

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.

Ground Mounted Solar Energy System. A freestanding solar energy system mounted to the ground by use of racks, poles, stabilizers or similar apparatus that is directly connected to and designed to serve the energy needs of the Principal Structure to which it is connected.

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:

1. Gainful occupations or professions engaged in by the occupant(s) of a dwelling;
2. Which are carried on within a dwelling unit or structure(s) accessory thereto; and,
3. 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.

Landscaped Buffer. A portion of a required setback between adjoining properties wherein the natural terrain is altered to provide an opaque screen. Alteration of the natural terrain, may include, but is not limited to the planting of trees, ornamental grass, shrubs, other ground cover, and/or the construction of a berm or fence. Where berming or fencing is employed trees vegetative landscaping shall accompany the berm or fence.

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:

1. Within restaurant building;
2. Within a motor vehicle parked on the premises; or
3. Off the premises as carry-out orders; and whose principal method of operation includes the following characteristics:
 - a. Food and/or beverages are usually packaged prior to sale and are served in edible containers or in paper, plastic, or other disposable containers;
 - b. 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:

1. 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;
2. 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.

Roof or Building Mounted Solar Energy System. A solar energy system that is mounted to the roof or building using brackets, stands, or other apparatus that is directly connected to and designed to serve the energy needs of the building to which it is attached.

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.

Solar Energy System. A solar energy system that collects or stores solar energy and transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical, or chemical means.

Solar Garden. A freestanding solar energy system mounted to the ground by use of racks, poles, stabilizers or similar apparatus that provides electric power for sale at wholesale or retail.

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

1. 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

2. Be provided with the yards specified,
3. Be on a lot of the area and width specified, and
4. May not exceed the height specified in this Code for the district.
5. 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:

1. “A” Agricultural/Rural Residence
2. “R-1” Single and Two-Family Residential District
3. “R-2” Multiple Family Residential District
4. “C-1” Central and Neighborhood Commercial District
5. “C-2” Highway Commercial District
6. “C-3” Highway Commercial District
7. “I-1” General Industrial District
8. “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, Agriculture/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.

Subd.2 Permitted Uses

1. 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.
2. Single-family dwellings.
3. Public parks, recreational areas, wildlife areas, and game refuges.
4. Nurseries and tree farms.
5. Essential services.

Subd.3 Permitted Accessory Uses

1. 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.
2. Boarding or renting of rooms to not more than two persons.

3. Living quarters for persons employed on the premises.
4. Home occupations, subject to the standards contained in Subsection 500.485 of this Section.
5. Signs as regulated in the R-1 Single and Two Family Residential District.
6. Roadside stands for the sale of agricultural products.
7. **Ground, roof, and building mounted solar energy systems.**

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:

1. Governmental and public utility buildings and structures necessary for the health, safety, and general welfare of the community.
2. Commercial outdoor recreational areas including golf courses, club houses, swimming pools, and similar facilities.
3. 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.
4. 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.
5. Churches, schools, and similar uses.
6. **Solar Gardens.**
7. 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 6/1/14	Lot Area - Lots Created After 6/1/14	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

1. Single and two-family dwellings.
2. Attached single family dwellings, not exceeding four units per structure.
3. 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.
4. Essential services.

5. **Solar energy.**
6. Existing farming operations.
7. Limit to two (2) cords of exposed wood.
8. Manufactured homes, if such manufactured houses comply with the following conditions:
 - a. 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.
 - b. 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.
 - i. 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.
 - ii. The house must be built in compliance with Minnesota State Building Code.
 - iii. 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.

Subd.3 Permitted Accessory Uses

1. Private garages and parking spaces for passenger cars, trucks, recreational vehicles and equipment.
2. Home occupations, as provided under Subsection 500.485 of this Section.
3. Detached accessory structures, as provided under Subsection 500.48 of this Section.
4. Signs associated with home occupations, as provided under Subsection 500.35 of this Section.
5. **Roof and building mounted solar energy systems.**

Subd.4 Conditional Uses

1. 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.
2. Residential planned unit developments regulated by Subsection 500.55 of this Code.
3. 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.
4. Churches and schools, provided any structure is not within 30 feet of any lot line.
5. Day care facilities and nursery schools, provided not less than 30 square feet of outside play space per pupil is available.
6. 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.
7. Manufactured home parks, provided they shall:
 - a. Be served by public sewer and water systems.
 - b. Have any private roadways installed to City specifications as determined by the City Council.
 - c. 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:
 - i. The conditional use permit requirements of this Ordinance are considered and satisfied.
 - ii. 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.

8. The use complies with off-street parking requirements set forth in this Ordinance.

Subd.5 Interim Uses

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

Primary Use

	Lot Minimum		Setbacks (ft.)			Maximum
	Area Sq. feet	Width (ft.)	Front	Side	Rear	Height
Single and two-family existing lots (8/30/72)	5,000	50 or less	30	6	10	30'
Existing lots (8/30/72)	5,000	51 or more	30	10	10	30'
New lots	15,000	75	30	10	10	30'

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

Accessory Use

	Lot Minimum		Setbacks (ft.)			Maximum
	Area Sq. feet	Width (ft.)	Front	Side	Rear	Height (ft.)
Single and two-family existing lots (8/30/72)	5,000	50 or less	Not allowed	6	5, unless rear loading then 10 ft.	18 feet
Existing lots (8/30/72)	5,000	51 or more	Not allowed	10	5, unless rear loading then 10 ft.	18 feet
New lots	15,000	75	Not allowed	10	5, unless rear loading then 10 ft.	18 feet

1. Property setbacks are from lot stakes to building overhang.
2. 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.
3. On corner lot, the width of the side yard setback on the street side may not be less than fifteen (15) feet.
4. 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.
5. Church spires, water towers, and chimneys are exempt from height requirements.
6. Lot coverage for principal and accessory buildings may not exceed 35% of the lot area, except that lots of 7,500 square feet or less may have lot coverage of up to but not exceeding 45 percent.

7. 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.
8. Each lot must have a minimum frontage on a street of 35 feet.
9. 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

1. All permitted uses as allowed in an “R-1” Single and Two-Family Residential District.
2. Multiple-family dwelling units.
3. Boarding and rooming houses.
4. Nursing homes, retirement homes.
5. Private clubs and lodges not operating for profit.
6. Churches, places of worship.

Subd.3 Permitted Accessory Uses

1. 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.
2. 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:

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

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

1. Minimum Lot Area.
 - a. Single and two-family: as set forth in Subsection 500.25, Subdivision 6.
 - b. Town-houses: 7,000 square feet per lot.
 - c. 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.
2. The minimum lot width will be:
 - a. 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.
 - b. Town-houses: 60 feet. Each dwelling must have a minimum frontage on a front street of 35 feet.
 - c. Multiple-family: 150 feet with a minimum of 75 feet fronting on a public right-of-way.

3. Front yard setback: 30 feet.
4. 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.
5. Rear yard setback: 40 feet.
6. 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.
7. Maximum structural coverage: Forty-five (45) percent.
8. Maximum height:
 - a. Single and two family dwellings and townhomes: 30 feet.
 - b. Multiple family dwellings: 50 feet.
9. 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.

Subd.2 Permitted uses

1. Business services including banks, professional offices, and professional services.
2. Post offices, City Hall, and other public/institutional uses.
3. Clothing sales and services including tailor and dry-cleaning and laundry establishments.
4. Retail sales and repair services including electronics, household appliances, furniture, lighting, or similar household trade items.
5. Plumbing, electrical, and HVAC contractor shops providing they have retail showrooms.
6. 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.
7. 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.
8. Personal services including barber and beauty shops, reducing salons, photographic shops, funeral homes, and tanning salons.
9. Dwelling unit(s) in conjunction with commercial uses provided:
 - a. Separate and independent access from the commercial unit(s) is provided.
 - b. The use is adjacent to or provides off-street parking, and the ground level is solely for permitted commercial activities.
 - c. Governmental and public utility buildings and structures.
 - d. Essential services.
 - e. Theaters, bowling lanes, clubs, and lodges.
 - f. Hotels, motels, taverns, private clubs, and lodges.

- g. Clinics and other buildings for the treatment of human beings.

Subd.3 Permitted Accessory Uses

1. Off-street parking and loading areas in compliance with Subsection 500.43 of this Code.
2. Commercial or business buildings for a use accessory to the principal use providing the standards of Subsection 500.25, Subd.6 are met.
3. 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.
4. Roof and building mounted solar energy systems.

Subd.4 Conditional Uses

1. 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.
2. 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.
3. Public transportation terminals and service stations.
4. Buildings used for research and testing laboratories, storage buildings, or distributing station.

Subd.5 Lot, Yard, Area and Height Requirements

1. Lots of Record as of June 1, 2014:
 - a. Front yard: None.
 - b. Side yard: None, unless abutting a residential district, then a landscaped buffer approved by the City Council is required.
 - c. Rear yard: None, unless abutting a residential district, then a landscaped buffer approved by the City Council is required.
 - d. Height: Maximum height of 45 feet.
2. Lots created after June 1, 2014:
 - a. Minimum Lot Size: 10,000 square feet.
 - b. Minimum Lot Width: 100 feet.
 - c. Front/Corner Yard Setback: 20 feet.
 - d. Interior Side Yard Setback: 10 feet, plus landscaped buffer approved by the City Council if abutting a residential area.
 - e. Rear Yard Setback: 10 feet, plus a landscaped buffer approved by the City Council if abutting a residential area.
 - f. Maximum Height: 35 feet.
3. 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.

Subd.2 Permitted Uses

1. Auto accessory stores.
2. Automobile (truck, snowmobile, motorcycle, and marine) sales and service.
3. Commercial recreational services.
4. Farm implement sales and services.
5. Motels and hotels.
6. Tourist oriented retail stores.
7. Residences when occupied in connection with the commercial use and part of the principal structure.
8. Restaurants, cafes, taverns, and grocery stores.
9. Drive-in restaurants, drive-through banks, and other drive-in services.

Subd.3 Permitted Accessory Uses

1. All permitted accessory uses in the “C-1” Central and Neighborhood Commercial District.
2. 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:

1. All conditional uses allowed in the “C-1” Central and Neighborhood Commercial District.
2. 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.
3. Recreational camping areas provided:
 1. Land area is suitable and adequate for the proposed use.
 2. The site is serviced by a paved arterial street.
 3. Utilities are provided to each site and approved by the City Council.
4. Retail sales and services on an individual basis.

Subd.5 Lot, Yard, Area and Height Requirements

1.

		Setbacks (ft.)		
Lot Area	Lot Width	Front and Corner	Side	Rear
10,000 sf	100 ft.	30	10*	10*

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

2. 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.
3. 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.
4. Height: Maximum Height: 30 feet.
5. Maximum Structural Coverage: Fifty (50) percent.

6. Minimum lot frontage on a public street: Fifty (50) feet.

500.315 C-3, Highway Commercial District

Subd.1 Intent

The purpose of the C-3 Highway Commercial District is to provide space for 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 I-1 General Industrial District.

Subd.2 Permitted Uses

1. Auto accessory stores.
2. Automobile (truck, snowmobile, motorcycle, and marine) sales and service.
3. Commercial recreational services.
4. Farm implement sales and services.
5. Motels and hotels.
6. Tourist oriented retail stores.
7. Restaurants, cafes, and grocery stores.
8. Drive-in restaurants, and other drive-in services.
9. Plumbing, electrical, and HVAC contractor shops.
10. Laundromats, convenience stores and video stores.
11. Mini or self-storage facilities.
12. Outdoor recreational facilities.

Subd.3 Permitted Accessory Uses

1. All permitted accessory uses in the “C-1” Central and Neighborhood Commercial District.
2. 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:

1. All conditional uses allowed in the “C-1” Central and Neighborhood Commercial District.
2. 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.
3. Recreational camping areas provided:
 - a. Land area is suitable and adequate for the proposed use.
 - b. The site is serviced by a paved arterial street.
 - c. 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

1.

Setbacks (ft.)				
Lot Area	Lot Width	Front and Corner	Side	Rear
10,000 sf	100 ft.	30	10*	10*

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

2. 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.
3. 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.
4. Height: Maximum Height: 30 feet.
5. Maximum Structural Coverage: Fifty (50) percent.
6. 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.

Subd.2 Permitted Uses

1. 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.
2. Light industrial uses including light manufacturing, fabrication, assembly, and production.
3. Building materials, storage yards, lumber yards.
4. Contractor equipment and storage yards.
5. Food processing and distribution facilities.
6. Wholesale business and warehousing.
7. Industrial research laboratories.
8. Machine shops, public and private garages.
9. Public utility and service buildings and gas regulator stations.
10. Outdoor recreational facilities.

Subd.3 Permitted Accessory Uses

1. Off-street parking and loading as regulated by Subsection 500.43 of this Code.
2. Open and outdoor storage, as regulated by Subsection 500.475 of this Code.
3. Offices clearly subordinate and accessory to a principal use.
4. 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.
5. Signs, as regulated by Subsection 500.35 of this Code.
6. Ground, roof, and building mounted solar energy systems.

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:

1. Industrial storage and material recycling.
2. Manufacturing of cement, concrete, lime gypsum, or plaster.
3. Grain elevators and storage subject to height restrictions set forth as part of the conditional use permit.
4. Livestock feeding yards, slaughtering of animals or stock yards.
5. Other heavy industrial uses, except for the following:
 - a. Distillation of bone, coal, tar, petroleum, refuse, grain, or wood.
 - b. Explosive manufacture or storage.
 - c. 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.
 - d. Petroleum or asphalt refining, manufacturing or storage.
 - e. Smelting or refining of metals from ores.
 - f. Steam and board hammers and forging presses.
 - g. Storing, curing and tanning of raw, green, or salted hides or skins.
 - h. Corrosive acid manufacturing or bulk storage thereof.
 - i. Junk yards.

Subd.5 Lot, Yard Area and Height Requirements

		Setbacks (ft.)		
Lot Area	Lot Width	Front and Corner	Side	Rear
1 Acre	100 ft.	40	15	20

Lot structural coverage shall not exceed 50%.

500.495 Solar Energy System performance standards

Subd.1 General

All Solar Energy Systems must meet the following standards:

1. The solar arrays or panels shall be installed or positioned so as not to cause glare or reflective sunlight onto neighboring properties, right of ways, or structures.
2. The solar arrays or panels shall be installed or positioned so as not to obstruct views.
3. When installed, the Solar Energy System cannot prevent abutting properties from being developed in any manner that is in conformance with all applicable codes and regulations, including planting or installation of any landscaping, trees, fences, or screening.

Subd.2 Roof and Building Mounted Solar Energy Systems

All Roof and Building Mounted Solar Energy Systems must meet the following standards:

1. Roof and Building Mounted Solar Energy Systems shall not exceed the maximum height allowed in the applicable zoning district.
2. Roof and Building Mounted Solar Energy Systems shall not extend into the required setbacks allowed in the applicable zoning district.
3. Roof and Building Mounted Solar Energy Systems shall be screened from routine view from abutting residential properties.

Subd.3 Ground Mounted Solar Energy Systems

All Roof and Building Mounted Solar Energy Systems must meet the following standards:

1. Ground Mounted Solar Energy Systems shall not occupy more than 50% of the Lot Coverage allowed in the applicable zoning district.
2. Ground Mounted Solar Energy Systems shall not extend into the required setbacks allowed in the applicable zoning district.
3. Ground Mounted Solar Energy Systems shall comply with Accessory Use standards applicable to the zoning district.
4. Ground Mounted Solar Energy Systems shall be screened from routine view from abutting residential properties.

Subd.4 Solar Gardens

Solar Gardens shall meet all lot, yard, area and building requirements of the applicable zoning district.

Subd.5 Inoperative Solar Energy Systems

If a Solar Energy System remains nonfunctional or inoperative for more than 12 consecutive months, the system shall constitute a public nuisance.

500.51 Height and yard exceptions

Subd.1 Structures

Chimneys, cooling towers, elevator bulk head, fire towers, drive-in movie theater screens, grain elevators, silos, penthouses, stacks, tanks, water towers, pumping towers, radio, or television towers, monuments, cupolas, steeples, and mechanical appurtenances pertaining to and necessary to the permitted use of district in which they are located, must not be included in calculating the height of the principal structure. ~~Solar collectors will be considered on an individual basis as a variance as set forth in Subsection 500.55, subdivision 2.~~

Subd.2 Attached Structures

Outside stairways, fire escapes, fire towers, porches, platforms, decks, balconies, boiler flues, and other similar projections will be considered as part of the building and not allowed as part of the required space for yards, courts, or unoccupied space. This provision does not apply to a fireplace or chimney, not more than eight feet in length and projecting not more than 30 inches into the allowable side yard space, unenclosed porches or other ground level unenclosed projections which may extend into a front or rear yard not more than eight feet or into a side yard not more than six feet.

Subd.3 Private Driveway and Sidewalks

Driveways and sidewalks shall be exempt from yard setbacks and lot coverage requirements.