



## CITY OF FREEPORT

125 Main Street E – PO Box 301 – Freeport, MN 56331 – 320-836-2112 – FAX 320-836-2116  
For TTY/TDD Users 1-800-627-3529 or 711 Minnesota Relay Service [www.freeportmn.org](http://www.freeportmn.org)

### April 2, 2014 - City Council Meeting Agenda Freeport City Hall • 6:00 pm

6:00p Call to Order

6:01p Zoning Ordinance Review

7:45p Adjourn – *Motion to adjourn*

Dates: April 16<sup>th</sup> Special Meeting (re: zoning code updating)  
April 22<sup>nd</sup> Special Meeting (in lieu of regular meeting) – Local Board of Appeals (LBAE)  
May 27<sup>th</sup> Regular Meeting



To: Honorable Mayor Worm  
Members of the City Council  
Mason Schirmer, City Clerk/Treasurer

From: Cynthia Smith-Strack, Municipal Development Group, Inc.

Date: March 27, 2014

Re: Zoning Ordinance Update

---

Attached please find a draft zoning ordinance update. The update is coded to illustrate proposed changes and the final document will be of lesser volume. Please note the yellow highlighted text is proposed to be added. The text that has ~~strike through face~~ is proposed to be deleted.

We will just review section by section and I will attempt to point out significant proposed changes for comment and input.

I look forward to reviewing the draft with you.

# FREEPORT CITY CODE

## SECTION 500

ZONING, PLANNING, AND LAND USE REGULATIONS

DRAFT

## Table of Contents

500.01:	INTENT, PURPOSE AND APPLICATION .....	7
Subd. 1 – Intent .....		7
500.02:	SCOPE.....	7
500.03:	SHORT TITLE .....	7
500.04:	APPLICATION .....	8
500.05:	GENERAL PROVISIONS .....	8
Subd. 1 – Interpretation.....		8
Subd. 2 – Compatibility with Other Regulations.....		8
Subd. 3 – Relation to the Comprehensive Plan and/or Land Use Plan.....		8
Subd. 4 – Conformance to Ordinance.....		8
Subd. 5 – Reduction of Yards or Lots Not Permitted.....		8
Subd. 6 – Uses Not Provided for Within Zoning Districts.....		9
Subd. 7 – Application.....		9
Subd. 8 – Fees and Expenses.....		9
Subd. 9 – Building Permits.....		9
500.06:	RULES AND DEFINITIONS .....	9
Subd. 1 – Rules.....		9
Subd. 2 – Definitions.....		9
500.13:	ZONING MAP .....	19
500.15:	ZONING UPON ANNEXATION.....	19
500.17:	PROHIBITIONS IN DISTRICTS .....	20
Subd. 1 – Rules.....		20
500.19:	DISTRICT CLASSIFICATIONS.....	20
500.21:	ZONING DISTRICT BOUNDARIES .....	20
500.23:	“A” AGRICULTURAL/RURAL RESIDENCE DISTRICT .....	20
Subd. 1 – Purpose.....		20
Subd. 2 – Permitted Uses.....		21
Subd. 3 – Permitted Accessory Uses.....		21
Subd. 4 – Conditional Uses.....		22
Subd. 5 – Lot, Yard, and Area.....		22
500.25:	R-1, SINGLE AND TWO-FAMILY RESIDENCE DISTRICT.....	22
Subd. 1 – Intent.....		22
Subd. 2 – Permitted Uses.....		23
Subd. 3 – Permitted Accessory Uses.....		24
Subd. 4 – Conditional Uses.....		24
Subd. 5 – Interim Uses.....		25
Subd. 6 – Lot, Yard, Area and Height Requirements.....		25
500.27:	R-2, MULTI-FAMILY RESIDENTIAL DISTRICT .....	27
Subd. 1 – Intent.....		27
Subd. 2 – Permitted Uses.....		27
Subd. 3 – Permitted Accessory Uses.....		27
Subd. 4 – Conditional Uses.....		28
Subd. 5 – Lot Area, Width, Setbacks, and Height.....		28
500.29:	C-1, CENTRAL AND NEIGHBORHOOD COMMERCIAL DISTRICT ....	29
Subd. 1 – Intent.....		29

Subd. 2 – Permitted Uses.....	29
Subd. 3 – Permitted Accessory Uses.....	30
Subd. 4 – Conditional Uses.....	31
Subd. 5 – Lot, Yard, Area and Height Requirements.....	31
500.31:    C-2 COMMUNITY COMMERCIAL DISTRICT.....	32
Subd. 1 – Intent.....	32
Subd. 2 – Permitted Uses.....	32
Subd. 3 – Permitted Accessory Uses.....	33
Subd. 4 – Conditional Uses.....	33
Subd. 5 – Lot, Yard, Area and Height Requirements.....	33
500.33:    I-1 GENERAL INDUSTRIAL DISTRICT.....	34
Subd. 1 – Intent.....	34
Subd. 2 – Permitted Uses.....	34
Subd. 3 – Permitted Accessory Uses.....	35
Subd. 4 – Conditional Uses.....	35
Subd. 5 – Lot, Yard Area and Height Requirements.....	36
500.35:    SIGNS.....	36
Subd. 1 – Findings.....	36
Subd. 2 – Purpose and Intent.....	37
Subd. 3 – Effect.....	37
Subd. 4 – Definitions.....	37
Subd. 5 – Permit Required.....	41
Subd. 6 – Exceptions.....	41
Subd. 7 – General Requirements.....	42
Subd. 8 – Signs in Commercial Districts.....	44
Subd. 9 – Signs in Industrial Districts.....	45
Subd. 10 – Signs in Residential Districts.....	45
Subd. 11 – Off-Premise Signs.....	46
Subd. 12 – Non-Conforming Signs.....	46
Subd. 13 – Substitution Clause.....	47
500.37:    SHORELAND OVERLAY DISTRICT.....	47
Subd. 2 – Shoreland Management Classification.....	48
Subd. 3 – Shoreland Overlay District.....	48
Subd. 4 – Lots of Record.....	49
Subd. 5 – Shoreland Alterations.....	49
Subd. 6 – Subdivision Provisions.....	50
Subd. 7 – Administration.....	50
500.39:    GENERAL REQUIREMENTS.....	51
500.43:    OFF-STREET PARKING.....	51
Subd. 1 – Purpose.....	51
Subd. 2 – Intent.....	51
Subd. 3 – Permit Required.....	51
Subd. 4 – Parking Lot Dimensions.....	52
Subd. 5 – General Requirements.....	52
Subd. 6 – Number of Parking Spaces Required.....	53
Subd. 7 – Parking Lot Design Standards.....	54

500.44:	OFF-STREET LOADING.....	55
	Subd. 1 – Loading Spaces Required.....	55
	Subd. 2 – Required Screening.....	55
	<del>Subd. 2 – Retail.....</del>	<del>56</del>
	<del>Subd. 3 – Industrial.....</del>	<del>56</del>
500.45:	FENCING, SCREENING, AND LANDSCAPING.....	56
	Subd. 1 – Fencing.....	56
	Subd. 2 – Screening.....	60
	Subd. 3 – Vegetation.....	60
500.47:	DWELLING UNIT RESTRICTIONS.....	61
	Subd. 1 – Basement.....	61
	Subd. 2 – Prohibited Living Quarters.....	61
	Subd. 3 – One Principal Structure Per Lot.....	61
500.475:	OUTDOOR STORAGE.....	61
	Subd. 1 – Residential Uses.....	61
	Subd. 2 – Commercial/Industrial Uses.....	62
	Subd. 3 – Refuse and Waste.....	62
500.48:	ACCESSORY STRUCTURES.....	63
	Subd. 1 – General Standards.....	63
	Subd. 2 – Setbacks.....	64
	Subd. 3 – Maximum Height.....	64
500.485:	HOME OCCUPATIONS.....	65
	Subd. 1 – General Standards.....	65
	Subd. 2 – Home Occupations Requiring a Conditional Use Permit.....	66
	Subd. 3 – Prohibited Home Occupations.....	66
500.49:	GENERAL PERFORMANCE STANDARDS.....	67
	Subd. 1 – Sewers.....	67
	Subd. 2 – Lighting.....	67
	Subd. 3 – Smoke.....	67
	Subd. 4 – Dust and Other Particulate Matter.....	67
	Subd. 5 – Odor.....	68
	Subd. 6 – Noise.....	68
500.50:	BUILDING DESIGN STANDARDS.....	68
	Subd. 1 – Single and Two-Family Standards.....	68
500.51:	HEIGHT AND YARD EXCEPTIONS.....	68
	Subd. 1 – Structures.....	68
	Subd. 2 – Attached Structures.....	68
	Subd. 3 – Private Driveways and Sidewalks.....	69
500.53:	NON-CONFORMING USES.....	69
	Subd. 1 – Purpose and Intent.....	69
	Subd. 2 – Definitions.....	69
	Subd. 3 – Standards.....	70
	Subd. 4 – Burden of Proof.....	74
500.55:	PLANNED UNIT DEVELOPMENT.....	74
	Subd. 1 – Purpose and Intent.....	74
	Subd. 2 – Conditional Use Permit Required.....	75

Subd. 3 – Subdivision Regulations. ....	75
Subd. 4 – Permitted Uses. ....	75
Subd. 5 – Lot, Yard, Area, and Height Requirements. ....	76
Subd. 6 – Property Control. ....	76
Subd. 7 – General Development Provisions. ....	76
Subd. 8 – Declaration. ....	77
Subd. 9 – PUD Application and Procedure. ....	78
Subd. 10 – Review and Evaluation Criteria. ....	80
Subd. 11 – City Council Findings. ....	81
Subd. 12 – General PUD Regulations. ....	81
Subd. 13 – Administrative Procedure. ....	82
Subd. 14 – Property Control. ....	83
<b>500.63: CONDITIONAL USE PERMITS</b> .....	<b>84</b>
Subd. 1 – Purpose. ....	84
Subd. 2 – Scope. ....	84
Subd. 3 – Review Procedure. ....	84
Subd. 4 – Criteria For Review. ....	84
Subd. 5 – Conditional Approval. ....	85
Subd. 6 – Revocation of Conditional Use Permits. ....	85
<b>500.635: INTERIM USE PERMITS</b> .....	<b>85</b>
Subd. 1 – Purpose. ....	85
Subd. 2 – Scope. ....	86
Subd. 3 – Review Procedure. ....	86
Subd. 4 – Criteria For Review. ....	86
Subd. 5 – Conditional Approval. ....	86
Subd. 6 – Revocation of Interim Use Permits. ....	87
<b>500.64: BOARD OF ZONING APPEAL/ADJUSTMENT; VARIANCES</b> .....	<b>87</b>
Subd. 1 – Creation and Membership. ....	87
Subd. 2 – Powers. ....	87
Subd. 3 – Review Procedure. ....	88
Subd. 4 – Appeals. ....	89
Subd. 5 – Revocation of Variance. ....	89
<b>500.65: TEXT AMENDMENT AND REZONING</b> .....	<b>89</b>
Subd. 1 – Purpose. ....	89
Subd. 2 – Amendment Initiation. ....	89
Subd. 3 – Application and Procedure. ....	89
Subd. 4 – Criteria for Review. ....	89
Subd. 5 – Approvals Required. ....	90
Subd. 6 – Effective Date. ....	90
<b>500.66: APPLICATION REVIEW PROCEDURES</b> .....	<b>90</b>
Subd. 1 – Applications for City Council Review. ....	90
Subd. 2 – Applications for Administrative Review. ....	92
Subd. 3 – Zoning Review. ....	94
Subd. 4 – Site Plan Review. ....	94
<b>500.69: ENFORCEMENT</b> .....	<b>106</b>
Subd. 1 – Enforcement Agent. ....	106

<b>Subd. 2 – Enforcement Process.</b> .....	107
500.70: FEES .....	108
Subd. 1 – Payment Required.....	108
<b>Subd. 2 – Amount.</b> .....	108
500.71: VALIDITY .....	109
500.72: REPEAL OF CONFLICTING ORDINANCES.....	109
500.73: EFFECTIVE DATE .....	109
505.01: POLICY .....	110
Subd. 1. ....	110
Subd. 2. ....	110
505.03: DISTRICTS .....	110
Subd. 1 – Established.....	110
Subd. 2 – Rural Service District. ....	111
Subd. 3 – Urban Service District. ....	111
505.05: TAX CAPACITY DISTRICT .....	111
505.07: AMENDMENT .....	111
505.09: APPLICATION .....	111

DRAFT



## **500.01: INTENT, PURPOSE AND APPLICATION**

### **Subd. 1 – Intent.**

This Section is enacted pursuant to the authority conferred by the State of Minnesota in Sections 462.351 to 462.364 for the purpose of:

1. Promoting and protecting the public health, safety, and general welfare of the residents of this incorporated area of the city,
2. Protecting and preserving the physical character, social and economic stability of residential, commercial, industrial and other use areas,
3. Securing the most appropriate use of land,
4. Preventing the overcrowding of the land and undue congestion of population,
5. Providing adequate light, air and reasonable access,
6. Facilitating adequate and economical provision of transportation, water supply and sewage disposal,
7. Planning for location of schools, recreation facilities and other public requirements, and,
8. Providing for the protection of access to direct sunlight for solar energy systems.

## **500.02: SCOPE**

From and after the effective date of this Ordinance, the use of all land and every building or portion of a building erected, altered with respect to height and area, added to or relocated and every use within a building or use accessory thereto, in the City of Freeport, shall be in conformity with the provisions of this Ordinance. An existing building or structure and any existing use of 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.

## **500.03: SHORT TITLE**

This Section or Chapter of the City Code is the Zoning Code of Freeport, Minnesota and will be referred to herein as “this Section”, “this Code”, “the Zoning Ordinance”, and/or “the/this Ordinance”. A particular subpart of this Section shall be referred to as a “Subsection”.

## **500.04: APPLICATION**

This Code applies to all of the area within the corporate limits of the city.

## **500.05: GENERAL PROVISIONS**

### **Subd. 1 – Interpretation.**

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare.

### **Subd. 2 – Compatibility with Other Regulations.**

Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, or regulation, the provision of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.

### **Subd. 3 – Relation to the Comprehensive Plan and/or Land Use Plan.**

It is the policy of the City that the enforcement, amendment, and administration of this Chapter be accomplished consistent with the recommendations contained in the City Comprehensive Plan and/or the City Land Use Plan, as developed and amended from time to time by the City Council. The Council recognizes the City Comprehensive Plan and/or the Land Use Plan as the official policy for the regulation of land use and development in accordance with the policies and purpose herein set forth. In accordance with Minnesota Statutes Chapter 473, the City will not approve any rezoning or other changes in these regulations that are inconsistent with the City Comprehensive Plan.

### **Subd. 4 – Conformance to Ordinance.**

No building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered nor shall any building or land be used except for the purpose permitted in the district in which the building or land is located.

### **Subd. 5 – Reduction of Yards or Lots Not Permitted.**

No lot area, yard or other open space existing on or after the effective date of this Ordinance shall be reduced below the minimum required for it by this Ordinance, and no lot area, yard or other open space which is required by this Ordinance for one use shall be used as the required lot area, yard or other space for another use.

### **Subd. 6 – Uses Not Provided for Within Zoning Districts.**

Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited. The City Council or property owner, may, if appropriate, initiate an amendment to the Zoning Ordinance to provide for the particular use under consideration or may find that the use is not compatible for development within the City.

### **Subd. 7 – Application.**

All applications required by this Ordinance shall be fully completed and filed in the City records.

### **Subd. 8 – Fees and Expenses.**

Any person filing a petition for an application required by this Ordinance shall pay a prescribed fee according to a fee schedule established by the City Council. All fees shall be set annually by Ordinance or Resolution of the City Council.

### **Subd. 9 – Building Permits.**

As required, no person shall erect, alter, or move any building or part thereof without first securing a building permit.

## **500.06: RULES AND DEFINITIONS**

### **Subd. 1 – Rules.**

For the purpose of this Ordinance, words used in the present tense shall include the future; words in the singular shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; the word "lot" shall include the word "plot" and the word "shall" is mandatory and not discretionary.

### **Subd. 2 – Definitions.**

For the purpose of this Code, the terms defined in this Section have the meanings given them.

Accessory Use or Structure. A subordinate detached building or use which is located on the same lot on which the main building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such main building or use.

Agriculture. The growing of soil crops in the customary manner on open tracts of land, the raising of animals or poultry, including incidental retail selling by the producer of the product raised on the premises, providing customer parking space is furnished off the public right-of-way.

Alley. A public thoroughfare less than thirty (30) feet in width which provides secondary access to the abutting property.

Amendment. Any modification of the Ordinance text or map. A map amendment shall be known as a rezoning.

Apartment. A part of the building consisting of a room or suite of rooms which is designed for, intended for or used as a residence for one family or an individual and is equipped with cooking facilities.

Apartment Building. Three (3) or more apartments grouped in one building sharing common hallways and building entry.

Appeal. An action brought by an applicant where it is alleged that there is an error in any order, request, decision or determination by the City Administrator in the enforcement of the Zoning Ordinance.

Automobile repair, major. General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, including body work, frame work and major painting service.

Automobile repair, minor. Incidental repairs, replacement of parts and motor service to automobiles, but not including any operation specified under Automobile repair, major.

Automobile service station. Any building or premises used for the dispensing or sale of automobile fuels, lubricating oil or grease, tires, batteries or minor automobile accessories. Services offered may include the installation of tires, batteries or minor accessories; minor automobile repairs; and greasing or washing of individual automobiles. When sales, services and repairs as detailed here are offered to the public, the premises will be classified as a public garage. Automobile service stations shall not include the sale or storage of vehicles; shall not include premises offering major automobile repairs, automobile wrecking or detached car washes.

Bed and Breakfast. An owner-occupied single-family dwelling where lodging, in up to four guest rooms, and breakfast are provided to the traveling public by the resident owner for compensation.

Building. Any structure for the shelter, support or enclosure of persons, animals, or property of any kind. ~~When separated by party walls without openings, each portion of such building so separated shall be deemed a separate building.~~

Building Height. The vertical distance from the average of the highest and lowest point of that portion of a lot covered by a building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

Building Line. An imaginary line on a development site corresponding with the series of points where an exterior building wall meets the grade of the Earth.

Cemetery. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries.

City Council. The City Council of Freeport.

Commercial Recreational Uses. Uses including, miniature golf, waterslides, amusement centers, bowling alley, pool hall, dance hall, skating and similar uses

Conditional Use. A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in the zoning ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood.

Condominium. A multiple dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the City of Freeport City Code Chapter 5 Zoning, provisions of the Minnesota Condominium Act, Minnesota Statutes, Chapter 515, or the Uniform Condominium Act, Minnesota Statutes, Chapter 515A.

Contractor Operations. An area and/or building devoted to use by a business that contracts to supply materials or work in the building trade field.

Convenience Store. A retail establishment, which generally sells a limited range of food products, nonprescription drugs, candy and other perishable goods. This includes soda and similar beverage dispensing and food products, which can be heated and/or prepared onsite, and retailing of nonautomotive goods.

Convenience Store with Motor Fuel Sales. A convenience store as defined herein that also sells gasoline from pump islands.

Day Care Facility. Any State licensed facility, public or private, which provides one or more persons with care, training, supervision, habitation, rehabilitation, or developmental guidance on a regular basis, for periods of less than twenty-four (24) hours per day, in a place other than the person's own home. Day care facilities include, but are not limited to: family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, daytime activity center, day treatment programs, and day services as defined by Minn. Stat. Section 245.782, Subd. 5.

Deck. A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending above ground.

Drive-In Establishments. Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where fast service to the automobile occupants is a service offered regardless of whether service is also provided within a building.

Dwelling. A building or portion thereof designed or used exclusively for residential occupancy, including single-family, two-family and multiple-family dwelling units, but not including hotels, motels, boarding or lodging houses.

Dwelling Unit. One or more rooms in a dwelling designed for occupancy by one family for living purposes and having separate permanently installed cooking and sanitary facilities.

Earth Sheltered. A building constructed so that more than 50% of the exterior surface area of the building, excluding garages or other accessory buildings, is covered with earth and the building code standards are satisfied.

Essential Services. Erection, construction, alteration, or maintenance by public utilities or municipal departments of commissions, of underground or overhead gas, electrical, communication, steam or water transmissions, or distribution systems, including poles wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, and other similar equipment and accessories in connection therewith (but not including buildings) reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety, or general welfare.

Expansion, Enlargement, or Intensification. Any increase in a dimension, size, area, volume, or height, any increase in the area of use, any placement of a structure or part thereof where none existed before, any improvement that would allow the land to be more intensely developed, any move of operations to a new location on the property, or any increase in intensity of use based on a review of the original nature, function or purpose of the non-conforming use, the hours of operation, traffic, parking, noise, exterior storage, signs, exterior lighting, types of operations, types of goods or services offered, odors, area of operation, number of employees, and other factors deemed relevant by the City.

Fence. A partition, wall, hedge, or row(s) of continuous vegetative plantings that are erected as a dividing marker, visual, or physical barrier, or enclosure.

Fence, Permanent. A fence constructed of wood, rust-resistant chain link steel, prefabricated and rust resistant aluminum, prefabricated vinyl, landscape masonry units, landscape brick units, stone, or decorative concrete. If wooden material is used it shall be made of processed wood, i.e. cedar, green treated, brown treated, or resin (but not creosote) composite. For the purposes of this Ordinance trellises, arbors, pagodas, and the like shall not be considered a fence.

Fence, Natural Living. A divider or barrier comprised of living vegetative materials. The owner of the adjacent property may trim or prune parts of the living fence that extend onto their property.

Finance, Insurance and Real Estate. Establishments operating primarily in the fields of finance, insurance and real estate including, but not limited to, depository institutions, credit institutions, investment companies, security and commodity exchanges, insurance agents and brokers, real estate developers, buyers, agents and lessees.

Flood Plain. The areas adjoining a watercourse or lake which have been or hereafter may be covered by a regional flood.

Frontage. That part of a lot fronting on one side of a street between the side lot lines or between a street right-of-way and a side lot line.

Garage, Private. An accessory building designed or used for the private (i.e. not commercial) storage of automobiles or trucks owned and used by the occupants of the building to which it is accessory.

Garage, Public. Any premises except those described as a private or community garage used for the storage or care of power driven vehicles, or where any such vehicles are equipped for operation, repair, or kept for remuneration, hire or sale.

Glare. The effect produced by the intensity and direction of any artificial illumination sufficient to cause annoyance, discomfort, or temporary loss or impairment of vision.

Gross Floor Area. The sum of the gross horizontal areas of the several floors of the building, measured from the exterior faces of the exterior walls including basements.

Home Occupation. Home occupations are defined as and limited to all of the following: (i) Gainful occupations or professions engaged in by the occupant(s) of a dwelling; (ii) Which are carried on within a dwelling unit or structure(s) accessory thereto; and, (iii) Which are clearly incidental to the principal use of the property as a residential dwelling unit.

Hotel/Motel. Any building or portion thereof where lodging is offered to transient guests for compensation in which there are sleeping rooms, but not cooking facilities, within individual rooms or units.

Industry, Heavy. A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industry, Light. A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Lot. One unit of a recorded plat or subdivision land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this Code, having not less than a minimum area required by this Code for a building frontage on a street.

Lot Area. The area of a horizontal plane within the lot lines.

Lot, Corner. A lot situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines.

Lot Coverage. The area or percentage of a lot's horizontal surface occupied by the combined sum of all structures.

Lot Depth. The shortest horizontal distance between the front lot line and the rear lot line measured from a ninety (90) degree angle from the street right-of-way within the lot boundaries.

Lot, Double Frontage/Through. A lot having its front and rear yards each abutting on a street, not including an alley. Both street lot lines are considered to be front lot lines for applying yard and parking requirements.

Lot, Interior. A lot other than a corner lot.

Lot Line. The property line bounding a lot.

Lot Line, Front. The lot line separating the lot from the street other than the alley. In the case of a corner lot, the front lot line is the shortest lot line along a street other than an alley. In the case of a through lot, each street has a front lot line.

Lot Line, Rear. The lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a line 10 feet in length within the lot paralleled to and at a maximum distance from the front lot line.

Lot Line, Side. Any lot line not a front or rear lot line.

Lot, Width. The shortest horizontal distance between the side lot lines measured at the building setback line.

Lot of Record. A lot or parcel for which a deed has been recorded in the office of the County Register of Deeds prior to the date of adoption of this Ordinance.



Luminaire. A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts. A luminaire does not include a pole or other support.

Manufactured Home Park. Any site, lot, field or tract of land upon which two or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park.

Mobile (Manufactured) Home. A factory-built structure or structures equipped with the necessary service connections and made so as to be readily movable as a unit or units on its or their own running gear and designed to be relocated as a structure or structures used for occupancy without a permanent foundation. The phrase “without a permanent foundation” indicates that the support system is constructed with the intent that the mobile home placed thereon will be moved from time to time at the convenience of the owner.

Modular Home. A non-mobile housing unit that is fabricated at a factory and transported to a building site where final installations are made, permanently affixing the module to the site. A modular home shall be congruous to a one family dwelling.

Multiple-Family Dwelling. A dwelling containing three or more dwelling units designed with more than one dwelling unit connecting to a common corridor or entranceway.

Non-Conforming Use or Legal Non-Conformity. Any land use, structure, physical form of land development, lot of record or sign legally established before the effective date of this ordinance or subsequent amendment to it that would not be permitted by, or is not in full compliance with, the regulations of this ordinance. A non-conformity or non-conforming use is one of three types: non-conforming land use, non-conforming structure or non-conforming lot of record.

Non-Conforming Land Use. An activity using land, buildings, and/or structures for a purpose that was legally allowed when established but that is not currently allowed as a use in the zoning district in which it is located.

Non-Conforming Structure. A legal non-conformity other than a non-conforming land use that complied with ordinance standards at the time it was established but that does not currently conform to an ordinance standard such as height, setback, or size.

Non-Conforming Lot of Record. An existing base lot of record at the time of approval of this Ordinance that is non-conforming in terms of lot area or lot width or depth and that has not at any time been the site of a principal use/structure.

Nurseries or Greenhouses. A place where plants are grown for sale, transplanting or experimentation.

Nursing Home, Rest Home or Convalescent. A private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, but not containing equipment for surgical care or for treatment of disease or injury.

Office. A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

On-sale liquor establishment. Any establishment wherein alcoholic beverages are sold, served or given away for consumption on the premises. Typical on-sale uses include but are not limited to the following establishments: ballrooms, dance bars, piano bars, billiard and/or game parlors, nightclubs, or other private clubs. This definition shall not include standard restaurants as defined herein, or veterans clubs.

Ordinary High Water Level (OHWL). The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial, as determined by the Department of Natural Resources. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel.

Personal Services. An establishment or place of business primarily engaged in providing individual services generally related to personal needs, such as a beauty salon, spa, tanning salon, tailor shop, or similar.

Person(s). Any individual, firm, partnership, limited liability company, corporation, company, association, joint stock association or body politic; includes any trustee, receiver, assignee or similar representative thereof.

Planned Unit Development. An integrated development involving two or more principal uses or structures, including but not specifically limited to single-family residential uses, multiple-family residential uses, offices, or commercial uses, or any combination thereof, and similar such uses or combinations.

Premises. A lot or plot with the required front, side and rear yards for a dwelling or other use allowed under this Ordinance.

Principal Use or Structure. The main building on a lot in which the intended allowable use of the property is conducted and any additions thereof.

Restaurant, Fast Food. An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state for consumption:

A. Within restaurant building;

B. Within a motor vehicle parked on the premises; or

C. Off the premises as carry-out orders; and whose principal method of operation includes the following characteristics:

1. Food and/or beverages are usually packaged prior to sale and are served in edible containers or in paper, plastic, or other disposable containers;
2. The customer is not served food at a table by an employee, but receives it at a counter window, or similar facility and carries it to another location on or off the premises for consumption.

Restaurant, Standard. An establishment whose principal business is the sale of food and beverages, including alcohol, to customers in a ready-to-consume state, but not including an on-sale liquor establishment, and whose method of operation includes one or both of the following characteristics:

- A. Customers, normally provided with an individual menu, are served their food and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed;
- B. A cafeteria-type operation where food and beverages generally are consumed within the restaurant building.

Retail Trade. Establishments engaged in selling merchandise to the general public for personal or household consumption and rendering services incidental to the sale of the goods. Retail trade includes the selling and renting of goods and products including but not limited to apparel, health and beauty products, food, appliances, furniture, tools, hardware, toys, and sporting goods.

Right-of-way. The area between property lines of a road, street, alley, pedestrian way or easement or other street.

Semipublic Use. The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

Setback. The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, top of a bluff, road, highway, property line, or other facility.

Sewage Treatment System. A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Subsection 500.49 of this Chapter.

Sewer System. Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

Single-Family Dwelling. A detached dwelling designed exclusively for occupancy by one family.

Story. That portion of the building included between the surface of any floor and the surface of the next floor above it, or, if there is not floor above it, the space between the floor and the ceiling next above it.

Street. A public way for vehicular traffic, whether designated as a street, highway, arterial, arterial parkway, throughway, road, avenue, lane, place, or however otherwise designated.

Street, Cul-De-Sac. A street with a single common ingress and egress and with a turn-around at the end.

Street, Dead-End. A local street open at one end only and without a special provision for vehicles turning around.

Street Frontage. That portion of a parcel of land abutting one or more streets. An interior lot has one street frontage and a corner lot two such frontages.

Street, Loop. A short, independent street that usually terminates along the same collector street of its origin.

Street, Through. A major collector or arterial street that serves more than one neighborhood, or carries traffic between neighborhoods, or streets that extend continuously between other major streets in the community. Through streets shall not include cul-de-sac streets, dead-end streets or loop streets.

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having a location on the ground.

Structural Alteration. Any change or addition to the supporting members of a building such as bearing walls, columns, beams or girders.

Townhouse. A single structure consisting of three or more dwelling units having the first story at or near the ground level with no other dwelling unit connected to the other dwelling unit except by a party wall with no openings.

Twin Home. A single structure consisting of two dwelling units, each designed for occupancy by one family with separate entrances connected only by a party wall with no openings.

Two-Family Dwelling. A dwelling with two units designed with a common corridor or entryway exclusively for occupancy by two families living independently of each other.

Use. The purpose for which land or premises of the building thereon is designated, arranged, or intended, or for which it may be occupied or maintained.

Variance. A modification or variation of the provisions of this chapter, as applied to a specific piece of property.

Wetland. A surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 edition).

Wholesale Trade. Establishments primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, construction contractors, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies.

Yard. An open space between a building and any lot line which is open to the sky obstructed by any permanent or temporary uses or structures.

Yard, Front. A yard extending across the full width of the lot and lying between the front lot line and the front building line.

Yard, Rear. A yard extending across the width of the lot and lying between the rear lot line and the nearest line of the principal building.

Yard, Side. A yard extending from the front lot line to the rear lot line and lying between the side lot line and nearest line of a building.

Zoning Administrator. The City Official appointed by the City Council from time to time to administer the Zoning Ordinance, to include monitoring compliance with the Ordinance, maintaining the City of Freeport Zoning Map, and administering the application process for building permits, conditional use permits and variance requests and all other administrative matters pertaining to the Zoning Ordinance.

## **500.13: ZONING MAP**

For the purpose of this Code, the City is divided into use districts as shown on a map entitled, "Official Zoning Map". The Clerk-Treasurer and/or his/her designee is directed to prepare and maintain in the City offices a map accurately delineating the boundaries of the various zoning districts and the zoning district classification of real property in the City. The Official Zoning Map and all notations, references, and other information shown thereon are incorporated in this Code and are as much a part of this Code as if fully set forth herein.

## **500.15: ZONING UPON ANNEXATION**

Land annexed to the city in the future is to be placed in the “A” Agricultural/Rural Residence District until placed into another district by action of the City Council.

## **500.17: PROHIBITIONS IN DISTRICTS**

### **Subd. 1 – Rules.**

- A. Except for non-conforming uses, in each district land and structures may be used only for the purposes listed by this Code as permitted in the district. In each district, a building erected or structurally altered must
  - 1. Be provided with the yards specified,
  - 2. Be on a lot of the area and width specified, and
  - 3. May not exceed the height specified in this Code for the district.
- B. Open space or lots required for building may not, during the existence of that building, be occupied by or counted as open space for another building.

## **500.19: DISTRICT CLASSIFICATIONS**

The following district classifications are established and continued within the City of Freeport:

- “A” Agricultural/Rural Residence
- “R-1” Single and Two-Family Residential District
- “R-2” Multiple Family Residential District
- “C-1” Central and Neighborhood Commercial District
- “C-2” Highway Commercial District
- “I-1” General Industrial District
- “S” Shore Land Overlay District

## **500.21: ZONING DISTRICT BOUNDARIES**

The boundaries of districts are shown on the zoning district map and are the center lines of streets; the center lines of alleys; the rear lot lines where there are no alleys; the side lines of recorded lots or designated distances where land is un-platted. Where uncertainty exists as to the exact location of a boundary line, the location of such line is to be determined by the City Council.

## **500.23: “A” AGRICULTURAL/RURAL RESIDENCE DISTRICT**

### **Subd. 1 – Purpose.**

The agricultural/rural residence district is established for the purpose of accommodating large lot residential and agricultural development in areas which are transitioning from rural to urban densities. This District allows space for both very low-density urban (with municipal utilities) residential uses and agricultural/farming/hobby farm operations in areas that have not yet developed to urban densities but are expected to do so in the future.

~~The agricultural/rural residence district is established to preserve area for low density residential without permitting intensified development that would require the provision of municipal facilities and services, and further allow agricultural uses in this district.~~

**Subd. 2 – Permitted Uses.**

- A. Agriculture, including farm dwellings and agricultural related buildings and structures subject to Minnesota Pollution Control standards, but not including commercial feed lots or similar commercial operations.
- B. Single-family dwellings.
- C. Public parks, recreational areas, wildlife areas, and game refuges.
- D. Nurseries and tree farms.
- E. Essential services.
- F. Slaughtering, limited to livestock raised on the farmstead.
- G. ~~One mobile home per existing farm yard for use as a residence by a person directly connected with the daily operation of the farm.~~

**Subd. 3 – Permitted Accessory Uses.**

- A. Operation and storage of vehicles, machinery, and equipment which is incidental to permitted or conditional uses allowed in this district, subject to the standards contained in Subsection 500.475 of this Section.
- B. Boarding or renting of rooms to not more than two persons.
- C. Living quarters for persons employed on the premises.
- D. Home occupations, subject to the standards contained in Subsection 500.485 of this Section.
- E. Signs as regulated in the R-1 Single and Two Family Residential District.
- F. Roadside stands for the sale of agricultural products.

**Subd. 4 – Conditional Uses.**

The following uses require a conditional use permit based on the procedures set forth in Subsection 500.63 of this Code:

- A. Governmental and public utility buildings and structures necessary for the health, safety, and general welfare of the community.
- B. Commercial outdoor recreational areas including golf courses, club houses, swimming pools, and similar facilities.
- C. Processing and packaging of agricultural products, including livestock, cold storage plants, livestock farming, and livestock feed lots and sales yards, subject to all applicable pollution control standards.
- D. Kennels and animal hospitals, fur farming, stables and riding academies provided that the property containing such use is adequate and is adequately separated from residential, commercial and industrial districts.
- E. Churches, schools, and similar uses.
- F. Uses deemed by the City Council to be similar to those listed in the zoning district.

**Subd. 5 – Lot, Yard, and Area.**

Lot Area – Existing Lots on June 1, 2014	Lot Area - Lots Created After June 1, 2014	Lot Width	Side Yard	Front Yard	Rear Yard
10 Acres	40 acres	250 ft.	60 ft.	100 ft.	100 ft.

**500.25: R-1, SINGLE AND TWO-FAMILY RESIDENCE DISTRICT**

**Subd. 1 – Intent.**

It is the intent of this district to permit the development of single-family and two-family dwellings in the City where adequate municipal utilities exist or are to be extended, to provide for reasonable standards for such development, to avoid overcrowding, and to



prohibit the use of the land which would be incompatible with or detrimental to the essential residential character of the district.

**Subd. 2 – Permitted Uses.**

- A. Single and two-family dwellings.
- B. Attached single family dwellings, not exceeding four units per structure.
- C. State licensed residential facility or a housing with services establishment registered under chapter 144D serving six or fewer persons; licensed day care facility serving twelve (12) or fewer persons; group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve fourteen (14) or fewer children, except that residential facilities whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be permitted. ~~Group homes.~~
- D. Essential services.
- E. Solar energy.
- F. Existing farming operations.
- G. Limit to two (2) cords of exposed wood.
- H. Manufactured homes, if such manufactured houses comply with the following conditions:
  - 1. The house may not have ground floor space of less than 800 square feet or a width of less than 20 feet at its narrowest point.
  - 2. The house must be placed on a permanent foundation which complies with the State Building Code and which are solid for the complete circumference of the house.
  - 3. The house must have exterior siding of conventional exterior dwelling-type materials. Metal siding must have horizontal edges and overlap in sections no wider than 12 inches. Sheet metal siding is not permitted.
  - 4. The house must be built in compliance with Minnesota State Building Code.
  - 5. Manufactured houses which vary from these requirements may be permitted in this zone when authorized by the Board of Adjustment. Before a variance is granted, the Board, must find that the value of the

adjacent property will not be diminished by the placement of the manufactured house. The variance must state any conditions which may be set by the Board in granting the variance.

~~Exterior grain bins shall not be permitted, excluding traditional wildlife feeders.~~

### **Subd. 3 – Permitted Accessory Uses.**

- A. Private garages and parking spaces ~~and car ports~~ for passenger cars, trucks, recreational vehicles and equipment.
- B. Home occupations, **as provided under Subsection 500.485 of this Section.**
- C. Detached accessory structures, **as provided under Subsection 500.48 of this Section.** ~~Tool houses and similar buildings for storage of domestic equipment and non-commercial recreational equipment may be placed so that building is accessible (for care and maintenance by said property owner) from all sides and can be moved in 25 hours if requested by city in writing. If not moved by the property owner within 24 hours, the city will move building at owner's expense. City will not be liable for damages sustained by moving. Maximum building size allowed for is 160 square feet. Rear or side yards abutting streets or alleys must comply with setbacks required for accessory uses. No permanent foundations will be allowed if said building is placed less than six feet from property line and/or top of a city utility easement.~~
- D. Signs associated with home occupations, **as provided under Subsection 500.35 of this Section.**
- E. ~~Temporary construction buildings.~~
- F. ~~Composting structures not exceeding 5 feet x 5 feet x 5 feet are allowed with the same structure placement stipulations as defined in 500.25, subdivision 3 c) for tool sheds. Composting of grasses, leaves, flowers, garden plants, coffee grounds, eggshells, fruits and vegetable scraps, is allowed. Composting of organic material must not create a nuisance as defined in section 2010.~~

### **Subd. 4 – Conditional Uses.**

- A. Governmental and public utility buildings and structures necessary for the health, safety, and general welfare of the community, **provided any structure is not within 30 feet of any lot line.**
- B. Residential planned unit developments regulated by Subsection 500.55 of this Code.

- C. Public or semi-public recreational buildings, community centers, day-care centers, libraries, museums, memorial buildings, senior citizens' centers, and bed and breakfast housing, provided any structure is not within 30 feet of any lot line.
- D. Churches and schools, provided any structure is not within 30 feet of any lot line.
- E. Day care facilities and nursery schools, provided not less than 30 square feet of outside play space per pupil is available.
- F. Nursing homes, rest homes, and retirement homes, provided the buildings are not less than 50 feet from a lot line abutting an R-1 single and two-family residential district.
- G. Manufactured home parks, provided they shall:
  - 1. Be served by public sewer and water systems.
  - 2. Have any private roadways installed to City specifications as determined by the City Council.
- H. State licensed residential facility serving from seven (7) through sixteen (16) persons or a licensed day care facility serving from thirteen (13) through sixteen (16) persons, providing:
  - 1. The conditional use permit requirements of this Ordinance are considered and satisfied.
  - 2. When abutting a residential use in an area guided toward future residential development within the Comprehensive Plan the required side yard width is doubled and a landscaped buffer yard is provided. The required landscaped buffer yard shall screen the buildings/structures and parking lots from the view of the abutting residential use. The City Clerk or designee shall approve the appropriateness of the landscaped buffer yard.
  - 3. The use complies with off-street parking requirements set forth in this Ordinance.

**Subd. 5 – Interim Uses.**

- A. Off-premise commercial site improvements adjacent to commercially zoned property including fences, driveways, retaining walls, and parking areas. A principal use or structure is not required.

**Subd. 6 – Lot, Yard, Area and Height Requirements.**

- A.

Lot, yard, area, and height requirements*						
	Lot Area Sq. feet	Lot Width	Front Yard	Setbacks Side Yards	Rear Yard	Maximum Height
Single and two-family existing lots (8/30/72)	5,000	50 ft. or less	30 ft.	6 ft.	10 ft.	2 ½ stories or 30 feet
Existing lots (8/30/72)	5,000	50 ft. or more	30 ft.	10 ft.	10 ft.	2 ½ stories or 30 feet
New lots	15,000	50-100 ft.	30 ft.	10 ft.	10 ft.	2 ½ stories or 30 feet

\* Subsection 500.25, Subd. 6 (C)-(K) apply

B.

Accessory uses						
	Lot Area Sq. feet	Lot Width	Front Yard	Setbacks Side Yards	Rear Yard	Maximum Height
Single and two-family existing lots (8/30/72)	5,000	50 ft. or less	Not allowed in front yard 30 ft.	6 ft.	5 ft. unless rear loading then 10 ft.	18 feet
Existing lots (8/30/72)	5,000	51 ft. or more	Not allowed in front yard 30 ft.	10 ft.	5 ft. unless rear loading then 10 ft.	18 feet
New lots	15,000	50-100 ft.	Not allowed in front yard 30 ft.	10 ft.	5 ft. unless rear loading then 10 ft.	18 feet

- C. Property setbacks are from lot stakes to building overhang.
- D. Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback must be the average of the adjacent structures.
- E. On corner lot, the width of the side yard setback on the street side may not be less than twenty (20) ±5 feet.
- F. Each attached single family dwelling must meet the lot, yard, area, and height requirements of this subdivision, with the exception that: (1) the side yard setback requirement is waived for the shared party wall, and (2) the lot area requirement is

- reduced to 7,500 square feet per dwelling unit. Single family attached dwellings sharing a party wall shall not house more than two dwelling units. Each attached single family dwelling unit must have separate and individual front and rear entrances, and separate and individual water and wastewater service.
- G. ~~Accessory building must not exceed an overall height of 18 feet.~~ Church spires, water towers, and chimneys are exempt from **height** ~~these~~ requirements.
  - H. Lot coverage for principal and accessory buildings may not exceed 35% of the lot area.
  - I. Lots platted prior to this Code and not serviced by municipal water and wastewater will be considered as build-able at their current size. However, newly platted lots must be a minimum of ten acres when utilizing individual water and wastewater systems. All lots with access to city water and wastewater must utilize those services.
  - J. Each lot must have a minimum frontage on a street of **35** ~~50~~ feet.
  - K. For non-conforming lots refer to Subsection 500.53.

## **500.27: R-2, MULTI-FAMILY RESIDENTIAL DISTRICT**

### **Subd. 1 – Intent.**

It is the intent of this district to provide for multiple-family dwelling unit structures and directly related complementary uses.

### **Subd. 2 – Permitted Uses.**

- A. All permitted uses as allowed in an “R-1” Single and Two-Family Residential District.
- B. Multiple-family dwelling units.
- C. Boarding and rooming houses.
- D. Nursing homes, retirement homes.
- E. Private clubs and lodges not operating for profit.
- F. **Churches, places of worship.**

### **Subd. 3 – Permitted Accessory Uses.**

- A. All permitted accessory uses as allowed in an “R-1” Single and Two-Family Residential District and subject to applicable setback and height criteria set forth in Subsection 500.25, Subd. 6.
- B. Off-street loading and parking as provided under Subsection 500.43 of this Chapter.

**Subd. 4 – Conditional Uses.**

The following uses will require a conditional use permit based on the procedures set forth in Subsection 500.63 of this Code:

- A. All conditional uses, subject to the same provisions as allowed in the “R-1” Single and Two Family Residential District.
- B. Townhouses and residential planned unit developments.
- C. Clinics and other buildings for treatment of human beings contingent upon adequate parking being provided.
- D. Motels and hotels when located on property having access to state or federal highways.

**Subd. 5 – Lot Area, Width, Setbacks, and Height.**

- A. Minimum Lot Area.
  - 1. Single and two-family: as set forth in Subsection 500.25, Subdivision 6.
  - 2. Town-houses: 7,000 square feet per lot.
  - 3. Multiple-family: 16,000 square feet minimum up to eight units; each unit over eight shall provide an additional 2,000 square feet of lot area per unit.
- B. The minimum lot width will be:
  - 1. Single and two-family: as set forth in Subsection 500.25, Subdivision 6. Each lot must have a minimum frontage on a street of 35 feet.
  - 2. Town-houses: 60 feet. Each dwelling must have a minimum frontage on a front street of 35 feet.
  - 3. Multiple-family: 150 feet with a minimum of 75 feet fronting on a public right-of-way.
- C. Front yard setback: 30 feet.

- D. Side yard setback: 15 feet for each interior side yard; 25 feet for street side yard on corner lots. Multiple family structures shall provide an additional one-half (1/2) foot of setback per one (1) foot of height in excess of thirty-five (35) feet.
- E. Rear yard setback: 40 feet.
- F. Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback will be the average of adjacent structures. If there is only one adjacent structure, the setback will be the average of the required setback and the setback of the adjacent structure. In no case will the front yard setback requirement exceed 30 feet.
- G. Maximum structural coverage: Forty-five (45) percent.
- H. Maximum height:
  - 1. Single and two family dwellings and townhomes: two and one-half (2½) stories or thirty (30) feet.
  - 2. Multiple family dwellings: four stories or fifty (50) feet.
- I. Lots without municipal water and sewer shall not be considered for multiple-family use.

**500.29: C-1, CENTRAL AND NEIGHBORHOOD COMMERCIAL DISTRICT**

**Subd. 1 – Intent.**

The purpose of the C-1 Central and Neighborhood Commercial District is to provide for the establishment of commercial and service activities which draw and serve customers from the community and its surrounding areas within the ‘downtown’ area of the original townsite. The C-1 Central and Neighborhood Commercial District is intended to provide areas appropriate for pedestrian oriented retail uses, professional offices, professional services uses, single family uses, multiple family uses and mixed commercial/residential uses particularly in transitional situations between zones of varying intensities

~~It is the intent of this district to provide for the establishment of commercial and service activities that draw from and serve customers from the city and its surrounding areas.~~

**Subd. 2 – Permitted Uses.**

- A. Business services including banks, professional offices, and professional services. ~~postal stations.~~

- B. Post offices, City Hall, and other public/institutional uses.
- C. Clothing sales and services including tailor and dry-cleaning and laundry establishments. ~~Laundromats, dressmaking and tailor shops, shoe repair shops.~~
- D. Retail sales and repair services including electronics ~~radio and television shops,~~ household appliances, furniture, lighting, or similar household trade items.
- E. Plumbing, electrical, and HVAC contractor shops providing they have retail showrooms.
- F. Food services including grocery stores, fruit, vegetable and meat markets, supermarkets, restaurants, cafes, delicatessens, candy shops, and bakeries whose products are sold only at retail on the premises.
- G. Personal services including drug stores, hardware stores, stationary and bookstores, news shops, apparel shops, showrooms for articles to be sold at retail, flower shops, commercial greenhouses, Laundromats, convenience stores and video stores.
- H. Personal services including barber and beauty shops, reducing salons, photographic shops, funeral homes, and tanning salons.
- I. Dwelling unit(s) in conjunction with commercial uses provided:
  - 1. Separate and independent access from the commercial unit(s) is provided.
  - 2. The use is adjacent to or provides off-street parking, and
  - 3. The ground level is solely for permitted commercial activities.
- J. Governmental and public utility buildings and structures.
- K. Essential services.
- L. ~~Recreational services including~~ Theaters, bowling lanes, clubs, and lodges.
- M. Hotels, motels, taverns, private clubs, and lodges.
- N. Clinics and other buildings for the treatment of human beings.

**Subd. 3 – Permitted Accessory Uses.**

- A. Off-street parking and loading areas in compliance with Subsection 500.43 of this Code.



- B. Commercial or business buildings for a use accessory to the principal use providing the standards of Subsection 500.25, Subd. 6 are met.
- C. R-1 attached or detached garages where a non-conforming R-1 principal use has already been established, subject to Lot Area, Width, Setbacks, and Height requirements set forth under Ordinance 500.25, Subd. 6.

~~Drive in restaurants, drive in banks, and other drive in services.~~

#### **Subd. 4 – Conditional Uses.**

- A. Open outdoor sales, services, or rental as an accessory use provided:
  - 1. The area is fenced or screened from the abutting properties.
  - 2. Sales areas are properly surfaced to control dust.
- B. Automobile service stations including sales, gasoline service stations, and automobile repair garages, provided that a filling station, public garage, or motor fuel station may not be located within 200 feet of a school, church, hospital, or meeting place having a seating capacity of more than 50 persons.
- C. Public transportation terminals and service stations.
- D. Buildings used for research and testing laboratories, storage buildings, or distributing station.

#### **Subd. 5 – Lot, Yard, Area and Height Requirements.**

- A. Lots of Record as of June 1, 2014:
  - 1. Front yard: None.
  - 2. Side yard: None, unless abutting a residential district, then a landscaped buffer approved by the City Council is required.
  - 3. Rear yard: None, unless abutting a residential district, then a landscaped buffer approved by the City Council is required.
  - 4. Height: Maximum height of three (3) stories or 45 feet.
- B. Lots created after June 1, 2014:
  - 1. Minimum Lot Size: 10,000 square feet.
  - 2. Minimum Lot Width: 100 feet.

3. Front/Corner Yard Setback: 20 feet.
4. Interior Side Yard Setback: 10 feet, plus landscaped buffer approved by the City Council if abutting a residential area.
5. Rear Yard Setback: 10 feet, plus a landscaped buffer approved by the City Council if abutting a residential area.
6. Maximum Height: Two stories or 35 feet.
7. Maximum Structural Coverage: Fifty (50) percent of lot area.

### **500.31: C-2 COMMUNITY COMMERCIAL DISTRICT**

#### **Subd. 1 – Intent.**

The purpose of the C-2 Community Commercial District is to provide space for general business and commercial activities dependent upon high volumes of vehicular traffic. The intent of this Subsection is to provide locations where the vehicular-oriented activities can be maximized with minimal infringement on residential neighborhoods and with minimal conflicts with uses allowed in the C-1 Central and Neighborhood Commercial District.

It is the intent of this district to provide for and limit the establishment of automobile oriented or dependent commercial and service activities.

#### **Subd. 2 – Permitted Uses.**

- A. Auto accessory stores.
- B. Automobile (truck, snowmobile, motorcycle, and marine) sales and service.
- C. Commercial recreational services.
- D. Farm implement sales and services.
- E. Motels and hotels.
- F. Tourist oriented retail stores.
- G. Residences when occupied in connection with the commercial use and part of the principal structure.
- H. Restaurants, cafes, taverns, and grocery stores.

- I. Drive-in restaurants, drive-through banks, and other drive-in services.

**Subd. 3 – Permitted Accessory Uses.**

- A. All permitted accessory uses in the “C-1” Central and Neighborhood Commercial District.
- B. Off-street parking and loading facilities including semi-trailers as provided for under Subsection 500.43 of this Code.

**Subd. 4 – Conditional Uses.**

The following uses require a conditional use permit based on the proceedings set forth in Subsection 500.63 of this Code:

- A. All conditional uses allowed in the “C-1” Central and Neighborhood Commercial District.
- B. Open air display areas for the sale of manufactured products such as lawn and garden furniture, hardware items, nursery stock, or rental of manufactured products or equipment, including mobile home sales lots.
- C. Recreational camping areas provided:
  - 1. Land area is suitable and adequate for the proposed use.
  - 2. The site is serviced by an adequately paved arterial street.
  - 3. Utilities are provided to each site and approved by the City Council.
- D. Retail sales and services on an individual basis.

**Subd. 5 – Lot, Yard, Area and Height Requirements.**

A.

Lot area and yard setbacks				
Sq. feet	Lot Width	Front and Corner Yard	Interior Side Yard	Rear Yard
10,000 sf 10 Acres	100 ft.	30 ft.	10 ft.*	10 ft.*

\* A fifteen (15) foot landscaped buffer yard approved by the City Council is required for every commercial parcel directly abutting a residential lot.

- B. Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback is the average of the adjacent structures. If there is only one adjacent structure, the setback is the average of the required setback and the setback of the existing structure. The front yard setback requirement will not exceed 30 feet in any case.
- C. On corner lots, the side yard shall be 30 feet or in line with the adjacent structures on the same block provided this does not reduce the build-able width to less than 30 feet.
- D. Height: Maximum Height: 2 ½ stories or thirty (30) feet.
- E. Maximum Surface Coverage: Fifty (50) percent.
- F. Minimum lot frontage on a public street: Fifty (50) feet.

### **500.33: I-1 GENERAL INDUSTRIAL DISTRICT**

#### **Subd. 1 – Intent.**

It is the intent of this district to provide for and allow a wide range of industrial, warehousing, and wholesale bulk commercial activities in locations that will not conflict with other uses.

~~All permitted, permitted accessory, and conditional uses of C-1 (Community Commercial) and C-2 (Highway Commercial) districts are allowed.~~

#### **Subd. 2 – Permitted Uses.**

- A. A branch of trade or industry employing labor and capital, activities not allowed in commercial districts, activities that do not require steam, diesel, or gasoline engines as a prime mover, excepting that no industry or use noxious by reason of odor, dust, smoke, noise, or gas may be included which interferes with other permitted uses.
- B. Light industrial uses including light manufacturing, fabrication, assembly, and production.
- C. Building materials, storage yards, lumber yards.
- D. Contractor equipment and storage yards.

- E. Food processing and distribution facilities.
- F. Wholesale business and warehousing.
  
- G. Industrial research laboratories.
  
- H. Machine shops, public and private garages.
  
- I. Public utility and service buildings and gas regulator stations.
  
- J. Outdoor recreational facilities.

**Subd. 3 – Permitted Accessory Uses.**

- A. Off-street parking and loading as regulated by Subsection 500.43 of this Code.
- B. Open and outdoor storage, as regulated by Subsection 500.475 of this Code.
- C. Offices clearly subordinate and accessory to a principal use.
- D. Residences when on the same parcel as the principal use **which are clearly subordinate to the principal use and which are** occupied by an individual employed by the principal use.
- E. Signs, as regulated by Subsection 500.35 of this Code.

**Subd. 4 – Conditional Uses.**

The following uses will require a conditional use permit based on the procedures set forth in Subsection 500.63 of this Code:

- A. Industrial storage and material recycling.
- B. Manufacturing of cement, concrete, lime gypsum, or plaster.
- C. Grain elevators and storage subject to height restrictions set forth as part of the conditional use permit.
- D. Livestock feeding yards, slaughtering of animals or stock yards.
- E. Other heavy industrial uses, except for the following:
  - 1. Distillation of bone, coal, tar, petroleum, refuse, grain, or wood.
  - 2. Explosive manufacture or storage.

3. Garbage, offal, dead animals, refuse, rancid fats, incineration, glue manufacturing, size or gelatin manufacturing where the processes include the refining or recovery of products from animal refuse or offal.
4. Petroleum or asphalt refining, manufacturing or storage.
5. Smelting or refining of metals from ores.
6. Steam and board hammers and forging presses.
7. Storing, curing and tanning of raw, green, or salted hides or skins.
8. Corrosive acid manufacturing or bulk storage thereof.
9. Junk yards.

~~Restaurants and confectioneries to serve the employees of the district.~~

~~Manufacture utility structures (hoop like buildings) to be enclosed and allowed no more than five years and installed per manufacturer's instructions.~~

**Subd. 5 – Lot, Yard Area and Height Requirements.**

A. <u>Lot Area Sq.Feet</u>	<u>Lot Width</u>	<u>Yard Setbacks</u>		
	<u>Front</u>	<u>Sides</u>	<u>Rear</u>	
One (1) acre	100 Ft.	40 Ft.	15 Ft.	20 Ft.

B. For corner lots, the setbacks from all street lines shall be 40 Ft.

C. Lot structural coverage shall not exceed 50%.

**500.35: SIGNS**

**Subd. 1 – Findings.**

- A. Exterior signs have a substantial impact on the character and quality of the environment.
- B. Signs provide an important medium through which individuals may convey a variety of messages.
- C. Signs can create traffic hazards, aesthetic concerns, and detriments to property values, thereby threatening the public health, safety, and welfare.
- D. The City has previously regulated signs in an effort to provide adequate means of expression and to promote the economic viability of the business community

while protecting the city and citizens from a proliferation of signs of a type, size, location, and character that would adversely impact the public health, safety, and welfare.

**Subd. 2 – Purpose and Intent.**

- A. Regulate the number, location, size, type, illumination, and other physical characteristics of signs within the city in order to promote the public health, safety, and welfare.
- B. Maintain, enhance, and improve the aesthetic environment of the city by preventing visual clutter that is harmful to the appearance of the community.
- C. Provide an effective means of communication, consistent with constitutional guarantees and the City's goals of public safety and aesthetics.
- D. Provide for fair and consistent enforcement of sign regulations under the zoning authority of the city.
- E. It is not the purpose or intent of this sign ordinance to regulate the message displayed on any sign, to regulate any building design or display not defined as a sign, or any sign which cannot be viewed from outside of a building.

**Subd. 3 – Effect.**

- A. Allow a wide variety of sign types in commercial zones and a more limited variety of signs in other zones subject to the standards herein.
- B. Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this Section.
- C. Prohibit signs whose location, size, type, illumination, or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having lesser impact on the environment and the public health, safety, and welfare.
- D. Provide for enforcement of this Section through the enforcement provisions contained in the Zoning Ordinance.
- E. A sign may be erected, displayed, or maintained in the city if it is in conformance with the provisions of these regulations.

**Subd. 4 – Definitions.**

- A. Commercial Speech: Speech advertising a business, profession, commodity, service, or entertainment.

- B. Multiple Tenant Site: A site which has more than one tenant and each tenant has a separate ground level exterior public entrance.
- C. Non-Commercial Speech: Dissemination of messages not classified as Commercial Speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service, and informational topics.
- D. Sign: Any letter, word, symbol, poster, picture, statuary, reading matter, or representation in the nature of advertisement, announcement, message, or visual communication whether painted, posted, printed, affixed, or constructed, including all associated brackets, braces, supports, wires, and structures, which is displayed for informational or communicative purposes.
- E. Sign, Abandoned: A sign shall be defined as abandoned when one of the following occurs:
  - 1. A sign and/or supporting structure remains without a message or whose display surface remains blank for a period of one or more years.
  - 2. A sign pertains to a time, event, or purpose which no longer applies.
  - 3. A sign remains after demolition of a principal structure and a building permit has not been issued for construction of a replacement principal structure.
- F. Sign, Awning: A building sign or graphic printed on or in some fashion attached directly to the material of an awning which projects over a window, walk, or the like. Any part of an awning which also extends over a door shall be considered an awning.
- G. Sign, Business: A sign attached to or supported by any structure used or intended for supporting or sheltering any use or occupancy.
- H. Sign, Canopy: A sign that is part of or attached to a canopy or structural protective cover over a door or entrance.
- I. Sign, Face: The surface of the sign upon, against, or through which the message of the sign is exhibited.
- J. Sign, Flashing: Any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use.
- K. Sign, Freestanding: A sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.



- L. Sign, Ground: A freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a total height not exceeding eight feet.
- M. Sign, Height: The vertical distance measured from the base of the sign at average grade to the top of the highest attached component of the sign.
- N. Sign, Illuminated: Any sign which has characters, letters, figures, designs, or outlines illuminated by internal or external electric lights or luminous tubes as part of the design.
- O. Sign, Monument: A freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a total height not exceeding eight feet.
- P. Sign, Nameplate: Any sign which states the name or address or both of the business or occupant of the lot where the sign is placed.
- Q. Sign, Non-Conforming: A sign and its support structure lawfully erected prior to the effective date of this Section which fails to conform to the requirements of this Section.
- R. Sign, Off-premise: A commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same premises where such business sign is located. Easements shall be considered to be outside such platted parcels of land and any sign located or proposed to be located in an easement or shall be considered an off-premise sign.
- S. Sign, On-premise: A sign which identifies or advertises an establishment, person, activity, goods, products, or services located on the premises where the sign is installed.
- T. Sign, Portable: A sign purposefully designed to be transported, including by trailer or on its own wheels.
- U. Sign, Projecting: Any sign which is affixed to a building or wall in such a manner that its leading edge extends more than two feet beyond the surface or such building or wall face.
- V. Sign, Pylon (pole sign): A freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open.
- W. Sign, Roof: A sign erected and constructed wholly on and above the roof of a building, supported by the roof structure, and extending vertically above the

- highest portion of the roof.
- X. Sign, Rotating: A sign which revolves or rotates on its axis by mechanical means.
  - Y. Sign, Structure: Any structure including the supports, uprights, bracing, and framework which supports or is capable of supporting any sign.
  - Z. Sign, Stringer: A line of string, rope, cording, or an equivalent to which is attached a number of pennants.
  - AA. Sign, Surface Area of: The entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface, not including any structural elements outside the limits of such sign and not forming an integral part of the display, (only one side of a double-face or V-type structure shall be used in computing total surface area.)
  - BB. Sign, Suspended: A building sign that is suspended from the underside of a horizontal plane surface and is connected to this surface.
  - CC. Sign, Wall: A building sign attached parallel to but within two feet of a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign face.
  - DD. Sign, Window: A building sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes/glass and is visible from the exterior of the window.
  - EE. Total Site Signage: The maximum permitted combined area of all freestanding and wall identification signs allowed on a specific property.

~~Sign. A name, identification, description, display, illustration or device which is fixed to or painted or represented directly or indirectly upon a building or other outdoor surface or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business.~~

~~b) Business Sign. A sign which directs attention to a business, its name or address, located on the premises of the business, or to a commodity, service or entertainment sold or offered upon the premises where such sign is located.~~

~~e) Temporary Sign. A sign that is defined by the period of time it exists within city limits. The maximum period of time for which a temporary sign may be permitted is one hundred and twenty (120) days. It is understood that by federal law, political campaign signs are exempt from all sign regulation and therein exempt from this Code.~~

- d) ~~Off-premise Sign (Billboard). 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~~
- e) ~~Flashing sign. An illuminated sign on which such illumination is not kept stationary or in constant intensity or in color at all times when such sign is in use.~~
- f) ~~Illuminated sign. A sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as part of the sign.~~
- g) ~~Surface area of sign. The entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface, not including any structural elements outside the limits of such sign and not forming an integral part of the display.~~

#### **Subd. 5 – Permit Required.**

- A. No sign shall be erected, altered, reconstructed, maintained, or moved in the City without first securing a permit from the City. The content of the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit. Application for a permit shall be in writing and shall contain the following information:
  - 1. Name(s) and address(es) of the owners of the display structure and property;
  - 2. The address(es) at which sign(s) is/are to be erected;
  - 3. The legal description of the subject property;
  - 4. The type of sign;
  - 5. The cost of the sign;
  - 6. The proposed sign dimensions and placement on the subject property;
  - 7. If the proposed sign is located within a public road right of way or an easement, the Applicant must obtain written permission from the appropriate jurisdiction. A copy of said written permission, if provided by a jurisdiction other than the City of Freeport, may be required.
- B. The permit application shall be accompanied by the required fee as specified by the fee schedule.
- C. The City shall approve or deny the permit within the time period under Mn. Stat. 15.99. If the requirements of this Section and other applicable standards contained within the Zoning Ordinance are met the permit shall be approved.

#### **Subd. 6 – Exceptions.**

A. The following signs shall not require a permit. Although exempt from permitting requirements, this Subdivision shall not relieve the owner of the sign from the responsibility of its erection and maintenance, and compliance with the provisions of this ordinance or any other law or ordinance regulating the same:

1. The changing of the display surface on a painted or printed sign, except a sign painted directly on a building.
2. Signs eighteen (18) square feet or less in size.
3. Public safety and traffic management signs erected by governmental units.

#### **Subd. 7 – General Requirements.**

A. Off premise signs may only be permitted as conditional uses on property abutting Interstate 94 and zoned for industrial purposes subject to the procedures set forth in Subsection 500.63 of this Code.

~~For the purpose of selling or promoting a commercial or an industrial project, one sign not to exceed one hundred thirty (130) square feet with no more than two (2) surfaces, may be erected upon the project site.~~

~~A sign may not be erected or maintained so as to prevent free ingress or egress from any door or window or fire escape. A sign may not be attached to a standpipe or fire escape.~~

#### **B. Setbacks.**

1. Signs shall be setback a minimum of five feet from a property line, except within the Central and Neighborhood Commercial District.
2. Signs shall not be placed in highway, street, or utility easements until the Applicant obtains written permission from the appropriate jurisdiction. A copy of said written permission, if provided by a jurisdiction other than the City of Freeport, may be required. Signs proposed to be placed within municipal easements shall require issuance of an administrative permit.
3. Signs shall not obstruct a clear sight triangle at each corner of any intersection of two public streets and/or the intersection of a public street and a railway. Said clear sight triangle shall be defined as beginning at the intersection of the projected curb lines of two intersecting streets or a street and a railway, then proceeding twenty-five feet along one curb line, then proceeding diagonally to a point of twenty-five feet from the point of beginning on the other curb line and then proceeding to the point of beginning. In the event the City Engineer finds the required sight triangle inadequate, additional clear areas shall be required.

Signs are required to follow the setback and side yard requirements for other structures in the district where located, provided that where a drive-in service or parking is permitted, one ground business sign not exceeding 35 square feet in area may be erected in any required front yard or setback area; however, it may not be located closer to the street or highway right-of-way than the required setback distance.

- C. Signs or marquees which may extend beyond the building line may not be constructed to extend within one foot of the traveled roadway, provided that the sign does not extend **more than** seven feet from the building wall.
- D. ~~Illuminated signs may be permitted, but flashing signs shall only be allowed as a conditional use.~~ No lighting for signs shall directly reflect light beams onto any public street or residential lot structure. **Light trespass shall not exceed one-half (1/2) candle foot at any property line shared by the subject parcel and a public street/alley or the subject parcel and a residential district. External illumination for signs shall be constructed and maintained so that the source of light (e.g. bulb or illumination tube) is not visible from the public right-of-way or residential property.** ~~Signs may not be illuminated beyond any lot line.~~

~~No sign shall, by reason of position, shape or color interfere in any way with the proper functioning or purpose of a traffic sign or signal.~~

- E. The owner, lessee or manager of any sign or the owner of the land on which the same is located, must keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which the sign is located.
- F. A sign or sign structure that may be, or may hereafter become, rotted, unsafe or unsightly must be repaired or removed by the licensee, owner or manager of the property upon which the sign stands upon written notice of the City Clerk.

**G. Electrical signs must be installed in accordance with the current electrical code.**

**H. The following are unauthorized signs:**

- 1. Any sign, signal, marking, or device which is similar to or imitates an official traffic control device, railroad sign or signal, and/or emergency vehicle signal.**
- 2. Signs painted, attached, or in any way affixed to trees, public utility poles, bridges, towers, or similar structures.**
- 3. Signs obstructing any window, door, fire escape, stairway, or opening intended to provide light, air, or access to any building.**

**I. Calculation of Sign Area:**

1. The area within the sign frame shall be used to calculate the square footage.
2. Square footage of signs mounted directly on a wall, window, or other structural surface without a sign frame shall be determined by drawing a box around the outermost periphery of letters or graphics. The square footage shall be that of the box surrounding the said letters or graphics.
3. Each surface used to display a message or to attract attention shall be measured as a separate sign and shall be calculated in the overall square footage.

J. Notwithstanding any other provision of this Section, all signs of any size containing non-commercial speech as defined in Subdivision 4 of this Subsection, may be posted from August 1 in any general election year until ten days following the general election and thirteen weeks prior to any special election until ten days following the special election

**Subd. 8 – Signs in Commercial Districts.**

- A. The number of square feet of business sign area on a lot may not exceed five square feet for each lineal foot of lot frontage, or 20% of the building frontage area, or 125 square feet in area, whichever is greater. ~~Nearby residential districts must be protected from direct light if these signs are illuminated.~~
- B. ~~Shopping centers~~ **Multi-Tenant Structures:** One incidental sign not exceeding two square feet in area for each lineal foot of a building width or a total frontage of all buildings, announcing only the name or location or both of **the multi-tenant structure** ~~shopping center or buildings in the center~~, may be erected without reduction of the square foot allowance.
- C. Business signs may be attached to or erected flat against the wall of buildings. Business sign structures may be single face, double face, or “V” type. Business signs may not be erected within 100 feet of any abutting residential district if designed to face directly into such district.  
  
~~One “for rent” or “for sale” sign not exceeding 30 square feet in area is permitted; a corner lot may have two such signs.~~
- D. Signs attached to or erected flat against the wall of a building shall not extend in height above the wall of that building by more than 50% of the height of the wall to which the sign is attached.
- E. Signs mounted on a building on or above the roof line shall not extend in height above the roof line of that building by more than 50% of the height of the

structure to which the sign is attached.

- F. Signs that are freestanding shall not extend in height above the roof line of the tallest building by more than 50% of the height of the tallest building located on the same parcel.

**Subd. 9 – Signs in Industrial Districts.**

- A. The number of square feet of business sign area on a lot may not exceed two square feet for each lineal foot of lot frontage or 10% of the building frontage area, or 75 square feet in area, whichever is greater. ~~Nearby residential districts must be protected from direct light if these signs are illuminated.~~
- B. Business signs may be attached to or erected flat against the wall of buildings. If free standing, they must observe all setbacks and side yard lines. Business sign structures may be single face, double face, or “V” type. Business signs are subject to the same setback limitations as other buildings or structures in the districts in which they are located and may not be erected within 100 feet of any abutting residential district if designed to face directly into such district.

~~One “for rent” or “for sale” sign not exceeding 30 square feet in area is permitted; a corner lot may have two such signs.~~

- C. Signs attached to or erected flat against the wall of a building shall not extend in height above the wall of that building by more than 50% of the height of the wall to which the sign is attached.
- D. Signs mounted on a building on or above the roof line shall not extend in height above the roof line of that building by more than 50% of the height of the structure to which the sign is attached.
- E. Signs that are freestanding shall not extend in height above the roof line of the tallest building by more than 50% of the height of the tallest building located on the same parcel.

**Subd. 10 – Signs in Residential Districts.**

~~The following signs may be erected, hung, placed or painted without a permit.~~

- A. One name plate sign **per lot** is allowed. ~~announcing only the name of the occupants or location or both of a residence.~~

~~One bulletin board not exceeding 24 square feet in area for churches, schools, hospitals or public or semi-public institutions. Illumination must be diffused or indirect and the sign must be set back at least one-third the distance of any required side yard or setback from any property line.~~

~~One unlighted real estate “for sale” or “for rent” sign not exceeding four square feet.~~

- B. One home occupation business sign may be erected on each lot wherein a licensed home occupation is being conducted providing the sign does for each use other than residential, which may not exceed six square feet in area and must not be illuminated.
- C. A sign for a conditional-use property in an R-1 District or a sign for a permitted or conditional use in the R-2 District is eligible for one sign per street frontage. Said sign shall not exceed thirty-two (32) feet in total area and ten (10) feet in height. ~~may be no larger than eight square feet, must be attached to the building, and must not be illuminated.~~

#### **Subd. 11 – Off-Premise Signs.**

- A. Off-premise signs shall only be permitted as a conditional use in industrial districts on lots abutting Interstate 94.
- B. The surface area of both sides of an off-premise sign located along Interstate Highway 94 shall not be more than six hundred (600) square feet. ~~On all other streets, the surface area of both sides of an Off premise sign (billboard) shall not be more than four hundred (400) square feet.~~
- C. No off-premise sign shall be located within five hundred (500) feet of parks, historical sites, public picnic or rest areas, or within two hundred (200) feet of church or school property.
- D. No off-premise sign shall be located closer than thirty-five hundred (3500) feet horizontal distance from any other advertising sign measured in any direction.
- E. Off-premise signs shall not exceed thirty (30) feet in height above the average ground level at the base of the sign.
- F. ~~Notwithstanding the foregoing, the City of Freeport shall be permitted to erect Off premise (billboard) signs to be used for the purpose of promoting economic development, providing recognition of the City, and for public interest announcements.~~

#### **Subd. 12 – Non-Conforming Signs.**

- A. Existing signs attached to a non-conforming building or pertaining to ~~or advertising products sold on the premises of~~ a non-conforming use may be continued only as long as the non-conforming use is permitted to continue. Such signs attached to a non-conforming building or pertaining to a non-conforming



use shall not be expanded, intensified, or increased in number, area, height, or illumination. New signs shall comply with all regulations relating to signage and may be erected only after all other signs existing at the time of the adoption of this Ordinance have been removed. The accumulated square footage of new signs installed shall not exceed the square footage of signs previously on site, or the amount allowed in the City's sign ordinance, whichever is less. New signs may not be illuminated unless the previous sign was illuminated. The level of illumination in terms of volume, brightness, area covered, and/or size shall not be allowed to increase over that of the prior-existing sign.

- B. The standards of Section 500.53 of the City Code (Non-Conformance) shall apply to signs.

### **Subd. 13 – Substitution Clause.**

The owner of any sign which is otherwise allowed by this sign ordinance may substitute non-commercial copy in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting

~~Existing signs that do not conform to the specific provisions of this Code may continue to be used provided that:~~

- ~~1) The city council determines such signs are properly maintained and do not in any way endanger the public, and~~
- ~~2) The sign was installed in conformance with a valid permit or variance, or complied with all applicable laws then in effect.~~

~~A non-conforming sign's continued use becomes illegal and subject to the violation provisions of this Code if:~~

- ~~1) The sign is relocated or replaced, or~~
- ~~2) The structure or size of the sign is altered in any way except toward compliance with this Ordinance. This does not refer to change of copy or normal maintenance.~~
- ~~e) Non-conforming signs are subject to all requirements of this Code regarding safety, maintenance, and repair.~~
- ~~d) If a non-conforming sign suffers more than 50 percent damage or deterioration, based on the market value, it shall be brought into conformity with this Code or removed.~~
- ~~e) If the use of a non-conforming sign is discontinued for a period of one year, it shall be brought into conformity with this Code or removed.~~

## **500.37: SHORELAND OVERLAY DISTRICT**

### **Subd. 1 – Intent.**

The uncontrolled use of shorelands in the city affects the public health, safety, and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of public health, safety, and welfare to provide for the wise development of shorelands and flood plain areas. The Legislature of Minnesota has delegated responsibility to the municipalities of the State to regulate the subdivision, use, and development of the shorelands and flood plains and thus preserve and enhance the quality of surface waters, preserve the economic and natural values of shorelands and provide for the wise utilization of waters and related land resources.

**Subd. 2 – Shoreland Management Classification.**

In order to guide the wise development and utilization of shorelands of public waters for the preservation of water quality, natural characteristics, economic values and the general health, safety, and welfare, all public waters, in the city have been given a shoreland management classification. The public waters of the city have been classified by the Commissioner of the Department of Natural Resources as follows:

- A. Recreational Development Lake - Freeport Lake

**Subd. 3 – Shoreland Overlay District.**

The shorelands of the city are designated as a shoreland overlay district. The purpose of the shoreland overlay district is to provide for the wise utilization of shoreland areas in order to preserve the quality and natural character of public waters of the city.

- A. Permitted uses. All permitted uses allowed and regulated by the applicable zoning district underlying this shoreland overlay district as indicated on the official zoning map of the city.
- B. Conditional uses. All conditional uses and applicable attached conditions allowed and regulated by the district as indicated on the official zoning map of this city. Notice of all requests for conditional uses and variances must be forwarded to the Department of Natural Resources at least ten days prior to any hearing.
- C. General provisions. The following standards apply to all shorelands of all public waters within the city. All development must utilize city utilities. Where the requirements of the underlying zoning district as shown on the official zoning map are more restrictive than those set forth herein, then the more restrictive standards apply:

- 1.

Freeport Lake Recreational Development Waters	
<b>Lot area (ft.)</b>	20,000
<b>Water frontage and lot at building line (ft.)</b>	150

<b>Building setback from ordinary high water mark (ft.)</b>	100
<b>Building setback from roads and highways (ft.)</b>	50 State or County 30 City or private
<b>Placement of roads and parking lots from ordinary high water mark (ft.)</b>	75
<b>Elevation of lowest floor above highest known water level (ft.)</b>	3
<b>Total lot area covered by impervious surface (%)</b>	30

**Subd. 4 – Lots of Record.**

Lots of record in the Office of the County Recorder on July 29, 1980, are allowed as building sites provided:

- A. Such is permitted in the zoning district,
- B. The lot is in separate ownership from abutting lands, and
- C. Sanitary and dimensional requirements of this Code are complied with insofar as practicable.

**Subd. 5 – Shoreland Alterations.**

- A. Removal of natural vegetation must be restricted to prevent erosion into public waters, to consume nutrients in the soil, and to preserve shoreland aesthetics. Removal of natural vegetation in the shoreland over land district is subject to the following provisions:
  - 1. Selective removal of natural vegetation will be allowed, provided that sufficient vegetative cover remains to screen cars, dwellings, and other structures when viewed from the water.
  - 2. Clear cutting of natural vegetation must be prohibited.
  - 3. Natural vegetation must be restored insofar as feasible after any construction project is completed in order to retard surface runoff and soil erosion.
  - 4. The provisions of this Subsection do not apply to permitted uses that normally require the removal of natural vegetation.
- B. Grading and filling in shoreland areas or any alterations of the natural topography where the slope of the land is toward public water or a water course leading to a

public water must be authorized by a conditional use permit. The permit may be granted subject to the conditions that:

1. The smallest amount of bare ground is exposed for a short time is feasible,
  2. Temporary ground cover, such as mulch, is used and permanent ground cover, such as sod, is planted.
  3. Methods to prevent erosion and trap sediments are employed, and
  4. Fill is stabilized to accepted engineering standards.
- C. Excavations on shorelands where the intended purpose is connection to public water, requires a permit from the City Council before construction is begun. The permit may be obtained only after the Commissioner of the Department of Natural Resources has issued a permit for work in the beds of public waters.

#### **Subd. 6 – Subdivision Provisions.**

- A. Land may not be subdivided that is held unsuitable by the City for the proposed use because of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply, or sewage disposal capabilities, or any other feature likely to be harmful to the health, safety, or welfare of future residents of the proposed sub-division, or of the City.
- B. Plats that are inconsistent with the shoreland district must be reviewed by the Commissioner of Natural Resources before approval by the municipality may be granted. The review requires that the proposed plats be received by the commissioner at least ten days before a hearing is called by the City for consideration of approval of a final plat.
- C. Copies of all plats within shoreland areas, must be submitted to the Commissioner within ten days of final approval by the City.

#### **Subd. 7 – Administration.**

~~The following definitions are provided to clarify the application of this Subsection.~~

~~“Ordinary high water mark” means a mark delineation the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.~~

~~“Shoreland” means land located within the following distances from public water:~~