property values or be incompatible with surrounding structures in the area into which it is to be moved, the Council may deny issuance of a permit for such relocation. Structures to be relocated into any district within the City will be regulated by all regulations and ordinances applying to new construction. No zoning permit will be issued until the owner has agreed in writing that the entire building will be completed within a period of six (6) months, the fees have been paid and a performance bond or certified check guaranteeing completion of such changes (Completion Guarantee). The Completion Guarantee will be equal to 125 percent of the cost of such changes as reviewed by the City.

- I. **FRONT YARD SETBACK AVERAGING.** In any residential district where adjoining principal buildings existing at the time of adoption of this Ordinance have a lesser setback from that required the required front yard of a new structure shall not be less than the average front yard of the buildings on each side.
- J. **SETBACKS ADJACENT TO RESIDENTIAL AREAS.** Where a commercial district is adjacent to a residential district, the minimum building setback from the side lot line shall be ten feet (10'). In the case of industrial districts, such minimum setback shall be twenty feet (20').
- K. **SETBACKS ALONG ARTERIAL.** Along streets designated as Arterial, the minimum setback for all buildings shall be fifty feet (50') from the planned right-of-way line.
- L. **HEIGHT.** The height of structures used for churches, schools and similar uses may extend to 45 feet (45') in residential districts with non-occupancy structures of greater height requiring a conditional use permit.
- M. **FENCES** (See Chapter 1118, A.4).
 - 1. **Purpose:** The purpose of this section is to promote a pleasant physical environment and to protect the public and private property within the City by regulating the location, height, type of construction, and maintenance of all fences.
 - 2. **Location of fences.**
 - a. Fences, when constructed to enclose any lot, shall be located in such a way that the entire fence shall be on the property of the owner. The actual fencing material, such as wire, lumber, pickets, etc., shall be placed on the side of the fence which faces the street or the adjacent property.

- b. No fences shall be allowed or constructed on street right-of-ways. The City or any utility company having authority to use easements shall not be liable for repair or replacement of such fences in the event they are moved, damaged or destroyed by virtue of the lawful use of said easement.
 - c. Construction and Maintenance.
 - i. Every fence shall be constructed in a workmanlike manner and of substantial material reasonably suited to the purpose for which the fence is to be used. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition which would constitute a public nuisance or a dangerous condition.
 - ii. Link fences, wherever permitted, shall be constructed in such a manner that the barbed end is at the bottom of the fence.
 - iii. All fences shall be constructed in conformity with the wind, stress, foundation, structural and other requirements of the state building code.
3. Residential District Fences.
- a. In residential districts, no fence may exceed three and one-half feet (3 1/2') in height above the ground level, in front of the front line of the residential structure, along any street or highway right-of-way, or in the front yard as defined by this Ordinance. Fences along the side lines to the rear of the front line of the residential structure and along the rear line, including rear lines abutting street or highway right-of-way zones, may not exceed six feet (6') in height above the ground level. The required front yard of a corner lot shall not contain any fence which may cause danger to traffic on a street or public road, by obscuring the view. On corner lots, no fence shall be permitted within the thirty-foot (30') intersection sight distance triangle.
 - b. The use of barbed, razor or similar fencing is strictly prohibited in residential districts. In commercial or industrial districts such fencing is only allowed as per section 1108.M.4.a. below. In public-open districts, use of this type of fencing shall be permitted only if in use at the time of adoption of this Ordinance. In agriculture districts barbed fencing is permitted.
4. Commercial and Industrial Fences.
- a. In commercial and industrial zones, fences may not exceed ten feet (10') in height above ground level. The use of barbed wire is prohibited, except that the top one foot (1') of any fence greater than six feet (6') in height along side or rear lot lines in these zones may be constructed of barbed wire.

shall not be used, installed, or constructed, on fences fronting on any street, or when adjacent to any residential district.

N. TREE AND WOODLAND PRESERVATION.

1. Structures and other amenities shall be located in such a manner that the optimum number of trees shall be preserved.
2. Landscaping shall utilize a variety of tree species and shall not utilize any species presently under disease epidemic. Species planted shall be hardy under local conditions and compatible with the local landscape.
3. Trees over six (6) inches in diameter shall only be removed under unique circumstances.

O. LIQUID BULK STORAGE. All uses associated with the bulk storage of oil, gasoline, liquid fertilizer, ammonia, chemicals, propane, and similar liquids shall comply with state standards and require a conditional use permit to ensure that fire, explosion, or water or soil contamination hazards are not present that would be detrimental to the public health, safety, and general welfare. Liquid storage tanks having a capacity in excess of one thousand gallons shall be prohibited in residential zoning districts.

P. HOME OCCUPATIONS.

1. Intent: To provide peace, quiet, and domestic tranquility within all residential neighborhoods, within 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.
 - a. An interim use permit for a home occupation is a permit authorized by the City Council only after a public hearing.
2. Home Occupations - No Interim Use Permit Required. All home occupations which conform to the following standards may be conducted without approval of an interim use permit as provided under this Ordinance.
 - a. Permitted home occupations shall be conducted only by permanent residents of the premises and shall not be conducted in any building on the premises other than the building which is used by the occupant as the private dwelling and not more than one (1) room may be used for such purposes.
 - b. Home occupation may have one (1) wall sign per dwelling which may not, exceed 2.5 square feet.

- c. There shall be no exterior or garage storage of any materials including business equipment, merchandise, inventory, or heavy equipment.
 - d. The area set aside for home occupations shall not exceed twenty percent (20 percent) of the total floor area of such residence.
 - e. Permitted home occupations shall not include the employment of any persons not residing on the premises in the performance of the occupation.
 - f. The use of mechanical equipment other than is usual for purely domestic or hobby purposes are prohibited.
 - g. Off-street loading and off-street parking requirements of Chapter 1124 must be provided.
 - h. Merchandise shall not be openly displayed or offered for sale within the residence.
 - i. The operation of any wholesale or retail business, unless it is conducted entirely by mail or by occasional home invitation and does not involve the sale, shipment, or delivery of merchandise on the premises is prohibited.
 - j. Any home occupation or activity which produces noise or noxious odors, vibrations, glare, fumes, fire hazard, or electric interference detectable to normal sensory perception beyond the property line is prohibited.
 - k. A home occupation must normally involve fewer than six (6) customers entering daily.
3. Home Occupation - Interim Use Permit Required.
- a. All home occupations which do not conform to the standards above shall only be conducted upon approval of an interim use permit. Interim use permits granted by this section shall be temporary in nature and shall be granted to a designated natural person who resides at a residential address. Interim use permits are not transferable from person to person or from address to address.
 - b. Applications for home occupation interim use permits shall be filed with the City together with a filing fee established by City Council in an annual fee resolution. The city council will hold a public hearing. All such hearings shall be at public meetings of the council and shall be conducted as provided in Chapter 1110, B. of this Ordinance. Legal notice of all such hearings shall be given as required for petitions for any interim use permit. At the conclusion of its hearing the city council shall approve or disapprove based findings of fact. Alternatively, the council may table the request to obtain additional data, if in

their determination, sufficient facts are not available. In no case shall such a request be tabled for longer than thirty (30) days. Notwithstanding provisions to the contrary, City staff may waive the requirement for a survey in circumstances where no buildings or site improvements are proposed.

- c. An interim use permit for a home occupation shall further conform to the following provisions:
 - i. On-site sales, wholesale, or retail, shall not be the primary objective of the business. Limited on-site sales may be permitted provided the effect on traffic levels shall not be judged unacceptable by the City Council. Upon report of objectionable traffic, the City Council may restrict or rescind on-site sales approval.
 - ii. Signs shall comply with Chapter 1122 of this Ordinance.
 - iii. The business shall not employ more than three (3) persons in the dwelling or accessory building, who are not immediate family members living in the associated residence.
 - iv. Storage or sales of hazardous substances as defined in Minn. Stat. Sec. 182.651, Subd. 14 as amended from time to time, bulk chemicals or petroleum products shall be specifically prohibited.
 - v. Any other restrictions or conditions as the City Council may determine to be necessary to avoid conflict with surrounding residential land usage.
4. Findings. The City Council shall make the following findings when issuing an interim use permit for a home occupation:
 - a. The use conforms to the zoning regulations;
 - b. The date or event that will terminate the use can be identified with certainty;
 - c. Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.
5. Procedures. The City Council shall follow the procedures for issuance of a conditional use permit under Section 1110, B. for issuance of an interim use permit for a home occupation, as such requirements are found by the City Council to be applicable to the use.

Q. NOISE.

1. No person shall use or operate or permit the use or operation of any radio receiving set, musical instrument, phonograph, paging system, machine or other device for the production or reproduction of sound in a distinct and loudly audible manner as to disturb the peace, quiet and comfort of any person nearby.
2. It is unlawful for any person to operate a motor vehicle in a manner to create a loud, unnecessary, or unusual noise which disturbs, annoys or interferes with the peace, quiet and comfort of other persons.
3. It is unlawful for any person to operate any equipment or machinery, such as a lawn mower, snow blower or construction equipment which disturbs, annoys or interferes with the peace, quiet and comfort of other persons. The use of any snow blower or other such equipment for emergency situations is permitted under this section.
4. No person shall permit real estate under such person's control to be used for a noisy assembly.
5. No person shall participate in any party or other gathering of people giving rise to noise, disturbing the peace, quiet or comfort of another person. When a police officer determines that a gathering is creating such a noise disturbance, the officer may order all person's present, other than the owner or tenant of the premises where the disturbance is occurring, to disperse immediately. No person shall refuse to leave after being ordered.
6. Any noise described herein which is plainly audible at the property line of a structure or building in which it is located or in the hallway or apartment adjacent, or at a distance of 50 feet if the source is located outside a structure or building between the hours of 10:00 p.m. and 7:00 a.m. shall be prima facie evidence that the noise is excessive.
7. Any Commercial Vehicle, as described in Chapter 706.A.1, or Truck, as described in Chapter 706.A.3, is prohibited from running while unattended during the hours of 10:00 p.m. and 7:00 a.m. except in areas that are specifically designated by the City Council.
8. This Ordinance may be enforced by injunctions, action for abatement, or other appropriate civil remedy.

CHAPTER 1109 – SOLAR ORDINANCE INSTALLATIONS

I. Scope – This ordinance applies to all solar energy installations in the City of Spring Grove.

II. Purpose – The City of Spring Grove has adopted this regulation for the following purposes:

- a. To preserve the health, safety, and welfare of the Community’s citizens by promoting the safe, effective and efficient use of active solar energy systems installed to reduce the on-site consumption of fossil fuels or utility-supplied electric energy.
- b. Spring Grove finds that this is the public interest to encourage the use and development of renewable energy systems (including solar energy systems) that have a positive impact on energy conservation with limited adverse impact on nearby properties. As such, the city supports the use of solar collection systems.
- c. Spring Grove also finds that the development of solar energy systems should be balanced with the protection of public health, safety, and welfare. The city intends the following standards to ensure that solar energy systems can be constructed within Spring Grove while also protecting public safety and the natural resources of the city.
- d. It is the intent of the city with this section to create standards for the reasonable capture and use, by households, businesses, and property owners, of their solar energy resource.

III. Definitions – For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Active Solar Energy System: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

Building-integrated Solar Energy Systems: An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

Flat Roof: Any roof with a pitch of 3/12 or less as calculated by the rise over the run.

Flush-Mounted Solar Energy System: A roof-mounted system mounted directly abutting the roof and sloped at the same pitch as the roof.

Grid-intertie Solar Energy System: A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

Off-grid Solar Energy System: A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

Passive Solar Energy System: A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

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

Renewable Energy Easement, Solar Energy Easement: An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.

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.

Side Mount Solar Energy System (or Building Mount): A solar collector or series of solar collectors attached to the sidewalls of a structure as opposed to the roof or ground.

Solar Access: Unobstructed access to the solar resource (see definition below) on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

Solar Collector: The panel or device in a solar energy system that collects solar radiant energy and transforms it into thermal, mechanical, chemical, or electrical energy. The collector does not include frames, supports, or mounting hardware.

Solar Collector Surface: Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy Device: A system or series of mechanisms designed primarily to provide heating, cooling, electrical power. Solar daylighting or to provide any combination of the

foregoing by means of collecting and transferring solar generated energy into such uses either by active or passive means. Such systems may also have the capability of storing such energy for future utilization. Passive solar energy systems shall clearly be designated as a solar energy device such as a trombe wall and not merely a part of a normal structure as a window.

Solar Energy System: A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating.

Solar Mounting Devices: Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

Solar Resource: A view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 AM and 3:00 PM Standard time on all days of the year and can be measured in annual watts per square meter.

IV. Permitted Accessory Use – Solar energy systems are a permitted accessory use in all zoning districts where structures of any sort are allowed, subject to certain requirements as set forth below. Solar carports and associated electric vehicle charging equipment are a permitted accessory use on surface parking lots in all districts regardless of the existence of another building. Solar energy systems that do not meet the following design standards will require a conditional use permit.

A. Location – Active solar energy systems must meet the following location requirements:

1. Roof-mounted or side-mounted Solar energy systems shall be permitted on any roof surface or building side, including surfaces facing front yards, as long as all other requirements of this ordinance are met.

2. Ground-mounted Solar energy systems shall be permitted in rear yards in all residential zoning districts. Ground-mounted Solar energy systems shall be permitted in any yard in Industrial, Commercial, and Agricultural Districts. Active solar energy systems shall not be ground-mounted within any easement or right-of-way held by the City of Spring Grove or other public entity.

B. Height – Solar energy systems must meet the following height requirements:

1. Building- or roof- mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. Roof-mount systems shall be no steeper than roof pitch flush-mount panels and shall be no higher than twelve (12) inches above the roof, except on a Flat Roof, in which event solar panels shall be bracket mounted at no more

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than three feet above the surface of the roof, along with three-foot clearance around roof edges.

2. Ground- or pole-mounted solar energy systems shall not exceed 15 feet in height when oriented at maximum tilt.

3. Side-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district.

C. Set-back – Active solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located.

1. Roof-mounted Solar energy systems: In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.

2. Side-mounted Solar energy systems: The collector surface and mounting devices for side-mounted solar energy systems shall not extend beyond the building setbacks, except in a commercial district where the building setback is 1 foot and the applicant has obtained an easement from the adjoining property owner for installation of the solar energy system.

3. Ground-mounted solar energy systems: Ground-mounted solar energy systems may not extend into the front, side, or rear setback as applicable when oriented at minimum design tilt.

D. Visibility – Active solar energy systems shall be designed to blend into the architecture of the building or be screened from routine view from public rights-of-way other than alleys. The color of the solar collector is not required to be consistent with other roofing materials.

1. Building Integrated Photovoltaic Systems - Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use, or performance standards for the district in which the building is located.

2. Solar Energy Systems with Mounting Devices: Ground-mount systems in residentially zoned districts shall not be visible from the public right of way, excluding alleys.

3.Reflectors – All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties.

E. Coverage –

1. Flush-mounted and Flat Roof Solar energy systems may cover the entire roof surface.

2. Side-mounted Solar energy systems, excluding Building-integrated solar energy systems, may cover up to 75% of the available building side surface area.

3. Ground-mounted Solar energy systems shall not exceed 50% of the total square footage of the backyard in a residential district or 50% of the total lot surface area in a commercial, industrial, or agricultural zoning district.

F. Approved Solar Required

Electric solar energy system components must have a UL listing and solar hot water systems must have an SRCC rating.

G. Plan Approval Required – All solar energy system installations or alterations shall require administrative plan approval by the City of Spring Grove zoning official and issuance of a solar permit. Such permits shall be acquired prior to commencement of any installation activity. No system permit shall be issued for a system not in conformity with the regulations applicable to such system.

1. Plan Applications - Plan applications for solar energy systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.

a. Pitched Roof Mounted Solar Energy Systems. For all roof-mounted systems other than a flat roof the elevation must show the highest finished slope of solar collector and the slope of the finished roof surface on which it is mounted.

b. Flat Roof Mounted Solar Energy Systems. For flat roof applications, a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.

2. Plan Approvals – Applications that meet the design requirements of this ordinance, and do not require an administrative variance, shall be granted administrative approval by the zoning official and shall not require Planning Commission review. Plan approval does not indicate compliance with Building code or Electrical Code.

3.. Utility Connection: All grid-connected systems shall have a completed, written interconnection agreement with the local utility prior to application for plan approval. The agreement shall be submitted with the plan application.

4.. Fees: An application for a solar permit shall be accompanied by the fee as specified in the City fee schedule. No application will be considered unless and until the required fee has been paid by the applicant to the City.

5. Duration: Any permit issued under this Section shall be valid for a period of 12 months from the date of issuance. If the construction of the system is not completed within 12 months from the date of its issuance, the system permit shall be void, and the site or which the permit was sought shall be returned to the condition it was prior to the issuance of such system permit.

H. Compliance with Building Code - All solar energy systems shall meet approval of local building code officials, consistent with the State of Minnesota Building Code, and solar thermal systems shall comply with HVAC-related requirements of the Energy Code.

I. Compliance with State Electric Code - All photovoltaic systems shall comply with the Minnesota State Electric Code.

J. Compliance with State Plumbing Code - Solar thermal systems shall comply with applicable Minnesota State Plumbing Code requirements.

K. Utility Notification - All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

V. Principal Use by Conditional Use Permit Only

A. Residential: Solar Energy Systems shall not be allowed as a principal use in any residentially zoned district.

B. Commercial, Industrial, & Agricultural: Solar Energy Systems may be allowed as a principal use in a commercial, industrial, or agriculturally zoned district by Conditional Use Permit only. An applicant must convincingly demonstrate their proposed installation will meet the following criteria before the City Council may grant a conditional use permit allowing the installation of solar panels on a lot as a principal use.

1. The proposed installation site is not likely to be developed for commercial, industrial, or residential use in the next 30 years when taking into account:

- a. Historic development trends in the City;
- b. Current development trends in the City;

- c. Development goals of the City’s comprehensive plan for the subject parcel;
 - d. The location of the property in question compared to other property within the City boundary with development potential; and
 - e. Any physical or economic barriers that would make future residential, commercial, or industrial development cost prohibitive.
2. The absence of public infrastructure previously installed at taxpayer expense to facilitate future development for the proposed installation site.

C. Conditions

1. If the Section V.B. criteria are found to be met, the City Council may grant the permit with conditions relating to the following design elements:
 - a. Size of the Solar Energy System;
 - b. Exact location of the Solar Energy System;
 - c. Required setbacks;
 - d. Height; and
 - e. Any other conditions necessary to protect the health, safety, and general welfare of the City and its residents and businesses.

VI. Restrictions on Solar Energy Systems Limited – As of (adoption date for this ordinance) new homeowners’ agreements, covenant, common interest community standards, or other contract between multiple property owners within a subdivision of the City of Spring Grove shall not restrict or limit solar energy systems to a greater extent than the City of Spring Grove’s solar energy standards.

VII. Solar Access – The City of Spring Grove encourages solar access to be protected in all new subdivisions and allows for existing solar to be protected consistent with Minnesota Statutes.

A. Solar Easements Allowed – The City of Spring Grove has elected to allow solar easements to be filed, consistent with Minnesota State Code 500. Any property owner can purchase an easement across neighboring properties to protect access to sunlight. The easement is purchased from or granted by owners of neighboring properties and can apply to buildings, trees, or other structures that would diminish solar access.

VIII. Billing - Credits will be applied to the customer’s account monthly. The remainder of the bill will still need to be paid monthly. Disbursements will be made at year end in check form if there are any remaining credits.

IX. Abandonment – If the solar energy system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their

expense after all necessary approvals and permits have been obtained. Removal includes the entire structure including transmission equipment.

CHAPTER 1110 – ADMINISTRATION

A. ZONING PERMITS. Residents and property owners may obtain administrative review and consideration of certain kinds of zoning permits. This section applies to applications for zoning permits for projects that are minor in nature and which generally result in little public controversy; it does not apply to review of site development plans, conditional use permit applications, variance applications, or zoning map changes. Administrative review and approval shall be at the discretion of the Zoning Administrator, who may consult with the Chairperson of the Planning Commission to determine if further review is necessary by the Planning Commission or the City Council in order to properly consider a zoning permit.

Conditions:

1. Administrative review and consideration is authorized for the following types of zoning permits:
 - a) Residential accessory structures, such as decks, porches, sheds, gazebos, swimming pools, and playhouses;
 - b) New single-family dwellings in recently platted subdivisions;
 - c) Small (room-sized) additions to dwellings in the R-1 District;
 - d) Garages in R-1 District;
 - e) Complete or partial demolition of any structure.

All other applications shall be considered by the Planning Commission.

2. The Zoning Administrator will provide a monthly update of administrative approvals to the Planning Commission and the City Council.
3. The Zoning Administrator may refer any permit application for review to the Planning Commission if uncertainty exists as to whether or not the application meets the criteria for Administrative Review or meets the requirements of the Ordinance.
4. Any aggrieved party has the right to appeal a decision of the Zoning Administrator to the Planning Commission for any decisions made under this Section. Any such appeal must be made in writing to the Zoning Administrator within 30 days of any decision.

B. ZONING AMENDMENTS.

1. Criteria for granting zoning amendments.

- a. The City Council may adopt amendments to the zoning ordinance, zoning map relative to land uses within a particular district or to the location of the district lines. Zoning amendments shall only be used as a means to reflect changes in the goals and policies of the City, changes in conditions in the City.
2. Type of amendments.
 - a. A change in the district's boundary.
 - b. A change in a district's regulations.
 - c. A change in any other provision of this Ordinance.
 3. Initiation of proceedings. Proceedings for amending this Ordinance shall be initiated by at least one of the following methods:
 - a. By petition of an owner or owners of property which is proposed to be rezoned, or for which district regulation changes are proposed.
 - b. By recommendation of city staff.
 - c. By action of the City Council.
 4. Required exhibits for rezoning or district regulation changes:
 - a. Houston County property owner's lists labels and map showing property owners' names and addresses within 300 feet of the outer boundaries of the property in question to the extent available. It shall be the petitioner's responsibility to provide this information even if unavailable from Houston County.
 - b. A boundary line survey. The City may waive the requirement for a survey if no buildings or improvements are proposed.
 - c. A general development plan showing the potential development of the property, indicating proposed streets, buildings, drainage, and landscaping.
 - d. Such other information as determined by the City.
 5. Procedure. The procedure for a property owner to initiate a rezoning or district regulation change is:
 - a. The property owner or agent shall meet with City staff to explain the proposal, obtain procedures, and an application form.

- b. The applicant shall file the completed application form together with the required exhibits with the City and shall pay a filing fee as established by the City Council. Any application for rezoning shall be received according to the submittal schedule.
- c. The Zoning Administrator shall transmit the application and the required exhibits to the city council.
- d. The Zoning Administrator shall set the date for the public hearing and shall have notices of such hearing published in the legal newspaper at least once, not less than ten (10) days and not more than thirty (30) days prior to said hearing. The City Council may waive the mailed notice requirements for amendments to the zoning text initiated by city staff or City Council.
- e. The Zoning Administrator shall see that a similar notice shall be mailed at least ten (10) days before the day of the hearing to all property owners of record within 300 feet of the exterior boundaries of the property.
- f. The City Council shall hold the public hearing and then shall act on one of three actions - approval, denial, or conditional recommendation.
- g. No application of a property owner for an amendment to the text of the zoning ordinance or zoning map shall be considered by the City Council within a one (1) year period following a denial of such request, except that the City Council may permit a new application, if, in the opinion of the City Council, new evidence or a change of circumstances warrant it.

C. CONDITIONAL USE PERMITS.

1. General Statement. Conditional Use Permits may be granted or denied in any district as provided by this Ordinance. The City Council shall consider the advice and recommendations of City staff and the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding lands, existing and anticipated traffic conditions including parking facilities on adjacent streets and land, the effect on utility and school capacities and the effect on property values of property in the surrounding area.
2. Procedure.
 - a. The property owner or authorized representative shall fill out and submit to the City an application together with required exhibits and a fee to be determined by the City Council from time to time by resolution.

- b. The Zoning Administrator shall set the date for a public hearing and have notice of such hearing published at least once in the legal newspaper not less than ten (10) days prior to the hearing. Property owners within three hundred feet (300') of the property shall be notified by mail, although failure to any property owner to receive such notification shall not invalidate the proceedings.
 - c. The City Council shall consider the petition according to the submittal schedule.
 - d. The petitioner or its representative shall appear before the City Council at the public hearing, which will be at a normally scheduled meeting, in order to answer questions concerning the proposed conditional use.
 - e. The City Council shall act on the application after the close of the public hearing. If it grants the conditional use permit, the City Council may impose conditions (including time limits) it considers necessary to protect the public health, safety and welfare, and such conditions may include a time limit for the use to exist or operate.
 - f. An amended conditional use permit application shall be administered in a manner similar to that required for a new conditional use permit. Amended conditional use permits shall include re-applications for permits that have been denied, requests for changes in conditions, and as otherwise described in this Ordinance.
 - g. No application for a conditional use permit shall be resubmitted for a period of one year from the date of said order of denial.
 - h. If a time limit or periodic review is included as a condition by which a conditional use permit is granted, the conditional use permit shall be reviewed at a public hearing with notice of said hearing published at least ten (10) days prior to the review. It shall be the responsibility of the Zoning Administrator to schedule such public hearings and the owner of land having a conditional use permit shall be required to pay a fee for said review.
 - i. The conditional use permit shall be reviewed annually by the Zoning Administrator for compliance with special conditions and this Ordinance.
 - j. Approved conditional use permits shall be filed in the office of the county recorder.
3. Required exhibits for conditional use permit.

- a. Houston County property owner's lists labels and map showing property owners' names and addresses within 300 feet of the outer boundaries of the property in question to the extent available. It shall be the petitioner's responsibility to provide this information even if unavailable from Houston County.
 - b. A boundary line survey. The City may waive the requirement for a survey if no buildings or improvements are proposed.
 - c. A general plan showing the property lines, indicating streets, buildings, drainage, and landscaping.
 - d. Such other information as determined by the City.
4. Criteria for granting conditional use permits. In granting a conditional use permit, the City Council shall consider the advice and recommendations of City staff and the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding lands. Among other things, the Council shall consider the following:
- a. Factors of noise, glare, odor, electrical interference, vibration, dust, and other nuisances.
 - b. The use shall not create an excessive burden on existing parks, police and fire, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
 - c. The effect on sensitive environmental features including wetlands, slopes, woodlands, surface and groundwater.
 - d. The use shall be compatible with adjacent land uses so that existing uses and property values will not be adversely affected.
 - e. The use shall not have an adverse effect upon adjacent properties, including aesthetics, scenic views, character and integrity of the neighborhood.
 - f. The use, in the opinion of the City Council, shall be reasonably related to the overall needs of the City and to the existing land use.
 - g. The use shall be consistent with the purposes of the zoning code and purposes of the zoning district in which the applicant intends to locate the proposed use.
 - h. The use will not cause traffic congestion or hazards.

- i. The use will not adversely impact the environment, natural resources or water quality.
5. City Council Findings/Additional Conditions. In permitting a new conditional use or the alteration of an existing conditional use, the City Council must find that the applicable standards and criteria of the City Code have been satisfied. In addition, the City Council may adopt additional conditions which the City Council considers necessary to protect the public health, safety and welfare, and the best interest of adjacent residents or the community as a whole. These conditions may include, but are not limited to, the following:
 - a. Hours of operation;
 - b. Limitations on intensity;
 - c. Performance standards;
 - d. Controlling access;
 - e. Additional fencing, landscaping, screening;
 - f. Limiting the height, size or location of buildings; and
 - g. Periodic review.
6. Revocation of Conditional Use Permits.
 - a. Where a conditional use permit has been issued pursuant to provisions of this Ordinance, such permit shall become null and void without further action by the City Council unless use commences within one (1) year of the date of granting such conditional use. A conditional use permit shall be deemed to authorize only one (1) particular use and shall expire if that use shall cease for more than six (6) consecutive months.
 - b. In the event that the applicant violates any of the conditions set forth in the permit, the City Council shall have the authority to revoke the conditional use permit following a public hearing.

D. VARIANCES.

1. Pursuant to Minn. Stat. Sec. 462.357, subd. 6, as it may be amended from time to time, the Planning Commission may issue variances from the provisions of this zoning code. A variance is a modification or variation of the provisions of this zoning code as applied to a specific piece of property.

2. Variances shall only be permitted:
 - a. when they are in harmony with the general purposes and intent of the ordinance.
 - b. when the variances are consistent with the comprehensive plan.
3. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that:
 - a. the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
 - b. the plight of the landowner is due to circumstances unique to the property not created by the landowner; and
 - c. the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.
4. The proposed variance will not impair an adequate supply of light and air to the adjacent property, or substantially increase congestion or decrease public safety, or substantially diminish or impair property values within the neighborhood.
5. The City Council may impose such restrictions and conditions upon the premises benefited by the variance as may be necessary to comply with the standards established by this Ordinance, or to reduce or minimize the effect of such variance upon other properties in the neighborhood, and to better carry out the intent of the variance.
6. Required Exhibits for Variances.
 - a. Houston County property owner's lists, labels, and map showing property owners names and addresses within 300 feet of the outer boundaries of the property in question to the extent available. It shall be the petitioner's responsibility to provide this information even if unavailable from Houston County.
 - b. The boundary survey and preliminary building and site plan.
 - c. Other information as required.
7. Procedures. The procedure for obtaining a variance is as follows:
 - a. The property owner or agent shall meet with the Zoning Administrator to explain the situation, learn the procedures and obtain an application form.

- b. The applicant shall file the completed application form together with the required exhibits with the City and shall pay a filing fee as established by the City Council. Applications for variances must be submitted to the City according to the submittal schedule.
- c. Once an application is found to be complete, the Zoning Administrator shall transmit the application to the City Council and shall notify all property owners of record within three hundred feet (300') of the exterior boundaries of the property in question and within three hundred feet (300') of all contiguous property under common ownership.
- d. The City Council shall hold a public hearing and study the application and within sixty (60) days of a completed application, as mandated by state statute, decide on one of three (3) actions - approval, denial, or approval with conditions.
- e. No application by a property owner for a variance shall be submitted to the City within a twelve (12) month period following denial of such request, except that the City may permit a new application if, in its opinion, new evidence of a change of circumstances warrants consideration.
- f. Approved variances shall be filed in the office of the county recorder.

8. Revocation. The City Council may, following a public hearing, revoke a variance if any conditions established by the City Council, as part of granting the variance request, are violated.

9. Expiration. When a variance has been issued pursuant to the provisions of this Ordinance, the variance shall become null and void without further action by the City Council unless construction relative to the variance commences within one year of the date of granting the variance. If a variance ceases to exist for a period of six (6) months, it shall expire without further action by the City.

E. ENFORCEMENT.

- 1. Enforcing Officer. It shall be the duty of the Zoning Administrator to cause the provisions of this Ordinance to be properly enforced through the proper channels.
- 2. Building/Zoning permits and certificates of occupancy.
 - a. Hereafter, no person shall erect, alter, remodel, demolish or move any kind of structure or building or part thereof without first securing a building/zoning permit.

- b. Applications for commercial and industrial building permits shall be accompanied by the following exhibits and other information as required by the building official:
 - i. A complete site plan application form together with all applicable filing requirements.
 - ii. A certificate of survey of the area including the property in question and 100 feet beyond its outer boundaries showing existing utilities, lot boundaries, and dimensions, buildings, easements, foliage, topography, and waterways.
 - iii. Preliminary building and site development plans showing buildings, location, dimensional parking and loading arrangement, vehicular and pedestrian access and egress, surface drainage plan, landscaping, utility plan, screening, size and location of all signs, building and floor plans of all floors, elevations of all sides of all buildings, and sections and outline material specifications as appropriate, and drainage calculations demonstrating that post-development runoff does not exceed predevelopment runoff.
- c. Applications for single family zoning permits shall be completed on forms provided by the Zoning Administrator accompanied by building plans, certificate of survey, and, at the request of the Zoning Administrator, iron monuments at lot corners and both staking of property lines and building site and other information as required by the Zoning Administrator.
- d. No change in use shall be made in any building or part thereof, now existing or hereafter erected, reconstructed or structurally altered, without a zoning permit having been issued by the building official, and no such permit shall be issued to make such a change unless it is in conformity with the provisions of this Ordinance.
- e. In the event that construction, alteration, or reconstruction of a building or structure occurs without a zoning permit; the building official may issue an order to stop such work until a zoning permit is issued.
- f. No cellar, garage, tent, recreational vehicle, travel trailer, basement with unfinished structure above, or accessory building, shall at any time be used as a permanent dwelling unit. A motor home or travel trailer occupied by a nonresident visitor may be allowed in all residential zoning districts for a period not _____ to exceed 14 days.
- g. In all districts where residential buildings are authorized, permanent residential structures shall meet the following criteria:

h. The minimum width of the main portion of the residential building shall be not less than 24 feet.

i. All residential buildings shall have permanent concrete or treated wood foundations which will anchor the structure, which complies with the Uniform Building Code in force in the State of Minnesota.

ii. The roof load on residential buildings shall be designed to bear a 40-pound live roof weight.

iii. The exterior walls shall be constructed with no less than two by four dimension lumber on 16-inch centers or its structural equivalent.

F. DEMOLITION PERMITS

Purpose and intent: No person shall commence or proceed to demolish, tear down, or wreck any building or structure in any zoning district within the city limits, except as hereinafter provided, without first having obtained a demolition permit. The City Council shall consider the advice and recommendations of the Planning Commission and the City staff when considering the effect of the proposed demolition on the health, safety, morals and general welfare of occupants of the subject property and surrounding properties.

Permit exceptions: No demolition permit shall be required for the demolition, tearing down, or wrecking of a private shed, garage or freestanding accessory structure covering an area of less than 120 square feet. Further, this section shall not apply in cases where partial demolition is necessary in connection with remodeling or altering an existing building, garage or accessory structure.

Procedure:

i. The property owner or authorized representative shall fill out and submit to the City a demolition permit application form with required exhibits and fees (to be determined by City Council resolution).

ii. The permit application shall include a demolition plan that includes the proposed starting and ending dates of the demolition process, utility disconnection procedures, information about the disposal or potential contaminants or hazardous materials located within the building or structure that is to be demolished, information about the proposed disposal site for the demolition debris, and proposed access control procedures (fencing, security, etc.).

- iii. The Planning Commission shall review the application according to its permit review schedule and make its recommendation for approval or denial of the permit to the City Council.
- iv. No demolition work shall be allowed until the demolition permit has been approved and issued and all fees have been paid by the applicant.

Signage: Before any demolition work is commenced, and during the actual demolition work, the applicant shall place and maintain in a conspicuous place on the premises a sign not less than 3 by 3 feet square, on which shall be posted a statement identifying the name of the person or company who is conducting the demolition, giving the name and telephone number of the person or company who is performing the work.

Supervision: All demolition, wrecking or tearing down of buildings or structures within the city limits shall be subject to the supervision of the City staff and to such reasonable restrictions as the City may impose to avoid all preventable hazards to life, property, or health. The City may stop the demolition of any building or structure whenever the work is being done in a reckless, careless, unsafe or improper manner, or in violation of any provision of this code or state law, and may order all persons engaged in the demolition process to stop and desist until such time as the City determines that the work will be resumed in a manner that is safe and consistent with the requirements of this code and/or state law.

Insurance: The owner of the property shall be responsible for liability insurance.

Performance standards:

- a. The demolition, wrecking or tearing down of any building or structure shall not create a nuisance to persons on public streets or on neighboring property. All adjacent property shall be protected from debris, hazards, traffic, etc.
- b. All utility cut-offs shall be performed prior to demolition and verified by the City. Sewer lines must be closed off and capped with watertight plugs.
- c. The demolition, wrecking or tearing down of any building or structure shall be complete and shall include the removal of all foundations, footings and floor slabs to a minimum of 2 feet below grade level.
- d. All demolition debris shall be hauled to a licensed landfill or solid waste recycling facility.
- e. Demolition debris shall not be permitted to fall into streets, alleys, sidewalks, or adjacent property.

- f. All fixtures and personal property within the demolished building or structure shall be removed from the site.
 - g. The excavation remaining after the removal of all demolition debris shall be filled to the level of the surrounding grade with clean, properly compacted fill material, covered by soil to enable ground cover to grow. Suitable ground cover shall be provided within sixty (60) days after demolition is complete.
 - h. Any damage to any streets, sidewalks, curbs, pavements, utilities, boulevards, trees, structures, buildings or any property other than that which is to be demolished will be repaired by the permit holder.
 - i. Demolition permits shall be null and void if the work is not completed within 365 days from the date of issuance of the permit, or if demolition work is suspended or abandoned for a period of sixty days at any time after work has commenced.
3. Procedure.
- a. Completed zoning permit forms and appropriate fees shall be submitted to the City. If the proposed construction conforms in all respects to the City Ordinances, a zoning permit shall be issued within a period of sixty (60) days as mandated by state statute.
 - b. If the proposed construction involves a zoning amendment, variance, or conditional use permit, the application shall be submitted to the City Council for review and appropriate action.

4. Due Process.

Notice and public hearings of violations and termination proceedings and all non-conforming, incompatible, accessory, conditional uses, or home occupation uses, notice of hearing shall be given by the City Council to the interested party or parties by certified mail or in lieu thereof one (1) legal published notice at least ten (10) days before the public hearing date, which notice shall be given by the City Council within a reasonable time.

5. Permit Time Limit

A Zoning Permit issued under the terms of this Ordinance becomes null and void and fee forfeited if work authorized is not commenced within 120 days, or if work is suspended or abandoned for a period of 120 days at any time after the work is commenced. All work must be completed within one year from the date of permit

issuance unless you apply in writing for an extension which would give you an additional 180 days.

G. ADMINISTRATION. The City Council shall designate who shall serve as the Zoning Administrator. The Zoning Administrator shall enforce the Ordinance and be responsible for carrying out the following duties:

1. Enter upon land or within a building during reasonable working hours as found necessary to fulfill the duties as Administrator of this Ordinance.
2. Conduct inspections of buildings, structures, and uses of land, to determine compliance with the terms of this Ordinance.
3. Maintain permanent and current records of this Ordinance, including, but not limited to the following: all maps, amendments, conditional use permits, variances, appeals, non-conforming uses, and other applications thereto.
4. To receive, file, and forward to the City Council all applications for amendments, appeals, variances, conditional use permits and other matters which are required to consider under this Ordinance.
5. Institute, in the name of the City of Spring Grove, appropriate actions or proceedings against a violator as provided by law.
6. Establish and enforce regulations in writing, clarifying or explaining any provision of this Ordinance.
7. To recommend policies and procedures to the City Council for the orderly and efficient review and processing of applications filed with the City, including the type, scale and size of plans and drawings required for such applications, and the number of copies of such plans and drawings.

H. BOARD OF APPEALS AND ADJUSTMENTS. A board of appeals and adjustments is hereby established which shall consist of all the members of the City Council and shall have the following power and duties:

1. To review and make decisions regarding all applications for variances and to act on said applications; and
2. To hear and decide appeals from any order, requirement, decision, or determination made by the zoning administrator or any other administrative officer of the City in the enforcement of this chapter; and

3. To hear and decide appeals by landowners who have been denied building/zoning permits due to the location of their land within an area governed by an official map duly adopted by the City.

I. APPEAL FROM ADMINISTRATIVE DECISIONS.

1. Time for Appeal. An appeal may be taken to the board of appeals and adjustments by any person aggrieved by any order, requirement, decision, or determination made by the zoning administrator or any other administrative office of the City in the enforcement of this chapter. Such an appeal shall be made by written notice to the zoning administrator within twenty (20) days of the order, requirement, decision, or determination, shall be accompanied by an administrative fee as prescribed by the City fee schedule and shall specifically describe the facts involved and the basis for appeal.
2. Proceedings. Upon receipt of a notice of appeal, the zoning administrator shall transmit the notice to the board of appeals and adjustments, together with all papers constituting a record upon which the action appealed was taken and shall set a time and place for a hearing on the appeal. Such time shall not be less than ten (10) and not more than thirty (30) days after receipt of the notice. Due notice of the hearing shall be given to the parties.
3. Decision and Review. Within a reasonable time after the hearing, the board of appeals and adjustments shall make its order deciding the matter and serve a copy of such order upon the applicant by mail.

CHAPTER 1112 - GENERAL DISTRICT PROVISIONS

A. DISTRICT CLASSIFICATION. In order to classify, regulate, and restrict the location of trade and business, and the location of buildings designated for specific uses; to regulate and limit the height and bulk of buildings hereafter erected or altered; to regulate and limit the intensity of the use of the lot areas and to regulate and determine the areas of yards, recreation and open space within and surrounding such buildings, the City is hereby divided into zoning districts. The use, height and area regulations are uniform in each district. Districts shall be known as:

<u>Symbol</u>	<u>Name</u>
A	Agricultural
C	Commercial
D	Downtown Commercial District

GI	General Industry
P-O	Public-Open Development
R-1	Single Family Residential
R-2	Multiple Dwelling Residential
R-C	Multiple Dwelling Residential And Limited Commercial

B. ZONING MAP. The location and boundaries of the districts established by this chapter are hereby set forth in a map known as the "City of Spring Grove Zoning Map". Said map and all notations, references, and data shown thereon are hereby incorporated by reference into this chapter and shall be as much a part of it as if all were fully described herein. It shall be the responsibility of the Zoning Administrator to maintain said map, and amendments thereto shall be recorded on said map within thirty (30) days after official publication of amendments. The official zoning map shall be kept on file in the City Hall.

C. BOUNDARY LINES. Wherever uncertainty exists as to the boundary of any use district as shown on the zoning map incorporated herein, the following rules shall apply:

1. Where district boundary lines are indicated as following streets or similar rights-of-way, they shall be construed as following the centerlines thereof;
2. Where district boundary lines are indicated as approximately following lot lines or section lines, such lines shall be construed to be such boundaries;
3. Where a lot held in one (1) ownership, and of record at the effective date of this chapter, is divided by a district boundary line, the entire lot shall be construed to be within the less restricted district; provided that this construction shall not apply if it increases the area of the less restricted portion of the lot by more than twenty, (20) percent;
4. Where figures are shown on the zoning map between a street or property line and a district boundary line, they indicate that the district boundary line runs parallel to the street line or property line at a distance there from equivalent to the number of feet so indicated, unless otherwise indicated.

D. FUTURE ANNEXATION. Any land annexed to the City in the future shall be placed in the district for which the land use intended matches the use of the district. If no such

use is indicated, said annexed land shall be zoned Public-Open Development until placed in another district by action of the City Council after recommendation of city staff.

CHAPTER 1114 - ZONING DISTRICTS

Any use not specifically stated as Permitted, Accessory or Conditional shall be presumed to be not permitted. However, in such case that a use that is not specifically stated as Permitted, Accessory or Conditional but is essentially the same or similar, as reasonably defined by an average person, as a use that is then said use shall be considered as Permitted, Accessory or Conditional. However, that use shall be determined as per Chapter 1104.

A. A, AGRICULTURAL

1. Purpose. This district is designed and intended to serve the following functions;
 - a. To include those areas where it is necessary and desirable to preserve, promote, maintain and enhance the use of the land for long-term agricultural purposes,
 - b. to protect such areas from encroachment by non-agricultural uses, structures, or activities and reduce possibilities of rural-urban conflicts;
 - c. to prohibit those uses and densities which would require the premature extension of urban public facilities and services;
 - d. to promote logical and orderly development in the best interest of the health, safety and welfare of the residents of the City;
 - e. to protect and maintain the open space; and
 - f. to protect, preserve and maintain the rural lifestyle.
2. Permitted Uses.
 - a. Public utility uses for local services when located within public right-of-way or utility easement;
 - b. public and private forests and wildlife reservations;
 - c. publicly owned and operated property except as herein amended;

- d. all uses permitted in the residential districts and as regulated in the “A” District;
 - e. agricultural uses;
 - f. non-domestic animals;
 - g. essential services; and
 - h. home occupations not requiring interim use permits.
3. Accessory Uses.
- a. Private garage and accessory buildings per Chapter 1108.E.; and
 - b. accessory uses as normally and customarily associated with agricultural production.
4. Conditional Uses.
- a. Accessory structures other than permitted;
 - b. airports/heliports;
 - c. antenna and towers subject to the standards at Chapter 1118;
 - d. cemeteries;
 - e. churches;
 - f. commercial animal training;
 - g. commercial feedlots;
 - h. commercial greenhouse or nursery;
 - i. dog kennels, private and commercial
 - j. group homes subject to Minnesota Statutes;
 - k. essential service;
 - l. home occupations;

- m. overhead and underground utilities (not part of recorded subdivision);
- n. riding stables;
- o. feed lots;
- p. trail rides; and
- q. veterinary clinic.

5. District Standards.

See Chapter 1118 - Performance Standards.

B. **R-1**, SINGLE FAMILY RESIDENTIAL

1. Purpose. The R-1, single family residential district is established to provide a district intended only for single family homes. All uses should be designed to eliminate any nuisance, or incompatibility with surrounding uses.
2. Permitted Uses.
 - a. Public utility uses for local service when located within public right of way or utility easement;
 - b. publicly owned and operated property;
 - c. one single family residential structure;
 - d. essential services;
 - e. home occupations not requiring an interim use permit;
 - f. three (3) domestic animals per household, no more than three (3) dogs or three (3) cats or any combination thereof.
3. Accessory Uses.
 - a. One roadside stand offering for sale only those products grown on the premises;
 - b. open, off-street parking (unlicensed or inoperable vehicles are prohibited);
 - c. gardening and other horticulture;
 - d. private garage and accessory building per Chapter 1108, E.

4. Conditional Uses.

- a. Accessory structures other than permitted;
- b. bed and breakfast;
- c. Christmas tree sales;
- d. churches;
- e. convents;
- f. residential day-care subject to applicable County ordinances and Minnesota Statutes;
- g. group homes;
- h. housing development signs in excess of 32 square feet;
- i. schools;
- j. overhead utilities;
- k. places of historic, scenic, or architectural interest;
- l. home occupations;

5. District Standards.

- a. See Chapter 1116 - Dimensional Standards.
- b. See Chapter 1118 - Performance Standards.

C. **R-2**, LIMITED MULTIPLE RESIDENTIAL

- 1. Purpose. The purpose of this district is to allow for multiple family dwellings. All uses should be designed to eliminate any nuisance, or incompatibility with surrounding uses.
- 2. Permitted uses.
 - a. Public utility uses for local service when located within public right of way or utility easement;

- b. publicly owned and operated property;
 - c. one single family residential structure;
 - d. two family dwellings;
 - e. multiple dwellings and dwelling groups;
 - f. essential services;
 - g. home occupations not requiring an interim use permit;
 - h. three (3) domestic animals per household, no more than three (3) dogs or three (3) cats or any combination thereof.
3. Accessory Uses.
- a. One roadside stand offering for sale only those products grown on the premises;
 - b. open, off-street parking (unlicensed or inoperable vehicles are prohibited);
 - c. gardening and other horticulture;
 - d. private garages and accessory building per Chapter 1108, E.
4. Conditional Uses.
- a. Accessory structures other than permitted;
 - b. bed and breakfast;
 - c. Christmas tree sales;
 - d. churches;
 - e. convents;
 - f. residential day-care subject to applicable County ordinances and Minnesota Statutes;
 - g. group homes;
 - h. housing development signs in excess of 32 square feet;
 - i. schools;

- j. overhead utilities;
- k. places of historic, scenic, or architectural interest;
- l. home occupations;

5. District Standards.

- a. See Chapter 1116 - Dimensional Standards.
- b. See Chapter 1118 - Performance Standards.

D. **R – C**, GENERAL MULTIPLE RESIDENTIAL AND LIMITED COMMERCIAL.

1. Purpose. The purpose of this district is to allow for mixed uses. This provides for single family dwellings, multiple family dwellings and limited commercial enterprises to be in the same district. All uses should be designed to eliminate any nuisance or incompatibility with surrounding uses.

2. Permitted uses.

- a. Public utility uses for local service when located within public right of way or utility easement;
- b. publicly owned and operated property;
- c. automobile courts, hotels, motels and tourist homes, provided no business shall be conducted except as a service for guests thereof;
- d. boarding and lodging houses;
- e. one single family residential structure;
- f. two family dwellings;
- g. multiple dwellings and dwelling groups;
- h. essential services;
- i. home occupations not requiring an interim use permit;
- j. three (3) domestic animals per household no more than three (3) dogs or three (3) cats or any combination thereof;

- k. private clubs, lodges, libraries and museums, except any that are primarily commercial uses.
3. Accessory Uses.
- a. One roadside stand offering for sale only those products grown on the premises;
 - b. open, off-street parking (unlicensed or inoperable vehicles are prohibited);
 - c. gardening and other horticulture;
 - d. private garages and accessory building per Chapter 1108, E.
4. Conditional Uses.
- a. Accessory structures other than permitted;
 - b. bed and breakfast;
 - c. Christmas tree sales;
 - d. churches;
 - e. convents;
 - f. clothes cleaning/laundrying/dry cleaning and tailoring shops;
 - g. residential day-care subject to applicable County ordinances and Minnesota Statutes;
 - h. group homes;
 - i. housing development signs in excess of 32 square feet;
 - j. schools;
 - k. overhead utilities;
 - l. places of historic, scenic, or architectural interest;
 - m. home occupations;
 - n. restaurants, (Class I);

5. District Standards.

- a. See Chapter 1116 - Dimensional Standards.
- b. See Chapter 1118 - Performance Standards.

E. COMMERCIAL

1. Purpose. The purpose of the Commercial District is to provide for the establishment of commercial and service activities which draw from and serve customers from the entire community or sub-region.

2. Permitted Uses.

- a. Public utility uses for local service when located within public right-of- way or utility easement;
- b. publicly owned and operated property except as herein amended;
- c. bank and financial institutions;
- d. restaurants (Class I);
- e. medical, dental and general offices;
- f. non-profit clubs, lodges, institutions;
- g. mortuary and funeral homes;
- h. public garage;
- i. retail stores;
- j. automobile lots and show rooms;
- k. commercial Recreation uses;
- l. liquor stores and taverns both on and off-sale.

3. Accessory Uses.

- a. Any incidental repair, processing, and storage necessary to conduct a permitted principal use but not exceeding thirty percent of the floor space of the principal building;
4. Conditional Uses.
- a. Airports/heliports;
 - b. automobile service;
 - c. automobile repair and reconditioning;
 - d. bank and financial institutions;
 - e. car wash;
 - f. cemeteries;
 - g. Christmas tree sales;
 - h. churches;
 - i. club/lodges/institutions (non-profit and private and fraternal);
 - j. convenience store;
 - k. colleges and universities;
 - l. commercial greenhouse or nursery;
 - m. commercial Recreation-minor and major;
 - n. day Care subject to applicable County Ordinance and Minnesota Statutes;
 - o. essential services;
 - p. firearm and archery ranges (indoor only);
 - q. hotel/Motel;
 - r. hospitals and clinics;
 - s. Housing development signs;
 - t. manufacturing limited;

- u. music, dance, or business school;
 - v. nursery school;
 - w. other school institutions (vocational, technical, private, parochial, public);
 - x. rest homes and nursing homes (in accordance with Minnesota Statutes);
 - y. restaurants (Class I with alcoholic beverage license or Class II);
 - z. theaters;
 - aa. Veterinary clinic or pet hospital;
 - bb. public utility and essential services building and storage;
5. District Standards.
- a. Site Plan Review. All uses within the Commercial District shall be subject to the site plan review procedures and provisions as set forth in Chapter 1120.
 - b. See Chapter 1116 - Dimensional Standards.
 - c. See Chapter 1318 - Performance Standards.
 - d. Exterior materials. All buildings within this district shall be of masonry or wood frame construction, its equivalent or better. Front walls of such buildings facing on streets must be finished with face brick, ornamental blocks, stone, glass, wood or their aesthetic equivalent as determined by the City Council. Other walls shall be faced with a common brick, siding or its equivalent. Any building wall facing a residential district shall not be finished with exposed plain-faced poured concrete or concrete block. All designs may be required to incorporate pitched roofs, not less than 4:12, to reflect the residential character of the community.
 - e. Trash Container Enclosure. Trash containers kept outside a building shall be screened by an enclosure. A durable gate shall be provided where the open side of the enclosure is visible from a public street or residential district. All gates shall provide 100 percent opaqueness and shall be constructed in conformance with standards on file. Such enclosures must be of sufficient size to accommodate the containers and any mechanical means of servicing the containers. They shall be located in the side or rear yard of the property in such a manner as to provide easy access thereto, and shall conform to the setback requirements for parking and driving areas.

f. Floor Area. The minimum floor area for a building is 2,000 square feet.

F. **D, DOWNTOWN COMMERCIAL DISTRICT**

1. Purpose. The purpose of the Downtown Commercial District is to provide for new development compatible with the original design and visual continuity of the area beginning at the NE corner of First Ave NE and Maple Drive continuing West to the intersection of Third St NW and Second Ave NW, then south to the intersection of Second Ave NW and Main Street, then West to the intersection of Main St and Third Ave NW, then south to a point even with First St SW, then East along First St SW to the intersection with First Ave SE, then North to the beginning point.

2. Permitted Uses.

- a. Public utility uses for local service when located within public right-of- way or utility easement;
- b. publicly owned and operated property;
- c. bank and financial institutions;
- d. restaurants;
- e. medical, dental clinics and general offices;
- f. clubs, lodges, institutions;
- g. mortuary and funeral homes;
- h. retail stores;
- i. liquor stores and taverns both on and off-sale;
- j. music, dance or business schools;
- k. theatres;
- l. similar uses and structures.

3. Accessory Uses.

- a. Any use which is clearly accessory and subordinate to a permitted use.

4. Conditional Uses.

- a. automobile service, repair and reconditioning;
- b. churches;
- c. convenience store;
- d. essential services;
- e. residential structure;
- f. hotel/motel;
- g. day care.

5. District Standards.

- a. Site Plan Review. All uses within the Commercial District shall be subject to the site plan review procedures and provisions as set forth in Chapter 1120.
- b. Dimensional Standards. The front building wall shall be located at the sidewalk line. Buildings should reflect traditional building patterns. Building height and coverage may vary so long as they are consistent with the scale and architectural rhythm and do not disrupt the identity of the area.
- c. Performance Standards. The primary entrance of the building shall be oriented toward the street. New interpretations of traditional building styles will be encouraged. Use flat rooflines as the dominant roof form.
- d. Exterior materials. All buildings within this district shall be of masonry or wood frame construction, its equivalent or better. Front walls of such buildings facing on streets must be finished with face brick, ornamental blocks, stone, glass, wood or their aesthetic equivalent as determined by the City Council. Other walls shall be faced with a common brick, siding or its equivalent. Any building wall facing a residential district shall not be finished with exposed plain-faced poured concrete or concrete block.
- e. Trash Container Enclosure. Trash containers kept outside a building shall be screened by an enclosure. A durable gate shall be provided where the open side of the enclosure is visible from a public street or residential district. All gates shall provide 100 percent opaqueness and shall be constructed in conformance with standards on file.

- f. Parking. The parking plan may provide a combination of off-street and on-street spaces. Shared and on-street parking are encouraged.

G. **GI**, GENERAL INDUSTRY.

1. Purpose.

- a. The general industry district is established to accomplish the general purpose of this Ordinance and the following specific purposes:
 - i. To provide employment opportunities;
 - ii. To group industrial uses in locations accessible highways, so that the movement of raw materials, finished products and employees can be carried on efficiently, in an unobtrusive manner, and in a manner that does not adversely affect residential areas.
- b. It is recognized that, while the City is predominantly residential in character with a commercial “downtown,” industrial uses are a part of the City land use pattern. The regulations for this district are intended to encourage industrial development that is compatible with surrounding or abutting land uses. To accomplish this compatibility, development in the industrial district:
 - i. Is limited to administrative, wholesaling, manufacturing, and related uses that can be carried on in an unobtrusive manner;
 - ii. Must provide suitable open spaces, landscaping and parking area and,
 - iii. Must establish reasonable controls on external effects such as storage, lighting, noise, dust, smoke, and congestion.

2. Permitted Uses.

- a. Public utility uses for local service when located within a public right-of- way or utility easement;
- b. offices;
- c. wholesale business;
- d. warehousing.

3. Accessory Uses.

- a. Any incidental repair, processing, and storage necessary to conduct a permitted principal use but not exceeding thirty percent of the floor space of the principal building;
4. Conditional Uses.
- a. Airports/heliports;
 - b. automobile service;
 - c. automobile repair and reconditioning;
 - d. car/truck wash;
 - e. cafes and restaurants when accessory or supporting a principal allowable use;
 - f. Christmas tree sales;
 - g. commercial Greenhouse or nursery;
 - h. contractor or building materials storage yard;
 - i. crematorium;
 - j. essential services;
 - k. manufacturing;
 - l. open storage when appurtenant to a principal use;
 - m. repair garage;
 - n. research facilities;
 - o. seasonal Business;
5. District Standards.
- a. Site Plan Review. All uses within the GI District shall be subject to the site plan review procedures and provisions as set forth in Chapter 1120;
 - b. See Chapter 1116 - Dimensional Standards;
 - c. See Chapter 1118 - Performance Standards;

- d. Exterior materials. No building shall be constructed within the GI, General Industrial District of more than 75 percent sheet aluminum, asbestos, iron, steel, or corrugated aluminum exterior surfacing on the front of the building or any side facing the street. Exterior surfaces of all buildings shall be faced with face brick, stone, architectural concrete masonry units, pre-cast concrete, or such other surfacing material deemed equal or better, as may be approved by the City Council. Architectural Concrete Masonry Units shall mean a concrete masonry unit on which the face has been shaped, ground, scored, split or otherwise processed to produce a unit with specific aesthetic texture of shadow.

- e. Trash Container Enclosure. Trash containers kept outside a building shall be screened by an enclosure. A durable gate shall be provided where the open side of the enclosure is visible from a public street or a residential district. All gates shall provide 100 percent opaqueness and shall be constructed in conformance with standards on file. Such enclosures must be of sufficient size to accommodate the containers and any mechanical means of servicing the containers. They shall be located in the side or rear yard of the property in such a manner as if to provide easy access thereto, and shall conform to the setback requirements for parking and driving areas.

H. PUBLIC – OPEN DEVELOPMENT

1. Purpose.

- a. The Public district is established to accomplish the general purpose of this Ordinance and the following specific purposes:
 - i. To provide for public uses, facilities, structures and services;
 - ii. To provide for use of land or facilities within public ownership or quasi-public ownership.
 - iii. To allow for land to be annexed without specific designation for zoning because the intended land use has not yet been identified.

- b. Any land annexed with the Public-Open zoning designation that is subsequently rezoned, shall have all requirements of the new zoning designation in force.

2. Permitted Uses.

- a. Public utility uses for local service when located within a public right-of- way or utility easement;

- b. public parks, trails and recreational facilities;
 - c. public schools, educational institutions, and recreational facilities operated or maintained by public schools and educational institutions;
 - d. public buildings, storage facilities, and publicly-owned lands.
3. Accessory Uses.
- Any use which is clearly accessory and subordinate to a permitted use allowed in the Public district. Incidental repair, processing, and storage necessary to conduct a permitted principal use but not exceeding 30 percent of the floor space of the principal building;
4. Conditional Uses.
- a. Communications Towers and Antennas.
5. District Standards.
- a. See Chapter 1116 - Dimensional Standards.
 - b. See Chapter 1118 - Performance Standards.

CHAPTER 1116 - DIMENSIONAL STANDARDS

Zoning District Classifications

	<u>R-1</u>	<u>R-2</u>	<u>R-C</u>	<u>C</u>	<u>GI</u>	<u>P-O</u>	<u>A</u>
Lot Area (minimum square feet)	5,000	14,500	20,000	30,000	20,000	N/A	
Acres							5
Main Floor Area per Dwelling 1,080 (minimum square feet)	1,080	960	960	N/A	N/A	N/A	
Multiple Dwellings (more than two) (minimum square feet)	N/A	550	550	N/A	N/A	N/A	N/A
Accessory Building (maximum square feet)	1,200	1,200	1,200	N/A	N/A	N/A	N/A
Garage Floor Area Per Stall 240 (minimum square feet)	240	240	240	N/A	N/A	N/A	

Lot Width at Front Setback Line, (minimum feet)	50	120	120	135	135	N/A	N/A
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Zoning District Classifications

	<u>R-1</u>	<u>R-2</u>	<u>R-C</u>	<u>C</u>	<u>GI</u>	<u>P-O</u>	<u>A</u>
Side Yard Setback from Street, (minimum feet)	30	30	20	20	20	20	30
Side Yard Setback, (minimum feet)	12	12	10	10	12	12	12
Rear Yard Setback, (minimum feet)	30	30	30	15	15	15	30
Front Yard Setback, (minimum feet)	25	25	25	20	20	20	25
Height (maximum permitted-feet)	35	35	45	45	45	35	N/A
Lot Coverage (maximum % covered by structures)	40	40	40	60	60	45	25
Lot Depth, (minimum feet)	100	100	100	150	150	N/A	N/A
Lot Width, (minimum feet)	50	120	120	135	135	N/A	N/A
Minimum Standard Road Frontage	50	120	120	135	135	N/A	120
Minimum Cul de Sac Road Frontage	60	60	80	80	80	80	80
Minimum Corner Lot Road Frontage	100	220	220	285	285	N/A	220

CHAPTER 1118 - PERFORMANCE STANDARDS

A. SCREENING.

1. Screening in residential districts. In residential districts, all materials and equipment shall be stored within a building or fully screened (so as to not be visible) from adjoining properties except for the following: laundry drying and recreational equipment, construction and landscaping materials and equipment currently being used on the premises, off-street parking of passenger automobiles and pickup trucks. The use of any residential lot whether inside or outside a building, and the use of any open portion of the half of any lot that joins any street for the storage, keeping or abandonment of junk or scrap materials, and the dismantling, demolition or abandonment of automobiles or other vehicles is

prohibited unless otherwise permitted by this Ordinance. No motor vehicle shall be parked in a residential district if it is in an inoperative state or it is not properly licensed by the State of Minnesota. No construction material or other debris shall be buried for any reason, including but without limitation, on a construction site.

2. Screening in non-residential districts.

a. Where any business, institutional or industrial use (i.e., structure, parking or storage) is adjacent to and within one hundred feet (100') of property zoned for residential, that business or industrial use shall provide screening along the boundary of the residential property. Screening shall also be provided where a business or industrial use is across the street from a residential zone, but not on that side of a business or industrial use considered to be the front (that side of said business or industrial use that is addressed).

b. All exterior storage shall be screened. The exceptions are:

i. Retail merchandise being displayed as permitted by this Ordinance;

ii. Materials and equipment being used for construction on the premises;

3. Refuse screening. In all non-residential zoning districts, all waste material, debris, refuse or garbage shall be kept in an enclosed building or enclosed within a container. Said container shall be completely screened by a wall or an equivalent visual screen. Said screen or enclosed building shall be architecturally compatible with the principal building it serves. No construction material or other debris shall be buried for any reason, including but without limitation, on a construction site.

4. Type of screening.

a. The screening required in this section shall consist of an attractive solid fence or wall or landscaping or earth berms but shall not extend within thirty feet (30') or any public street where said screening in excess of three feet (3') in height is needed;

b. Where landscaping, such as a hedge, is used, the landscape feature shall provide a year-round solid screen before the requirements of this section are met;

c. Natural features, such as differences in elevation, tree masses or similar natural features, may negate the need for man-made screening in certain areas. This determination shall be made by the zoning administrator;

- d. Maintenance. It shall be the responsibility of the property owner to maintain all screening so as not to be unsightly, a nuisance or create a hazard or safety problem.

B. LANDSCAPING. Landscaping shall be provided for new construction in R-C, C and GI districts. All land area not occupied by buildings, parking lots, driveways, sidewalks, or other hard surfaces shall be sodded or mulched and landscaped with ground cover, flowers, shrubbery and trees. All sites shall be constructed with a minimum 25 percent landscaped or green space. Landscaping investments should generally reflect at least 2 percent of the total project construction costs. Landscaped islands shall be provided within paved areas to break up the appearance of large areas of asphalt. All structures requiring landscaping and fences shall be maintained so as not to be unsightly or present harmful health or safety conditions.

C. LOT COVERAGE. Only a limited percentage of the total square footage of any lot may be developed. The percentage limitations are identified in Chapter 1116. When counting the maximum percentage covered by structures, anything erected, the use of which requires more or less permanent location on the ground, or attached to something having a permanent location on the ground, shall be counted. This shall include signs, porches, decks, swimming pools, carports and driveways.

D. MECHANICAL SCREENING. All mechanical equipment such as heating and air conditioning units and electrical transformers, shall be screened or camouflaged on all sides so as not to be visible from public streets or other properties. Such screening shall be compatible with the building. Evergreen plant materials may be used to screen such equipment located on the ground.

E. PARKING, DRIVEWAYS AND DRIVING AREAS. Such areas shall be provided as specified in Chapter 1124. All vehicles shall be parked on a paved bituminous or concrete surface.

F. SIGN PLAN. A sign plan shall be submitted with the site plan for new developments or when existing developments are being enlarged or extensively remodeled.

G. GLARE. Any lighting used to illuminate an off-street parking area, sign, or other structure, shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding shall not be directed into any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. In all other zoning districts, light from artificial sources shall not exceed 1.0-foot candle as generated from adjacent properties. In all cases, a light reading of zero-foot candles is required adjacent to any structure for light generated artificially from adjacent properties. Such reading shall be measured from

one foot off the ground. All public street lighting is exempt from this provision. See also Chapter 1124, E.5.

H. RADIATION AND ELECTRICAL EMISSIONS. No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation at any point of any equipment other than that of the creator of such disturbances.

I. OTHER NUISANCE CHARACTERISTICS. No noise, odors, vibration, smoke, air pollution, liquid or solid wastes, heat, glare, dust, or other such adverse influences shall be permitted in any district that will have a significant negative effect upon adjacent or nearby property. All wastes in all districts shall be disposed of in a manner that is not dangerous to public health and safety nor will damage public waste transmission or disposal facilities.

J. REGULATIONS FOR THE LOCATION, CONSTRUCTION AND USE OF COMMUNICATIONS TOWERS AND ANTENNA

1. Purpose. In order to accommodate the communication needs of residents and business while protecting the public health, safety, and general welfare of the community, the City Council finds that these regulations are necessary in order to:
 - a. facilitate the provision of wireless telecommunication services to the residents and businesses of the City;
 - b. minimize adverse visual effects of towers through careful design and siting standards;
 - c. avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and
 - d. maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.
2. Conditional Use Permit Required. It will be unlawful for any person, firm, or corporation to erect, construct in place, place or re-erect, or replace any tower without first making application to the City and securing a conditional use permit therefore as hereinafter provided. The applicant will provide at the time of application sufficient information to indicate that construction, installation, and maintenance of the antenna and tower will not create a safety hazard or damage to the property of other persons. Routine maintenance of towers and related structures will not require the issuance of a conditional use permit. The conditional use permit will expire in the event that the applicant does not install

the tower approved by such permit within one year of approval by the City Council. In the event the tower is no longer used for transmission of telecommunications signals, the applicant will remove such tower and related facilities within twelve (12) months of nonuse or obtain approval of an amendment of the conditional use permit by the City Council to allow other legal uses of such facilities.

3. Co-Location Requirements. All commercial wireless telecommunication towers erected, constructed, or located within the City will comply with the following requirements:
 - a. A proposal for a new commercial wireless telecommunication service tower will not be approved unless it can be documented by the applicant, by demonstrating the equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one-half mile search radius of the proposed tower due to one or more of the following reasons:
 - i. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by an independent professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at cost less than 125 percent of the cost of a new tower;
 - ii. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified RF electrical engineer and the interference cannot be prevented at a reasonable cost;
 - iii. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified professional engineer;
 - iv. Other reasons affecting technical performance, system coverage, and system capacity which make it impractical to place or locate the planned telecommunications equipment upon an existing or approved tower or building as determined by the City Council during its review of an application for approval of a conditional use permit;
 - v. Any proposed commercial wireless telecommunication service tower will be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least one additional user. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights;

- vi. Any tower constructed in Spring Grove shall be designed to accommodate installation of a civil defense siren or lighting without a charge to the City or other governmental unit for use of such space.
4. Tower and Antenna Design Requirements. Proposed or modified towers and antennas will meet the following design requirements:
 - a. Towers and antennas will be designed to blend into the surrounding environment to the maximum extent possible through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration;
 - b. Commercial wireless telecommunication service towers will be of a monopole design unless determined that an alternative design would better blend into the surrounding environment;
 - c. Be designed to accommodate civil defense sirens or lights, as approved by City Council;
5. Tower Setbacks. Towers shall be placed in Public districts and will conform to minimum setback requirements.
6. Total Height. Proposed structures will not exceed 175 feet in height as measured from the ground level immediately adjacent to the structure.
7. Tower Lighting. To will not be illuminated by artificial means and will not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. Notwithstanding this provision, the City Council may, in its sole discretion, approve the placement of an antenna on existing or proposed lighting provided that the antenna is integrated with such lighting in a manner which substantially camouflages the antenna array and related facilities.
8. Signs and Advertising. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited. A telephone number for emergency twenty-four (24) hour contact will be placed on the base of the tower or on equipment adjacent to the tower.
9. Accessory Utility Buildings. All utility buildings and structures accessory to a tower will be architecturally designed to blend in with the surrounding environment and will meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment will be screened from view by suitable vegetation, except where a design of non-vegetative screening better

reflects and complements the architectural character of the surrounding neighborhood. Accessory buildings will not be more than 2,000 square feet in size.

10. Abandoned or Unused Towers or Portions of Towers. Abandoned or unused towers or portions of towers will be removed as follows:
 - a. All abandoned or unused towers and associated facilities will be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the City Council. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site will be submitted at the time of application. In the event that a tower is not removed within 12 months of the cessation of operations at a site, the tower and associated facilities may be removed by the City and the costs of removal assessed against the property;
 - b. Unused portions of towers above a manufactured connection will be removed within six months of the time of antenna relocation.
11. Antennas Mounted on Roofs, Walls, and Existing Towers. The placement of wireless telecommunication antennas on roofs, walls, and existing towers will be approved by issuance of a conditional use permit in the same manner as approval of approval of new towers.
12. Interference with Telecommunications. No new or existing telecommunications service will interfere with public safety telecommunications, or private telecommunications, including without limitation, radio, television, and personal communications, in accordance with rules and regulations of the Federal Communications Commission.
13. Additional Submittal Requirements. In addition to the information required elsewhere in this code, development applications for towers antennas will include the following supplemental information:
 - a. A report from an independent professional engineer which:
 - i. describes the tower and antenna height and design including a cross section and elevation;
 - ii. documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;
 - iii. describes the tower's capacity, including the number and type of antennas that it can accommodate; and

- iv. includes an engineer's stamp and registration number.
 - b. For all commercial wireless telecommunication service towers, a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use, including without limitation, reasonable rental rates for such shared use.
 - c. Before the issuance of a building/zoning permit, the applicant will submit will a written statement that the proposed tower and antenna comply with regulations administered by Federal Aviation Administration and 1996 Telecommunications Act 704 for EMF, NIER, and other standards verified by an independent engineer with the applicant bearing the cost;
 - d. A written statement from a qualified RF electrical engineer stating that use of the proposed tower and antenna will not interfere with established telecommunications;
 - e. A plan or scale model demonstrating the visual impact of the tower and related facilities;
 - f. A five (5) year facilities plan for each carrier, listing technology types, radio frequency, and future tower location of general area.
14. Construction Requirements. All antennas and towers erected, constructed, or located within the City, and all wiring therefore, will comply with the following requirements:
- a. All applicable provisions of this Code;
 - b. Towers will be constructed with corrosion resistant metal or covering;
 - c. Towers will be certified by an independent professional engineer to conform to the latest structural standards and wind loading requirements of the Uniform Building Code and the Electronics industry Association;
 - d. No part of any antenna or tower nor any lines, cable, equipment or wires or braces in connection with either will at any time extend across or over any part of the right-of-way, public street, highway, sidewalk, or property line;
 - e. Towers and associated antennas will be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code;

- f. 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, will be at least six and one-half feet above the ground at all points, unless buried underground;
 - g. Every tower affixed to the ground will be protected to discourage climbing of the tower by unauthorized persons by erection of a security fence at least six feet in height;
 - h. All towers will be constructed to conform with the requirements of the Occupational Safety and Health Administration;
 - i. Towers will be inspected for corrosion and structural integrity every three (3) years. Inspection finding must be certified by an independent professional engineer.
15. Existing Antennas and Towers. Antennas and towers in existence as of January 1, 1996, which do not conform to or comply with this Section are subject to the following provisions:
- a. Towers may continue in use for the purpose now used and as now existing but may not be replaced or structurally altered without complying in all respects with this Section.
 - b. If such towers are hereafter damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired and restored to its former use, location, and physical dimensions upon obtaining a building permit therefore, but without otherwise complying with this Section, provided, however, that if the cost of repairing the tower to the former use, physical dimensions, and location would be fifty percent or more of the cost of a new tower of like kind and quality, then the tower may not be repaired or restored except in full compliance with this Section.
16. Lights and Other Attachments. No antenna or tower adjacent to any residential zoning district will have affixed or attached to it in any way except during time of repair or installation any lights, reflectors, flashers, or other illuminating device, except as required by the Federal Aviation Agency or the Federal Communications Commission, nor will any tower have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow's nest, or like structure, except during periods of construction or repair. This provision will not prohibit the attachment of an antenna mounting framework to any tower.
17. Violations. Any person who will violate any of the provisions of this Section will be guilty of a misdemeanor.

CHAPTER 1120 - SITE PLAN REVIEW

A. SITE PLAN APPROVAL PROCEDURE AND REQUIREMENTS.

1. Compliance. A site plan must be approved before a zoning permit for a new structure or expansion of an existing structure is issued in the C, GI or R-C districts. The purpose of such approval is to assure that new developments conform to City plans and the City Code, and provide the most appropriate and compatible site plan for that area.
2. Application. Approval of a site plan may be initiated by the owner, user, or potential user of the subject property by filing an appropriate application with the City. The City may require the applicant to furnish a scaled drawing of any of the following items which are necessary for the proper consideration of the applications:
 - a. Lot or parcel;
 - b. Existing grades, and buildings, zoning, and owners within 100 feet of the site;
 - c. Finished grades and proposed drainage plan approved by the City Engineer;
 - d. Proposed buildings showing entrances and exits;
 - e. Interior circulation, including: bike and automobile parking spaces, loading spaces, driveways, stacking spaces, walks, curbing, and lighting;
 - f. Recreation areas;
 - g. Proposed landscaping specifications and locations;
 - h. Existing trees of six (6) inches in diameter or more;
 - i. Proposed screening; and
 - j. Cost estimate of items set out in A.6.a. of this Chapter.
3. Application Fee. An application fee, to be set by resolution of the City Council, shall accompany the application.
4. Findings. The following findings shall be made before a site plan may be approved. The site plan shall:
 - a. Be compatible with the surrounding land uses;

- b. Preserve existing natural features whenever possible;
 - c. Achieve a safe and efficient circulation system;
 - d. Not place excessive traffic loads on local streets;
 - e. Conform to the City's plans and standards for parks, streets, service drives, and walkways;
 - f. Achieve a maximum of safety, convenience, and amenities;
 - g. Show sufficient landscaping to reasonably screen undesirable features and to enhance the image of the development;
 - h. Not create detrimental disturbances to surrounding properties;
 - i. Meet all the requirements of this Title, unless a variance has been granted from such requirements; and
 - j. Show efforts to conserve energy wherever practical.
5. Termination of Final Approval. Approval of a site plan shall be for one (1) year to allow for the initiation of construction. If construction is not started within one (1) year, or within any extensions granted as hereafter provided, the developer may file a written request prior to the first anniversary of the date of approval, the City Council may extend site plan approval for periods of not more than 12 months each upon a finding that the project design meets the applicable City Code standards in effect at the time the request for an extension is considered, or the design is modified to satisfy those standards.
6. Security Agreement.
- a. Prior to the issuance of a zoning permit, the owner shall file a performance bond, irrevocable letter of credit, or place in cash escrow an amount equal to one and one-half (1 1/2) times the estimate of the cost of the installation of all paving, curb and gutter, free-standing dumpster enclosures, free-standing lighting, landscaping, sidewalks, grading, and screening required of the owner. If the City determines that the required improvements are adequately covered by a security agreement previously furnished to the City, the Zoning Administrator may reduce the amount of the security agreement furnished under this Section by the amount of the duplicate coverage.

Upon completion of the required work items, the owner or permit holder shall apply to the City for final inspection. If the City finds that all installations

meet the requirements of the approved plans and specifications, the security agreement shall be released. However, the security agreement for landscaping shall be effective and held for one (1) year after completion of the work, in order to ensure that such landscaping will survive. If the improvements are not completed as proposed within the established time limit, the City may proceed to complete such installation by contract or force account and seek reimbursement of its cost from the security agreement.

J. Landscaping Installation and Maintenance. If seasonal weather conditions or phasing of construction present practical difficulties in the installation or completion of the landscaping, the completion of the landscaping may be deferred for not more than six (6) months by the Zoning Administrator. The extension of time shall be granted in writing. The owner or occupant of the premises shall maintain the landscaping and screening in good condition free from refuse and debris. All diseased or dead materials shall be replaced within the next growing season.

CHAPTER 1122 – SIGNS

A. **PURPOSE**. This code provides minimum standards to safe-guard life, health, safety, property, and public welfare by regulating and controlling the design, quality of materials, construction, type, size, location, and maintenance of all signs and sign structures not located within a building.

B. DEFINITIONS.

1. Principal Entrance.

That entrance of a building designed for use by customers, visitors and tenants; does not include loading doors, service entrances, doors to storage areas, or similar entrances.

2. Sign

Any written announcement, declaration, demonstration, display, illustration, insignia, or illumination used to advertise or promote the interest of any person when the same is displayed or placed outside in view of the general public and shall include every detached sign.

3. Sign, Advertising (Billboard)

A sign which directs attention to a business, profession, commodity, service or entertainment not sold or offered upon the premises where such sign is located or to which it is attached.

4. Sign, Area

The area within the frame shall be used to calculate the square footage except that the width of a frame exceeding twelve inches shall constitute advertising space, or should such letters or graphics be mounted directly on a wall of fascia or in such a way as to be without a frame, the dimensions for calculating the square footage shall be the area extending six inches beyond the periphery formed around such letters or graphics in a plane figure bounded by straight lines connecting the outermost points thereof, and each surface utilized to display a message or to attract attention shall be measured as a separate sign. Double-faced signs may be permitted with the maximum square footage on each side. Multi-faced signs shall not exceed two times the area of single-faced signs.

5. Sign, Business

A sign which directs attention to a business or profession or to the commodity, service, or entertainment sold or offered upon the premises where such sign is located or to which it is attached.

6. Sign, Flashing

An illuminated sign on which the artificial light is not maintained stationary and/or constant in intensity and color.

7. Sign, Ground

A sign which is supported by one or more uprights poles or braces in or upon the ground.

K. Sign, Identification (Name Plate)

In business or industrial district - a sign which states the name or address or both of the business, industry, or occupant of the lot or may be a directory listing the names, addresses, and businesses of occupants

L. Sign, Illuminated

Any sign which has characters, letter, figures, design or outline illuminated by electric lights or tubes as part of the sign proper.

M. Sign, Pedestal (Pylon)

A ground sign erected on not more than three shafts or posts solidly affixed to the ground.

N. Sign, Real Estate

A sign offering property (land and/or buildings) for sale, lease, or rent.

O. Sign, Revolving

A sign which has moving parts (structural), does not include flashing signs which blink on and off, but may include signs which produce moving effect through use of illumination. Signs which revolve or turn on an axis point such as a pedestal, string, or post shall not be considered revolving if less than two complete revolutions per minute.

P. Sign, Temporary

Any sign not exceeding 64 square feet placed in such a manner as not to be solidly affixed to any building, structure, or land and advertising an event such as a bazaar, special sale, sporting event, or similar situation. In no event, however, shall such signs be placed on any lot or parcel of land for a period to exceed thirty days out of any twelve-month period.

Q. Sign, Wall

A sign attached to or erected against the wall of a building with the exposed face of the sign in a plane parallel to the plane of said wall.

C. COMPLIANCE. No signs shall hereafter be erected, re-erected, constructed, altered, or maintained except as provided by this Code.

D. SIGNS AS ACCESSORY USE. Signs are a permitted accessory use in all districts subject to the following regulations:

1. On Right-of-Way. Private signs are prohibited within the public right-of-way or easements except that the Council may grant a conditional use permit to locate signs and decorations on or within the right-of-way under their jurisdiction for a specified time not to exceed ninety days. No conditional use permit for such a sign shall be issued by the Council if a condition use permit or temporary sign permit had been issued in the previous 24 months to that property.
2. Flashing. Illuminated flashing signs shall not be permitted in any district.
3. Beams. Illuminated signs or devices giving off an intermittent, steady or rotating beam consisting of a collection or concentration of rays of light shall not be permitted in any district.

4. Temporary Real Estate. For purpose of selling, renting or leasing property, a sign not in excess of six square feet per surface may be placed within the front yard of such property to be sold or leased. Such signs shall not be less than 15 feet from the right-of-way line unless flat against the structure. For the purpose of selling or promoting a residential project of six or more dwelling units, one sign not to exceed 32 square feet; a commercial area of three acres or more, or an industrial area of ten acres or more, one sign not to exceed 48 feet of advertising surface may be erected upon the project site. Such sign shall not remain after 90 percent of the project is developed.
5. Existing Signs. Signs existing on the date of adoption of this Ordinance, which do not conform to the regulations, are a non-conforming use.
6. Traffic Interference. No sign may be erected that, by reason of position, shape or color would interfere in any way with the proper functioning or purpose of a traffic sign or signal.
7. Building Wall Signs. Signs shall not be painted directly on the outside wall of a building. Signs shall not be painted on a fence, rocks or similar structure or feature in any district. Signs shall be considered as a structure or fastened to another structure.
8. Election Signs. Election signs are permitted on private property in any district provided such signs are removed within thirty days following the election as related to the signs. No election sign shall be permitted in any "R" District sooner than two months preceding the election relating to the sign.

E. PERMITTED SIGNS PERMANENT. Signs shall be permitted by zoning district in accordance with the following minimum standards:

Residential

Type:	Temporary, identification, ground, wall and pedestal.
Number:	One per lot frontage.
Size:	No more than 1 1/2 square feet per dwelling; 24 square feet for non-residential signs; 6 square feet for real estate signs.
Height:	Not over 10 feet above grade except as otherwise provided herein.

Projection: Any sign over 1 1/2 square feet shall be set back at least 10 feet from any lot line.

Illumination: Indirect or diffused lighting of signs permitted, subject to illumination controls.

Commercial

Type: Temporary, identification, business, wall, ground, and pedestal.

Size: The aggregate square footage of sign space per lot shall not exceed the sum of 4 square feet per front foot of building plus 1 square foot per lot frontage not occupied by building. No single sign shall exceed 150 square feet.

Height: No ground or pedestal sign more than 25 feet above average grade.

Projection: Any sign shall be set back 10 feet from any lot line.

Illumination: Illuminated signs permitted.

General Industrial Districts

Type: Temporary, identification, business, wall, ground, and pedestal.

Size: The aggregate square footage of sign space per lot shall not exceed the sum of 4 square feet per front foot of building plus 1 square foot per front foot of property not occupied by building. No sign shall exceed 200 square feet.

Height: No sign more than 35 feet above grade.

Projection: Any sign shall be set back 10 feet from any lot line.

Illumination: Illuminated signs permitted.

CHAPTER 1124 - OFF-STREET PARKING AND LOADING

A. **PURPOSE.** The purpose for the regulation of off-street parking and loading spaces is to alleviate or prevent congestion of the public right-of-way and so to promote the safety and general welfare of the public by establishing minimum requirements for off-street parking, loading and unloading from motor vehicles in accordance with the utilization of the various parcels of land and structures. This Chapter applies to new construction or expansion of an existing structure that impacts the use of off-street parking and loading.

B. **APPLICATION OF OFF-STREET PARKING AND LOADING REGULATIONS.** The regulations and requirements set forth in this Section shall apply to the required and non-required off-street parking and loading facilities in all but R-1 and R-2 districts.

C. **GENERAL PROVISIONS.**

1. Expansion of Existing Uses. Expansion of existing uses and/or structures will require the application of the provisions of this Section to both the existing and new uses and/or structures.
2. Floor Area. The term "floor area" for the purpose of calculating the number of off-street parking spaces required shall be the net usable floor area of the various floors, exclusive of hallways, utility space, storage areas other than warehousing.
3. Benches in Places of Public Assembly. In stadiums, churches and other places of public assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each 22 inches of such seating facility shall be counted as one seat for the purpose of determining required parking.
4. Minimum Size of Parking Spaces. Each parking space shall be not less than 9 feet wide and 20 feet in length exclusive of access drives, and each space shall be served by a minimum 25-foot driving lane.
5. Parking shall not be allowed in areas not designated for off-street parking.
6. Joint Parking Facilities. Off-street parking facilities for a combination of one or more uses may be provided collectively in any district provided the total number of spaces provided shall equal the sum of the separate requirements for each use.
7. Control of Off-Street Parking Facilities. When required accessory off-street parking facilities are provided elsewhere than on the lot on which the principal use served is located, written authority for using such property for off-street parking shall be filed with the City so as to maintain the required number of off-

street parking spaces during the existence of said principal use. No such parking facilities at its closest point shall be located more than 300 feet from the premises.

8. Use of Parking Area. Required off-street parking space in all districts shall not be utilized for open storage of goods or for the storage of vehicles which are inoperable, for lease, rent or sale.
9. Driveway access to and from a parking lot is prohibited on a minor street where alternative access is available on a collector, arterial, or private street as defined in Chapter 1308. (33) and Chapter 1322.B.

D. LOCATION. All accessory off-street parking facilities required herein shall be located as follows:

1. Spaces accessory to single family dwellings on the same lot as the principal use served.
2. There shall be no off-street parking space within 20 feet of any street right-of-way.
3. No off-street open space parking area containing more than four (4) parking spaces shall be located closer than 20 feet from an adjacent lot zoned or used for residential purposes.

E. DESIGN AND MAINTENANCE OF OFF-STREET PARKING AREAS.

1. Required Site Plan. At the time of application for a zoning permit, the applicant shall also submit a site plan to the City demonstrating that the provisions of this Section have been complied with.
2. Access and Location. Parking areas shall be designed so as to provide an adequate means of access to a public street. Said driveway access shall not exceed 30 feet in width at the right of way or public walk centerline and shall be so located as to cause the least interference with traffic movement.
3. Calculating Space. When determining the number of required off-street parking spaces results in a fraction, each fraction of one-half (1/2) or more shall constitute another space.
4. Surfacing and Drainage. 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 lots. Durable and dustless surface may include crushed rock and similar treatment for parking accessory to residential structures. All other uses

shall utilize asphalt, concrete, or other surface (water sealed) as approved by the City.

5. Lighting. Artificial lighting shall be planned, designed, constructed and maintained consistent with the following standards:
 - a. Lighting shall be directed away from the public right-of-way and nearby or adjacent residential or agricultural conservation districts.
 - b. Commercial parking lots shall be lighted to a minimum level of three (3) foot candles. Other parking lots shall be lighted to a minimum level of one and one half (1 1/2) foot candles.
 - c. All sources of artificial lights shall be so fixed, directed, designed or sized that the minimum subtotal of their illumination on a cloudy night will not increase the level of illumination on any nearby residential property by more than 0.1-foot candles in or within 25 feet of a dwelling nor more than 0.5-foot candles on any part of the property. Street lights installed by the City to provide lighting at intersections or mid block on any street for traffic safety will be exempted from these standards.
 - d. Glare, whether direct or reflected as different from general illumination, shall not be visible from beyond the limits of the immediate site from which it originates.
6. Curbing and Landscaping. All open off-street parking areas designed to have head-in parking along the interior property line shall provide a bumper curb not less than 3 feet from such property line or a guard of normal bumper height to ensure that no part of any car shall project beyond the required setbacks
 - a. In all Commercial and Industrial Districts, a minimum 15-foot setback shall be required for any impervious surface which occurs within the required front yard setback. The area within this setback shall be landscaped.
 - b. All parking which occurs within the required front yards shall be screened to at least the height of the headlights of the parked vehicles or 3 feet. The use of screening shall require at least two types of screening materials used proportionately at 60-40 percent. One type of screening material may not be used for more than 60 percent of the required screening.
7. Parking Space Abutting R-1 or R-2 Districts. When a required off-street parking space for six or more vehicles is located abutting such districts, a compact evergreen hedge or fence of adequate design, not over 6 feet (6') in height nor less than 3-1/2 feet (3 1/2') shall be erected and maintained along the R-1 or R-2 District property line. The fence shall not be less than 75 percent opaque.

8. Maintenance of Off-Street Parking Spaces. The operator of the principal use, uses or structure shall maintain in a neat and adequate manner the parking space, access ways, landscaping and required curbs and fences

F. **REQUIRED PARKING.** The number of required off-street parking spaces shall be as follows:

1. Single Family Dwelling. At least two parking spaces for each dwelling unit. A garage or carport stall shall constitute a parking space. No person in any district shall convert a garage or carport to living space unless other acceptable provisions are made to provide the required parking space.
2. School. High School Through College. At least one parking space for each seven students based on design capacity plus one for each two classrooms.
3. Churches, Auditoriums, Funeral Homes. At least one parking space for each three seats based on the design capacity of the main assembly hall.
4. Theater, Athletic Field. At least one parking space for each three seats of design capacity.
5. Community Center, Post Office, Pool Halls, Libraries, Private Clubs, and Lodges. Ten spaces plus one for each 300 square feet of floor area in excess of 2,000 square feet of floor area in the principal structure.
6. Hospital. At least one parking space for each three hospital beds plus one for each four employees.
7. Golf Courses, Country Clubs, Tennis Clubs, Public and Swimming Pools. Twenty spaces plus one for each 300 square feet in excess of 1,000 square feet of floor area in the principal structure.
8. Rest Home, Nursing Home, or Day Nurseries. Four plus one for each 500 square feet in excess of 1,000 square feet of floor area in the principal structure.
9. Office Buildings, Banks, and Professional Offices. At least one off-street parking space for each 300 square feet of net floor area.
10. Retail Sales and Service Establishments. At least one off-street parking space for each 150 square feet of net floor area.
11. Class II Restaurants. At least one stall per 50 square feet of net floor area, plus one for every three seats.

12. Class I Restaurants and Cafes. At least one space for each three seats based on capacity design.
13. Gasoline Service Station, Auto Repair. Four off-street parking spaces for each service stall.
14. Bowling Alley. At least five off-street parking spaces for each alley.
15. Skating Rinks, Dance Halls, Golf Driving Range, Miniature Golf, Trampoline Center and Similar Uses. At least fifteen off-street parking spaces, plus one additional space for each 300 square feet of floor area over 2,000 square feet.
16. Manufacturing and Processing. At least four off-street parking spaces, plus one additional space for each 800 square feet of net floor area in the principal structure. At least one parking space per 1-1/2 employee on site at maximum shift; plus, for visitors at least one parking space for each twenty-five employees; plus, for company vehicles, at least one parking space to accommodate each company-owned or leased truck or vehicle usually found on the premise.
17. Any Combined Commercial Office or Service Use. At least one parking space per 200 square feet of gross leasable area.
18. Open Sales Lots, Lumber Yards, Auto Sales, Auto Leasing. One parking space for each 2,000 square feet of land up to the first 8,000 square feet plus one parking space for each 4,000 square feet of land up to a parcel of 24,000 square feet, plus one parking space for each 6,000 square feet thereafter.
19. Commercial Day Care. One space for each teacher or employee plus one space for every five children receiving care

G. OFF-STREET LOADING AND UNLOADING.

1. Location. All loading berths shall be 25 feet or more from the public street. Each loading berth shall be located with appropriate means of access to a public street in a manner which will least interfere with traffic.
2. Size. Berths shall be not less than 12 feet in width and 50 feet in length. All loading berths shall maintain a height of 14 feet or more.
3. Surfacing. All loading berths and access ways shall be surfaced with a minimum of bituminous material.
4. Accessory Use. Any area allocated as a required loading berth or access drive so as to comply with the terms of this Chapter, shall not be used for the storage of

goods, inoperable vehicles, nor be included as a part of the area necessary to meet the off-street parking data.

5. Screening. Loading and service areas which occur in the front of industrial buildings shall be at least fifty percent (50%) screened to a height of four feet (4') from eye level from adjacent roadway.

H. PARKING OF MOTOR VEHICLES (General). See Chapter 706.

CHAPTER 1126 - PLANNED UNIT DEVELOPMENT (PUD)

A. PURPOSE. The purposes of the Planned Unit Development (PUD) provisions are to promote creative and efficient use of land by providing design flexibility in the application of the provisions of a primary zoning district through approvals of a Development Plan pursuant to this Section of the Zoning Ordinance and approval of a rezoning to PUD Overlay District pursuant to Chapter 1110 of the Zoning Ordinance. Approval of a PUD shall be consistent with the City's overall development plan.

B. INTENT. The PUD provisions are intended to protect natural features in private, common or public open space, improve the efficiency of public streets and utilities, provide transitions in land use in keeping with the character of adjacent land use, or improve the arrangement of structures, facilities and amenities on a site for both private or public benefit.

The PUD provisions are not intended to replace the regulations or restrictions of the underlying zoning district. However, the PUD provisions allow such provisions to be modified or varied, provided such variance is consistent with the general spirit and intent of the Zoning Ordinance and overall City development plan.

C. DEFINITIONS. For the purpose of this Chapter, the following definitions apply:

1. Development Review Committee
A committee appointed by the City Council and comprised of at least one Planning Commission member, the Mayor or designee, and the Zoning Administrator. The duties of the Development Review Committee are to review and comment on conceptual plans for any proposed PUD.
2. Planned Unit Development (PUD)
A planned use of property which may involve multiple uses and/or multiple structures on a single parcel of property. Prior to issuance of permits for

development within a PUD, the City Council shall adopt a rezoning to PUD Overlay District and a Development Plan pursuant to procedures set forth in this Chapter and at Chapter 1110, Section A.

D. AUTHORIZATION. Planned Unit Development approval may authorize:

1. Variety: Within a comprehensive site design concept a mixture of land uses, housing types and densities.
2. Sensitivity: Through the departure from the strict application of required setbacks, yard areas, lot sizes, minimum house sizes, minimum requirements, and other performance standards associated with the underlying zoning district, approval of a planned unit development can maximize the development potential of land while remaining sensitive to its unique and valuable natural characteristics. No modification, variance or departure from the standards contained in the underlying zoning district shall vary by more than forty percent (40 percent) from such standards. Notwithstanding the restrictions contained in this subdivision, the City Council shall have discretion to establish the minimum lot size of a Planned Unit Development within the Agricultural zoning district during the development stage review process set forth at Chapter 1126, Section J.5.
3. Efficiency: The consolidation of areas for recreation, open space, conservation and reductions in street lengths and other utility related expenses.
4. Density Cluster: The project density may be clustered, basing density on number of units or floor area per acre for an overall development rather than specific lot or floor area requirements. When calculating the allowed density of a project approved as a PUD, the total area shall be decreased by an amount equal to fifty percent (50%, percent) of the area within the property boundaries delineated as wetland.
5. District Integration: The combination of uses which are allowed in separate zoning districts such as:
 - a. Mixed residential allows densities and land use types to vary within the project.
 - b. Mixed land uses with the integration of compatible land uses within the project.

6. Urban Street Section: Upon review and approval of the City Engineer, plans and specifications for internal streets within a PUD may be based upon an urban design standard with surmountable curbs or a rural design.
7. Farm Land and Open Space: Land which has been previously farmed or existed as open space may be considered eligible for rezoning to PUD, provided that such lands preserve existing natural features, or are altered to create unique natural features. The cost of creating natural features shall not be used in the calculation of public benefit required by Section F.4. of this Chapter.

E. ALLOWED USES. Uses within the PUD may include only those uses generally considered associated with the general land use category shown for the area on the official City development plan. Specific allowed uses and performance standards for each PUD shall be delineated in an ordinance and development plan. The PUD Development Plan shall identify all the proposed land uses and those uses shall become permitted uses with the acceptance of the Development Plan. Any change in list of uses presented in the Development Plan will be considered an amendment to the PUD and will follow the procedures specified in Section O of this Chapter.

F. REQUIRED STANDARDS

1. The PUD shall be consistent with the standards and purposes of the City's development plan and Zoning Ordinance and shall achieve maximum coordination between the proposed development and the surrounding uses and the protection of the health, safety, and welfare of the community and residents of the PUD. The Development Review Committee of the City shall consider the location of the buildings, compatibility with surrounding land uses, parking areas and other features with respect to the topography of the area and existing natural features such as creeks, springs and large trees; the efficiency, adequacy and safety of the proposed layout of streets and driveways; the adequacy and location of green areas; the adequacy, location and screening of parking areas; and such other matters as the reviewing body may find to have a material bearing upon the stated standards and objectives of the City's development plan and Zoning Ordinance.
2. The granting of a PUD shall in no way waive or reduce any other stipulation or requirement of other City, County of Houston, or State of Minnesota statutes or ordinances.

3. The City Council shall review and consider applications for approval of a PUD pursuant to procedures set forth at Section O of this Chapter. Upon review and consideration, the City Council may approve or deny the application for approval of a PUD. If the City Council approves the PUD application, it shall be pursuant to adoption of rezoning of the subject property to PUD Overlay District pursuant to Chapter 1110, Section A., including the adoption of reasonable conditions that the City Council considers necessary to protect the public health, safety and welfare.
4. The applicant shall demonstrate and the City Council shall find that approval of a PUD results in specific public benefit in terms of sustained growth, conservation of natural resources, protection of sensitive areas such as woodlands and wetlands, creation of active and passive recreational open space, provision for public facilities, including but not limited to playgrounds, trails, picnic shelters, fire, police and public works facilities. When making this finding, the City Council shall consider whether the public benefit resulting from approval of a PUD substantially exceeds the public benefit resulting from approval of a subdivision of the same land without an approval of a PUD. In no case shall the public benefit resulting from approval of a PUD be less than two times the value of the park, open space, easement, roadway, and related dedications required pursuant to the City's subdivision regulations unless the City Council deems that the public benefit is sustained growth.

G. COORDINATION WITH SUBDIVISION REGULATIONS. Subdivision review under the subdivision regulations shall be carried out simultaneously with the review of the PUD. The plans required under this Ordinance shall be submitted in a form which will satisfy the requirements of the subdivision ordinance for the preliminary and final plat, as well as applicable requirements of the Zoning Ordinance.

H. REVISIONS AND/OR CHANGES

1. Changes in uses, changes in the location, size, or height of structures, any rearrangement of lots, blocks and building tracts, changes in the provision of common open spaces, and all other changes to the approved final Development Plan may be made only upon approval of an amendment to the PUD by the City Council after a public hearing conducted by the City Council. Any changes shall be recorded as amendments to the recorded copy of the final Development Plan.
2. All of the provisions applicable to the original district within which the PUD is established shall apply to the PUD District except as otherwise provided in approval of the Development Plan.

3. If substantial development has not occurred within a specified time after approval of the PUD District, the City Council may revoke approval of the City Council's rezoning to PUD Overlay District. It shall not be necessary for the City Council to find that the rezoning was in error.

I. PHASING AND GUARANTEE OF PERFORMANCE.

1. The City Council shall compare the actual development accomplished in the various PUD zones with the approved development schedule. In no case shall this review occur at intervals greater than 1 year.
2. For good cause shown by the property owner, the City Council may extend the limits of the development schedule.
3. The construction and provision of all of the common open space and public and recreational facilities which are shown on the Development Plan must proceed at the same rate or faster as the construction of the other infrastructure improvements. The Development Review Committee shall review all of the building permits issued for the PUD and examine the construction which has taken place on the site. If they find that the rate of construction of infrastructure is greater than the rate at which common open spaces and public and recreational facilities have been constructed and provided, they shall forward this information to the City Council for action.
4. A performance bond or letter of credit shall be required to guarantee performance by the developer. The amount of this bond or letter of credit, and the specific elements of the development program that it is intended to guarantee, will be stipulated in the development agreement. The development agreement shall require the developer to pay reasonable fees for administration and processing of the PUD.

J. PROCEDURE FOR PROCESSING A PLANNED UNIT DEVELOPMENT.

1. Application Conference. Upon filing of an application, the applicant of the proposed PUD shall arrange for and attend a conference with the Development Review Committee. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the proposal for the area for which it is proposed and its conformity to the provisions of this Ordinance before incurring substantial expense in the preparation of plans, surveys and other data.
2. Concept Plan.

- a. Procedure. The concept plan provides an opportunity for the applicant to submit a plan to the City showing the applicant's basic intent and the general nature of the entire development without incurring substantial cost.
- b. Schedule.
 - i. Developer meets with the Development Review Committee to discuss conceptual plans for the proposed developments.
 - ii. The applicant shall file the concept stage application and preliminary plat together with written data describing total acreage, overall density, density of the developed area of the PUD, area of open space, and other relevant information which helps convey the applicant's intent for the development.
 - iii. Within thirty (30) days after verification by the Development Review Committee that the required plan and supporting data is adequate, the Planning Commission shall hold a public hearing.
 - iv. The City Council shall conduct the hearing. Notice of the hearing shall consist of a legal property description, description of request, and be published in the official newspaper at least ten (10) days prior to the hearing and written notification of the hearing shall be mailed at least ten (10) days prior to the hearing to owners of land within three hundred feet (300') of the boundary of the property in question. The City Council may approve the concept plan and attach such conditions as it deems reasonable. Approval shall require four fifths (4/5) vote of the entire City Council.
3. Development Stage. If the City Council approves the concept plan, the applicant shall submit the development stage application and final plat. The application shall proceed and be acted upon in accordance with this Chapter and pursuant to provisions for rezoning set forth at Chapter 1110, Section A. If appropriate because of the limited scale of the proposal, the concept stage and development stages may proceed simultaneously.
4. Applications.
 - a. General Concept Stage
 - i. Preliminary plat and information required by subdivision ordinance.

- ii. The applicant's name and address if different from the landowner
 - iii. The landowner's name and address and interest in the subject property. The applicant shall include evidence that the applicant has sufficient control over the subject property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up-to-date certified abstract of title or certificate of title for registered property, and such other evidence as the City Attorney may require to show the status of title or control of the subject property.
 - iv. The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including attorney, land planner, engineer and surveyor.
- b. Present Status.
- i. The address and legal description of the property.
 - ii. The existing zoning classification and present use of the subject property and all lands within three hundred feet (300') of the property
 - iii. A map depicting the existing development of the property and all land within three hundred feet (300') thereof and indicating the location of existing streets, property lines, easements with invert elevations on and within one hundred feet (100') of the property.
 - iv. A written statement generally describing the proposed PUD and the market which it is intended to serve and its demand and how the proposed PUD is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations.
 - v. Site Conditions: Graphic reproductions of the existing site conditions at a scale of one-inch equals fifty feet (1"=50').
 - a) Contours; minimum two-foot (2') intervals.

- b) Location, type and extent of tree cover.
- c) Slope analysis.
- d) Location and extent of water bodies, wetlands and flood plains within one thousand feet (1,000') of the property.
- e) Existing drainage patterns.
- f) Vistas and significant views.
- g) Soil conditions as they affect development.
- h) All utilities facilities shall be shown above or below ground.

All of the graphics should be the same scale as the final plan to allow easy cross reference. The use of overlays is recommended for clear reference.

- vi. Schematic drawing of the proposed development concept including but not limited to the general location of major circulation elements, public and common open space, residential and other land uses.
- vii. A statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:
 - a) Area devoted to residential uses.
 - b) Area devoted to residential use by building type.
 - c) Area devoted to common open space.
 - d) Area devoted to public open space.
 - e) Approximate area devoted to streets.
 - f) Approximate area devoted to, and number of, off-street parking and loading spaces and related access.

- g) Approximate area, and floor area, devoted to commercial and neighborhood business uses.
 - h) Approximate area, and floor area, devoted to light industrial or office use.
 - i) Infrastructure layout and phasing including but not limited to streets and utilities.
- viii. When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage or unit and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed during each such state and overall chronology of development to be followed from stage to stage.
- ix. When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities.
- x. Any restrictive covenants that are to be recorded with respect to property included in the proposed PUD.
- xi. The City may excuse an applicant from submitting any specific item of information or document required in this stage which it finds to be unnecessary or irrelevant to the consideration of the specific proposal.
- xii. The City may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD.
5. Development Stage Applications: Development stage submissions should depict and outline the proposed implementations of the general concept stage for the PUD. Information from the general concept stage may be included for background and to provide a basis for the submitted plan. The development stage submissions shall include but not be limited to:
- a. A final plat and information required by the subdivision ordinance.

- b. Required number of sets of preliminary plans drawn to a scale of not less than one-inch equals fifty feet (1"=50') (or scale requested by the Development Review Committee) containing at least the following information:
 - i. Proposed name of the development (which shall not duplicate nor be similar in pronunciation to the name of any plat recorded in the County of Houston)
 - ii. Property boundary lines and dimensions of the property and any significant topographical or physical features of the property.
 - iii. The location, size, use and arrangement including height in stories and feet and total square feet of ground area coverage and floor area of proposed buildings, and existing buildings which will remain, if any.
 - iv. Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles and all other circulation elements including bike and pedestrian; and the total site coverage of all circulation elements.
 - v. Location, designation and total area of all common open space.
 - vi. Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, and recreational facilities.
 - vii. Proposed lots and blocks, if any and numbering system.
 - viii. The location, use and size of structures and other land uses on adjacent properties.
 - ix. Detailed sketches and provisions of proposed landscaping.
 - x. General grading and drainage plans for the developed PUD. Grading plans should identify the proposed house pad elevations, drainage patterns on each lot, drainage direction arrows for the entire site for each lot, and the type of house proposed on each lot.

- xi. Any other information that may have been required by the City Council in conjunction with the approval of the general concept plan.
- c. An accurate legal description of the entire area within the PUD for which final Development Plan approval is sought.
- d. A tabulation indicating the number of residential dwelling units and expected population.
- e. A tabulation indicating the gross square footage, if any, of commercial, neighborhood business, and light industrial floor space, by type of activity.
- f. Preliminary architectural plans indicating use, floor plan, building elevations and exterior wall finishes of proposed buildings.
- g. A detailed site plan, suitable for recording, showing the physical layout, design and purpose of all streets, easements, right of ways, utility lines and facilities, lots, block, public and common open space, general landscaping plan, structure, and uses.
- h. Preliminary grading and site alteration plan illustrating changes to existing topography and natural site vegetation. The grading plan should clearly reflect the site treatment and its conformance with the approved concept plan. Grading plans should identify the proposed house pad elevations, drainage patterns on each lot, drainage direction arrows for the entire site for each lot, and the type of house proposed on each lot.
- i. A preliminary plat prepared in accordance with the subdivision ordinance.
- j. A soil erosion control plan acceptable to watershed districts, Department of Natural Resources, Soil Conservation Service, or any other agency with review authority clearly illustrating erosion control measures to be used during construction and as permanent measures.

K. CONTROL OF PLANNED UNIT DEVELOPMENT FOLLOWING COMPLETION.

- 1. After the building permit has been issued, no changes shall be made in the approved Development Plan except upon application as provided below:

- a. Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the Development Plan unless an amendment to the Development Plan is approved pursuant to Section H of this Chapter.
 - b. Changes in the use of the common open space may be authorized by an amendment to the Development Plan pursuant to Section H of this Chapter.
 - c. Any other changes in the Development Plan must be authorized by an amendment of the Development Plan pursuant to Section H of this Chapter.
2. Approval of the PUD shall include a guarantee for the maintenance and repair of any landscaping, grounds, and structures for two (2) years after construction of the development is completed. Such guarantee shall be in the form of a bond, letter of credit, or cash escrow account.

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Title 1100 – 103

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