

**CHAPTER 10 - CITY CODE  
RUSH CITY ZONING ORDINANCE  
TABLE OF CONTENTS**

<b>TITLE</b>	<b>SECTION</b>	<b>HEADING</b>	<b>TAB</b>	<b>PAGE</b>
<b>General Provisions</b>				
	1001.01	Title	Tab 1	Page 1
	1001.02	Validity and Severability	Tab 2	Page 2
	1001.03	Purpose, Scope and Geographic Jurisdiction	Tab 3	Page 3
<b>Definitions</b>				
	1002.01	Definitions	Tab 4	Page 1
<b>District Regulations</b>				
	1003.01	Establishment of Districts and Map	Tab 5	Page 1
	1003.02	A-1 Agricultural District	Tab 6	Page 4
	1003.03	R-1 Single-Family Residential District	Tab 7	Page 6
	1003.04	R-2 Two-Family Residential District	Tab 8	Page 8
	1003.05	R-3 Multiple Family Residential District	Tab 9	Page 11
	1003.06	M-1 Manufactured Home Residential District	Tab 10	Page 14
	1003.07	B-1 Highway Business District	Tab 11	Page 23
	1003.08	B-2 General Business District	Tab 12	Page 31
	1003.09	I-1 Light Industrial District	Tab 13	Page 38
	1003.10	I-2 General Industrial District	Tab 14	Page 43
	1003.11	C-1 Conservation, Parks and Open Space District	Tab 15	Page
	1003.12	P-1 Public and Semi-Public District	Tab 16	Page
<b>Performance Standards</b>				
	1004.01	Outdoor Storage and Refuse	Tab 17	Page 1
	1004.02	Surface (Storm) Water Management	Tab 18	Page 3
	1004.03	Moving of Buildings	Tab 19	Page 9
	1004.04	Off-Street Parking	Tab 20	Page 13
	1004.05	Signs	Tab 21	Page 19
	1004.06	Towers	Tab 22	Page 35
	1004.07	Home Occupations	Tab 23	Page 38
	1004.08	Planned Unit Developments	Tab 24	Page 42
	1004.09	Wind Energy Conversion Systems	Tab 25	Page 53
	1004.10	Adult Establishments	Tab 26	Page 59
	1004.11	Solar Energy Systems	Tab 27	Page 60
<b>General Requirements</b>				
	1005.01	Subd. 1: Encroachment of Easements	Tab 28	Page 1
	1005.01	Subd. 2: Dwelling Unit Restrictions	Tab 28	Page 1
	1005.01	Subd. 3: Accessory Structures	Tab 28	Page 1
	1005.01	Subd. 4: General Building & Yard Regulations	Tab 28	Page 3
	1005.01	Subd. 5: Fences	Tab 28	Page 8
	1005.01	Subd. 6: Screening and Landscaping	Tab 28	Page 10
	1005.01	Subd. 7: Satellite Dishes and other Dishes	Tab 28	Page 10
	1005.01	Subd. 8: Residential Pools and Spas	Tab 28	Page 10
	1005.01	Subd. 9: Lighting Standards - Glare	Tab 28	Page 10
<b>Administration and Enforcement</b>				
	1006.01	Non-Conformance	Tab 29	Page 1
	1006.02	Board of Adjustment and Appeals	Tab 30	Page 4
	1006.03	Variances	Tab 31	Page 5
	1006.04	Conditional Use Permits	Tab 32	Page 7
	1006.05	Interim Use Permits	Tab 33	Page 10
	1006.06	Amendments and Rezoning	Tab 34	Page 11
	1006.07	Site Plan Review	Tab 35	Page 12

1006.07	Fees	Tab 36	Page 18
1006.08	Building Permits Required	Tab 37	Page 19
1006.09	Enforcement and Penalty	Tab 38	Page 21

**1001.01: TITLE.**

**Subd. 1:**

This chapter shall be known, cited, and referred to as the "Rush City Zoning Ordinance" or "Zoning Code", except as referred to herein, where it shall be known as "this chapter".

## **1001.02: VALIDITY AND SEVERABILITY.**

### **Subd. 1:**

If any section, sub-section, sentence, clause or phrase of this chapter is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter.

## **1001.03: PURPOSE, SCOPE, AND GEOGRAPHIC JURISDICTION.**

### **Subd. 1: Purpose.**

The basic purpose of this chapter is to ensure the public health, safety, morals, comfort, convenience, and general welfare of the City of Rush City, as stated by the City Council in its Comprehensive Plan. Accordingly, this chapter shall divide the City of Rush City into use districts and shall establish regulations governing location, height, bulk, number of stories, size of buildings and other structures, lot coverage, yard size, population density and distribution, and use. Additionally, this chapter shall establish standards and procedures regulating uses.

### **Subd. 2: Scope.**

In interpreting and analyzing these zoning provisions, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, morals, comfort, convenience, and general welfare. Whenever the provisions herein require greater standards that are required by any other statute, ordinance or regulations, the provisions of this chapter shall govern. Whenever the provisions of any other statute, ordinance or regulations require greater standards than are required by the provisions herein, the provisions of such statute, ordinance or regulations shall govern.

### **Subd. 3: Geographic Jurisdiction.**

The geographic jurisdiction of this chapter shall be the entire area within the corporate limits of the City of Rush City, Chisago County, Minnesota, as exists now and as may be altered from time to time.

### **Subd. 4: Compliance.**

No structure shall be erected, converted, enlarged or used for any purpose which is not in conformity with the provisions of this Ordinance.

### **Subd. 5: Consistency with Comprehensive Plan.**

It is the policy of the City that enforcement, amendment and administration of this Ordinance be accomplished with due consideration of the recommendations contained in the City's Comprehensive Plan as the document guiding future growth and development of the City.

### **Subd. 6: Uses Prohibited.**

Whenever in a zoning district, a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such case, the City Council or the Planning Commission, on their own initiative or upon request, may conduct a study to determine if the use is acceptable, and, if so, what zoning district would be most appropriate and the determination as to conditions and standards relating to development of the use. The City Council, Planning Commission, or property owner shall, if appropriate, initiate an amendment to the Zoning Ordinance to provide for the particular use under consideration or shall find that the use is not compatible for development within the City.

## **1002.01: DEFINITIONS.**

### **Subd. 1: General Provision.**

All words used in the present tense shall include the future; all words in the singular number include the plural number and all words in the plural number include the singular number; the word "building" includes the word "structure" and "dwelling" includes "residence"; the word "person" includes "corporation", "co-partnership", "association", as well as an "individual"; the word "shall" is mandatory and not directory.

### **Accessory Building.**

A subordinate building or structure on the same lot as the principal structure, the use of which is incidental to the main use.

### **Accessory Use.**

A use subordinate to the main use and used for a purpose clearly incidental to those of the main use.

### **Advertising Sign.**

See Sign, Advertising.

### **Adult Entertainment Establishment.**

A commercial operation or establishment which provides adult sexual entertainment, specifically including but not necessarily limited to an adult arcade, adult bookstore, adult cabaret, adult motion picture theater, adult theater, or a sexual encounter establishment as those terms are specifically defined in Ordinance 1997-1.

### **Agriculture.**

The cultivating of soil and activities incidental thereto; the growing of soil crops in the customary manner on open tracts of land; the accessory raising of livestock and poultry. The term shall include incidental retail or the selling of goods or items raised on the premises by the producer, provided that space necessary for parking of vehicles of customers shall be furnished off the public right-of-way.

### **Alley.**

Any dedicated public way affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

### **Alterations.**

Any change, addition or modification in construction or type of occupancy, any change in the structural members, load bearing or non-load bearing, of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed".

### **Apartment.**

A multi-use building arranged and intended as a place of residence of a single family or a group of individuals living together as a single housekeeping unit, which is equipped with cooking facilities.

### **Apartment Building.**

A multiple-family dwelling originally designed and constructed to accommodate three or more apartments, in contrast to single or two-family dwellings converted for multiple family use or attached row house (party wall type) as defined herein.

### **Automobile Wrecking or Junk Yard.**

A place maintained for keeping, storing or piling in commercial quantities, whether temporarily, irregularly, or continually; buying or selling at retail or wholesale any old, used or second-hand material of any kind, including used motor vehicles, machinery, and/or parts thereof, cloth, rugs, clothing, paper, rubbish, bottles, rubber, iron or other metals or articles which from its worn condition render it practically useless for the purpose for which it was made and which is commonly classed as junk. This shall include a lot or yard for the keeping of unlicensed motor vehicles or the remains thereof for the purpose of dismantling, sale of parts, sale as scrap, storage or abandonment. This shall not prohibit the keeping of one

unlicensed motor vehicle within a garage or other structure in residential districts or two unlicensed motor vehicles not including farm implements within a farm in the agricultural district.

**Basement.**

A story having part, but not more than one-half its height, above the average level of the adjoining finished grade.

**Bed and Breakfast.**

An owner-occupied house or other residential structure, which is kept, used or advertised as a lodging establishment where a guestroom or guestrooms are rented on a nightly basis and in which only breakfast is included as part of the basic compensation.

**Billboard.**

See "Sign, billboard".

**Blade.**

*The extensions from the hub of a wind energy conversion system which are designed to catch the wind and turn the rotor to generate electricity. (Amended 02-07)*

**Bluff.**

A topographical feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance of 50 or more feet shall not be considered part of the bluff):

- A. Part or all of the feature is located in a floodplain area;
- B. The slope rises at least 25 feet above the ordinary high water level of the waterbody;
- C. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and,
- D. The slope must drain toward the waterbody.

**Bluff Impact Zone.**

A bluff and land located within twenty (20) feet from the top of a bluff.

**Boarding House.**

A building other than a hotel containing at least one dwelling unit, where for compensation and by pre-arrangement for definite periods, meals, or lodging and meals, are provided for three or more persons not members of the principal family therein.

**Building, Height of.**

The vertical distance measured from the average elevation of the finished grade along the building edge to the highest point of the roof surface in a flat roof, to the deck line of mansard roofs, and to the mean height level between eaves and ridge of gable, hip, and gambrel roofs.

**Building Setback.**

The minimum horizontal distance between the building and the specified lot line as prescribed in this chapter.

**Business.**

Any establishment, occupation, employment or enterprise where merchandise is manufactured, exhibited or sold or where services are offered for compensation.

**Campground.**

Public or private land or premises used or occupied for compensation by campers.

**Canopy.**

Any structure, movable or stationary, attached to and supported by the building and projecting over public property.

**Carport.**

A structure having a roof supported by columns but not otherwise enclosed and which is permanently attached to a dwelling.

**Clear-cutting.**

The removal of an entire stand of vegetation.

**Collector Vehicle.**

Any motor vehicle manufactured between and including the years 1925 and 1948, and designated by the registrar of motor vehicles as a classic car because of its fine design, high engineering standards, and superior workmanship, and owned and operated solely as a collector's item, and/or any motor vehicle including any truck that is at least twenty model years old, was manufactured after 1935 and is owned and operated solely as a collector's vehicle.

**Conditional Use.**

A use, which because of special issues, requires reasonable, but special, unusual and/or extraordinary limitations peculiar to the use for the protection of the public welfare and the integrity of the City's Comprehensive Plan.

**District.**

A section of the City of Rush City for which the regulations governing the use of buildings and premises, the height of buildings, the size of yards, the intensity of use are uniform.

**Drive-Through.**

Any use providing the opportunity of selling, serving, or offering goods or services directly to customers in vehicles.

**Driveway.**

A minor private way used by vehicles and pedestrians on an individual lot or parcel of land.

**Duplex, Triplex and Quad.**

A dwelling structure on a single lot having two, three and four units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living and sanitation facilities.

**Dwelling.**

A building or portion used exclusively for residential occupancy, including only one-family, two-family, and multiple-family dwelling units, but not including hotels, motels, nursing homes or boarding houses.

**Dwelling, Attached.**

A dwelling joined to other dwellings by party walls. (Group, Row, or Townhouse)

**Dwelling, Detached.**

A dwelling unit which is entirely surrounded by open space on the same lot.

**Dwelling, Multiple-Family.**

A building or portion thereof designed for or containing three or more dwelling units and not including attached row dwellings (party wall) type as defined herein.

**Dwelling, Single-Family.**

A one family dwelling designed for and used for occupancy by one family.

**Dwelling, Two-Family.**



A building designed or intended exclusively for occupancy by two families living independently of each other, e.g. duplex.

**Dwelling Unit.**

Two or more rooms in a dwelling or apartment hotel designed for occupancy by one family for living purposes and having its own permanently installed cooking and sanitary facilities.

**Easement.**

A temporary or permanent grant by a property owner for the use of a strip or area of land for purposes including but not limited to the constructing and maintaining of utilities, sanitary sewer, water mains, electric lines, telephone lines, storm sewer or storm water drainage way, access and/or gas lines.

**Essential Services.**

Gas, electrical or water transmission or distribution systems; traffic signals, hydrants, or other similar equipment and accessories in conjunction therewith; but not including buildings.

**Fall Zone.**

*The area, defined as the furthest distance from the tower base, in which a tower will collapse in the event of a structural failure. The fall zone radius will be assumed to be equal to the tower height. This distance may be reduced if the applicant provides a registered engineer's certification that the wind energy conversion system is designed to collapse, fall, curl, or bend within a distance shorter than the tower height, or such certification is provided by the tower manufacturer. (Amended 02-07)*

**Family.**

An individual or two or more persons related by blood or marriage or a group of not more than four unrelated persons living together on the premises or in a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, hotel, club lodge, sorority or fraternity house.

**Federal Aviation Administration (FAA).**

*The governmental agency responsible for regulating airways in the United States. (Amended 02-07)*

**Feeder Line.**

*Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the wind energy conversion system. (Amended 02-07)*

**Flood.**

A temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.

**Flood Frequency.**

The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

**Flood Fringe.**

That portion of the floodplain outside of the floodway.

**Flood Plain.**

The areas adjoining a watercourse which have been or hereafter may be covered by flood waters.

**Flood Proofing.**

A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages.

**Floodway.**

The channel of a watercourse, bed of a wetland or lake, and those portions of the adjoining floodplains reasonably required to carry and discharge a regional flood.

**Floor Area.**

The sum of the gross horizontal area of the several floors of the building, measured from the exterior walls.

**Floor Area (Livable).**

Means the same as "floor area" defined above, except measured from interior walls excluding all areas occupied by cellars, garage, porches, unoccupied attics, stairways, basements, storage, utility and heating rooms.

**Floor Area Ratio (FAR).**

The floor area of the building or buildings on that zoning lot divided by the area of such zoning lot, or, in the case of planning developments or group housing projects by the gross site area.

**Frontage.**

The side of the lot that abuts a public right-of-way. For lots in which a public right-of-way is located on two or more sides, front yard setback requirements shall be provided on all street sides.

**Garage, Public.**

Any premises used for the storage or care of motor vehicles or premises where any such vehicles are equipped for operation, are repaired, or are kept for rental, or for sale. Any sale of gasoline, oil, and accessories are only incidental to the principal use.

**Garage, Truck.**

A building which is used for the storage of motor trucks, truck trailers, tractors, and commercial vehicles exceeding one and one-half ton capacity.

**Grade, Ground.**

The average of the finished level at the center of all exterior walls of the building.

**Grade, Street.**

The elevation of the establishment of the street in front of the building measured at the center of such front.

**Home Occupation.**

Any occupation or profession engaged in by the occupant of a residential dwelling unit, which is clearly incidental and secondary to the residential use of the premises and does not change the character of said premises.

**Hotel.**

A building occupied as the lodging place of transient individuals who are lodged with or without meals.

**Hub.**

*The center of the rotor to which the blades are attached. (Amended 02-07)*

**Hydric Soils.**

Soils that rarely saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

**Impervious Surface.**

An artificial or natural surface through which water, air or roots cannot penetrate.

**Industrial Use.**

*The use of land or buildings for the production, manufacture, warehousing, storage or transfer of goods, products, commodities, or other wholesale items. (Amended 04-08-13, Ord. 2013-03)*

**Intensive Vegetation Clearing.**

The complete removal of trees or shrubs in a contiguous patch, strip, row or block.

**Interim Use.**

A use which requires an interim use permit. Interim Use Permits are reviewed by the Planning Commission and granted by the City Council for a specific period of time in accordance with procedures specified in this Ordinance.

**Kennel.**

Any place where three or more dogs over six months of age are boarded, bred and/or offered for sale, except a veterinary clinic. Dog kennels shall be permitted only in areas specifically zoned for such use.

**Land Disturbing or Development Activities.**

Any change of the land surface including removing vegetative cover, excavating, filling, grading or the construction of any structure.

**Lodging House/Rooming House.**

A building containing at least one dwelling unit, wherein individuals are provided lodging for compensation by pre-arrangement for definite periods.

**Lot.**

Land occupied or to be occupied by a building and its accessory buildings together with such open spaces as are required under this chapter and having its principal frontage upon a public street of officially approved access. The term is also known as "zoning lot" and shall include the words "plat", "piece", and "parcels".

**Lot Area.**

The square footage contained within a particular parcel of real property.

**Lot, Buildable.**

A buildable lot is that square footage required by this zoning Ordinance for a particular zone.

**Lot Coverage.**

The area of a zoning lot occupied by the principal building or buildings and accessory buildings.

**Lot, Depth.**

The mean horizontal distance between the front and rear lot lines.

**Lot, Double Frontage.**

A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.

**Lot Frontage.**

The boundary of a lot which abuts an existing or dedicated public street. In the case of a corner lot, the front lot line shall be designated by the Zoning Administrator.

**Lot Line.**

A property line of any lot held in single or separate ownership; except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way.

**Lot of Record.**

A lot which was part of a subdivision, the map of which has been recorded in the office of the Chisago County Recorder or a lot described by metes and bounds, the deed to which has been recorded in the Office of the Chisago County Recorder prior to the effective date of this Ordinance.

**Lot Width.**

The horizontal distance between the side lot lines measured at right angles to the lot and depth at the established front building line.

**Manufacturing, Heavy.**

The manufacturing, compounding, processing, packaging, treatment, or assembly of products and materials that may emit objectionable and offensive influences beyond the lot on which the use is located.

**Manufacturing, Light.**

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

**Manufactured Home.**

A structure, transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; except that the terms includes any structure which meets all the requirements with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under this Ordinance and which meets the Manufactured Home Builders Code as defined in Minnesota Statutes 327.32, Subd. 3.

**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.

**Marquee.**

A permanent roofed structure attached to and supported by the building and projecting over public property.

**Meteorological Tower.**

*Those towers which are erected primarily to measure wind speed and directions plus other data relevant to siting wind energy conversion system. Meteorological towers do not include towers and equipment used by airports, the Minnesota Department of Transportation, or other similar applications to monitor weather conditions. (Amended 02-11)*

**Modular Building – Industrialized.**

An industrialized modular building means any building which is of closed construction, i.e. constructed in such a manner that concealed parts or processes of manufacture cannot be inspected at the site, without disassembly, damage or destruction, and which is made or assembled in manufacturing facilities, off the building site, for installation, or assembly and installation, on the building site. "Industrialized/modular building" includes, but is not limited to, modular housing which is factory-built single-family and multifamily housing (including closed wall panelized housing) and other modular nonresidential buildings. "Industrialized/ modular building" does not include any structure subject to the requirements of the National Manufactured Home Construction and Safety Standards Act of 1974.

**Multiple-tenant building.**

*A building which houses more than one commercial or industrial lessee or occupant. (Amended 07-08)*

**Non-Conforming Lot.**

A lot which does not comply with the minimum lot area or frontage requirements of the district in which it is located.

**Non-Conforming Use of Land.**

Any use of a lot which does not conform to the applicable use regulations of the district in which it is located.

**Non-Conforming Use of Structure.**

A use of a structure which does not conform to the applicable use regulations of the district in which it is located.

**Obstruction.**

Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

**Office Building.**

A building designed or used primarily for office purposes, no part of which is used for manufacturing or as a dwelling.

**Parking Lot.**

Five or more parking spaces, along with the driveway connecting the parking spaces to the street or alley and permitting satisfactory ingress and egress of an automobile, and the driving lane between or servicing the parking spaces.

**Parking Space.**

A land area exclusive of driveways and aisles, of such shape and dimensions so prepared as to be usable for the parking of motor vehicles, in accordance with standards of the Institute of Traffic Engineers, which are hereby adopted as amended by reference and available at the office of the City Engineer.

**Permit.**

A written permit or certification issued by the building official permitting the construction, alteration, or extension of a permanent structure under provisions of this chapter and regulations issued herein.

**Permitted Use.**

A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements and performance standards (if any) of such district.

**Person.**

Any individual, corporation, firm, partnership, association, organization or other group acting as a unit. It also includes any executor, administrator, trustee, receiver or other representative appointed by law. Whenever the word "person" is used in any section prescribing a penalty or fine, it shall include partners, associates, or members of a corporation, who are responsible for the violation.

**Planned Unit Development or Planned Development.**

A large lot or tract of land developed as a unit rather than as individual development wherein two or more buildings may be located in relationship to each other rather than to lot lines or zoning district boundaries.

**Planning Commission.**

The Rush City Planning Commission.

**Powersport vehicle.**

A vehicular portable structure used for sporting related activities, including but not limited to all terrain vehicles (ATVs), snowmobiles, motorcycles and personal water craft.

**Principal Use.**

The main use of land or buildings as distinguished from subordinate or accessory uses.

**Property Owner.**

Any person, group or persons, association, corporation, or any other legal entity having a freehold estate interest, leasehold interest extending for a term, or having renewal options for a term in excess of one

year, a dominant easement interest, or an option to purchase any of the same, but not including owners of interest held for security purposes only.

**Public.**

*Public - Not private; open to or concerning the people as a whole; "the public good"; "public libraries"; "public funds"; "public parks"; "a public scandal"; "public gardens". (Amended 01-10)*

**Public facilities/uses.**

*Facilities or uses owned or operated by municipal, school districts, county, state, or other governmental units. (Amended 01-10)*

**Public Open Space.**

Any publicly owned open area.

**Public Waters.**

Any waters as defined in Minnesota Statutes, Section 105.37, subdivisions 14 and 15.

**Recreational Vehicle.**

A vehicular portable structure used for amusement, vacation or recreational activities, including but not limited to travel trailers, motor homes, camping trailers and boats.

**Religious Institutions.**

*A building, together with its accessory buildings and use, where persons regularly assemble for religious purposes and related social events and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes. (Amended 01-10)*

**Rest Home and Nursing Home.**

A private home for the care of aged or infirmed, or a place of rest for those suffering bodily disorders.

**Rotor.**

*The wind energy conversion system blades and the hub to which they are attached. (Amended 02-11)*

**Rotor Diameter.**

*The diameter of the circle described by the moving rotor blades. (Amended 02-07)*

**Row House.**

A group or row of dwellings, each containing one or more dwelling units and all occupying one lot, as defined herein, except that frontage may be on a common court.

**Screening.**

The use of plant materials, fences or earthen berms to partially conceal the separate land use from the surrounding land use.

**Semi-public Use.**

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

**Setback.**

The minimum horizontal distance between a structure and a roadway right-of-way line, public right-of-way line, property line, individual sewage treatment system, the ordinary high water mark or any other facilities.

**Shadow/flicker.**

*The shadows cast from wind energy conversion system which generally occur in close proximity to the wind energy conversion system, although this will vary depending on the time of year, latitude and turbine*

height. Flicker effects can occur when the sun shines through the rotor blades at certain times of day and results in the temporary blocking of the sun's rays with each pass of a rotor blade. (Amended 02-11)

**Shopping center/mall.**

*A group of commercial establishments planned, constructed and managed as a total entity, typically with shared customer and employee parking provided on-site, provisions for delivery of goods separated from customer access, and shared common space, maintenance and advertising (multi-tenant signs). (Amended 07-08)*

**Sign, Advertising.**

A billboard, poster panel board, painted bulletin board or other communicative device which is used to advertise products, goods and/or services which are not exclusively related to the premise on which the sign is located.

**Sign Area.**

The area within a single continuous perimeter enclosing the extreme limits of the actual sign surface, but excluding any structural elements outside the limits of each sign and not forming an integral part of the sign. The stipulated maximum area for a freestanding sign refers to a single facing.

**Sign, Billboard.**

An advertising sign located off the premises where the advertised product is sold or offered. It is usually, but not necessarily, owned by an advertising company.

**Sign, Business.**

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

**Sign, Civic/ Community Identity Entrance Sign.**

*Signs advertising special functions sponsored, in whole or in part, by the City or by religious, charitable, nonprofit or public service groups. The sign may contain information including the names of members of the civic group or organization; provided the list of members consumes no more than 50% of the gross area of the face of the sign, and provided it does not display information of a commercial nature advertising a product or service of any member. (Amended 03-06 & Amended 01-08)*

**Sign, Community Identity Entrance Sign.**

*A sign, owned by the City of Rush City or charitable or non-profit group, which welcomes visitors, businesses and residents to the City of Rush City. (Amended 01-08)*

**Sign, Directional.**

*A sign for the purpose of making specific commercial, industrial, or public or semipublic locations known and to assist in finding these locations. Directional, general motorized signs and/or logo signs placed within or visible from MNDOT right-of-way shall require a MNDOT permit, prior to approval of the placement of the sign. (Amended 01-08)*

**Sign, Governmental.**

A sign which is erected by a governmental unit for the purpose of identification and directing or guiding of traffic.

**Sign, Identification.**

A sign which, identifies a residential, commercial, industrial, or public use located upon the premises where such sign is located, or to which such sign is affixed.

**Sign, Illuminated.**

Any sign upon which artificial light is directed or which has an interior light source.

**Sign, Flashing.**

Any illuminated sign on which the artificial light is not maintained stationary and/or constant in intensity and color at all times when such sign is in use. For the purpose of this ordinance any revolving, illuminated sign shall be considered a "flashing sign".

**Sign, Free-Standing.**

A sign which is supported by upright braces or posts and is placed upon or in the ground and not affixed to any part of any building.

**Sign, Gross Surface Area Of.**

The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements or same; however, such perimeter shall not include any structural elements lying outside the limits of such sign, and not forming an integral part of the display. In the case of a free-standing sign with two back to back surfaces each surface may be equal to the allowable gross area.

**Sign, Off-premises.**

*A sign which promotes a business, activity, product or service available on property other than that on which the sign is located, or which directs the public to businesses or activity on another property. (Amended 01-08)*

**Signs, On-Premises.**

A sign located on the premise or property of an individual, business or organization when the sale or lease of the premise or the identification, products or services or the individual, business or organization are the subject of the sign.

**Sign, Roof.**

A sign erected upon the roof of any building.

**Sign, Temporary.**

A sign which is erected or displayed for a limited period of time.

**Slope.**

The degree of deviation of a surface from the horizontal; usually expressed in percent or degrees.

**Solar Energy System.**

*A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection of storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating. (Amended 12-10-12)*

**Story.**

That portion of a building other than a basement/cellar, including the area between the surface of any floor and the surface of the floor next above it or if there is no floor above it, then the space between the floor and a ceiling next above it. A basement is not considered a story.

**Story, Half.**

A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level and in which space not more than 60% of the floor area is finished off for use. A half-story may be used for occupancy only in conjunction with and by occupancy of the floor immediately below.

**Street.**

A public right-of-way for vehicular traffic, whether designated as a highway, thoroughfare, arterial, parkway, collector, through-way, road, avenue, boulevard, lane, place, drive, court or otherwise



designated, which has been or is proposed to be dedicated or deeded to the public for public use and which affords principal means of access to abutting property.

**Street, Arterial.**

Those streets carrying larger volumes of traffic and serving as links between various sub-areas of the City. Arterial streets are intended to provide for collection and distribution of traffic between highways and collector streets; hence regulation of direct access to property is critical.

**Street, Collector.**

Those streets which carry traffic from local streets to the major system of arterials and highways. Collector streets primarily provide principal access to residential neighborhoods, including, to a lesser degree, direct land access.

**Street, Cul-de-sac.**

A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

**Street, Dead End.**

A street, or a portion thereof, with only one vehicular traffic outlet.

**Street, Half.**

A street having only one-half of its intended roadway width developed to accommodate traffic.

**Street, Local.**

A street whose primary function is to provide direct access to abutting property containing single-family dwellings and which, by design, is usually a two-lane road.

**Street, Marginal Access (Frontage Road).**

Those local streets which are parallel and adjacent to high volume arterial streets and highways; and which provide access to abutting properties and protection from through traffic.

**Structure.**

Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including but not limited to advertising signs, billboards, backstops for tennis courts, arbors and trellises.

**Structural Alterations.**

Any change in the supporting members of a building such as bearing walls, columns, beams, foundations, or girders, or any changes in the roof and exterior walls.

**Substations.**

*Any electrical facility designed to convert electricity produced by wind turbines to a voltage greater than 35,000 KV for interconnection with high voltage transmission lines shall be located outside of the road right of way. (Amended 02-07)*

**Total Height.**

*The highest point, above ground level, reached by a rotor tip or any other part of the wind energy conversion system. (Amended 02-07)*

**Tower.**

*Towers include vertical structures that support the electrical generator, rotor blades, or meteorological equipment. (Amended 02-07)*

**Tower Height.**

*The total height of the wind energy conversion system exclusive of the rotor blades. (Amended 02-07)*

**Transmission Line.**

*Those electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers. (Amended 02-07)*

**Use.**

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

**Use, Accessory.**

The use incidental or accessory to the principal use of the lot or a building located on the same lot with a building but detached therefrom

**Use, Incompatible.**

A use which is incompatible with other uses because it is contradictory, incongruent or discordant.

**Used For.**

Includes the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".

**Vacation.**

The act of relinquishing a recorded dedication or easement as in a street right-of-way, utility easement, etc.

**Variance.**

A modification of the literal provisions of this chapter granted when strict enforcement of the chapter would cause undue hardship or practical difficulties to the property owner in the use of his or her land. The crucial points of variance: (a) undue hardship; (b) unique circumstances; and (c) applying to real property.

- A. The hardship must not have been created by actions of the landowner.
- B. The variance will not alter the essential character of the area and should be in conformance with the Rush City Comprehensive Plan. Granting of the variance shall not allow any use which is neither permitted or conditional or interim use within the zoning district on which the subject property is located.
- C. The plight of the landowner must be due to unique circumstances. If the hardship is common to several properties, the variance must not be granted.
- D. The proof that a landowner could realize a higher financial return for his land as a result of the variance is not sufficient grounds for granting a variance. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of the ordinance.

**Watercourse.**

A channel or depression through which water flows, such as rivers, streams or creeks and may flow year around or intermittently.

**Watershed.**

The area drained by the natural and artificial drainage system, bounded peripherally by a bridge or stretch of high land dividing drainage areas.

**Wetland.**

The City adopts the definition of Wetlands as contained in Minn. Stat. 103G.005, Subd. 19. Designations of the Chisago County Department of Environmental Services and Zoning shall be presumed as accurate when determining the location of wetlands.

**Wind Energy Conversion System (WECS).**

*An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and metrological towers, that operate by converting the kinetic energy of wind into electrical energy. The energy maybe used on-site or distributed into the electrical grid. (Amended 02-07)*

**Wind Energy Conversion System, Commercial.**

*A wind energy conversion system greater than 40 kW in total name plate generating capacity and designed or operated to provide energy principally to consumers located off the premises and does not meet the requirements established for a non-commercial wind energy conversion system. (Amended 02-07)*

**Wind Energy Conversion System, Freestanding.**

*A wind energy conversion system other than roof-mounted. (Amended 02-07)*

**Wind Energy Conversion System, Non-Commercial.**

*A wind energy conversion system consisting of a wind turbine and associated control or conversion electronics used primarily to reduce on-site consumption of utility power. A non-commercial wind energy conversion systems shall not exceed a rated capacity of 40 kW in total name plate generating capacity.*

**Wind Energy Conversion System, Roof-Mounted.**

*A wind energy conversion system affixed to the roof of a building or other structure. (Amended 02-07)*

**Wind Turbine.**

*A wind turbine is any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind. (Amended 02-07)*

**Yard.**

An open space which can include an enclosed court on the same zoning lot with a building or structure, which yard is unoccupied by a structure, and exclusive or required parking area except as otherwise permitted in this chapter.

**Yard, Front.**

A yard extending across the full width of a lot and having a depth equal to the shortest distance between the front line of the lot and the nearest portion of the main building, including an enclosed or covered porch provided that the front yard depth shall be measured from an existing or future street line on which the lot fronts.

**Yard, Required Front.**

A yard extending across the full width of a lot and having a depth equal to the shortest distance between the front line of the lot and the required front yard setback, provided that the front yard depth shall be measured from an existing or future street line on which the lot fronts.

**Yard, Rear.**

A yard extending across the full width of a lot and having a depth equal to the shortest distance between the rear line of the lot and the main building.

**Yard, Side.**

A yard between the side line of the lot and the main building extending from the front yard to the rear yard and having a width equal to the shortest distance between said side line and the main building.

**Zoning District.**

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

**Zoning Map, Official**

The map or maps incorporated into this chapter as part thereof, designating the zoning districts. The official map shall be used by the Planning Commission, City staff, and City Council in regard to zoning classifications and districts.

## **1003.01: ESTABLISHMENT OF DISTRICTS AND MAP.**

### **Subd. 1: Zoning Map.**

The location and boundaries of the districts established by this Ordinance are hereby set forth on the Official Zoning Map entitled "Zoning Map of Rush City". Said Map is on file with the Zoning Administrator and hereinafter referred to as the 'Zoning Map' which map and all of the notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein and thereby made a part of this Ordinance by reference.

### **Subd. 2: Zoning Districts.**

The following zoning districts are hereby established within Rush City:

- A-1: Agricultural District
- R-1: Single-Family District
- R-2: Two-Family District
- R-3: Multiple-Family District
- M-1: Manufactured Home Park District
- B-1: Highway Business District
- B-2: General Business District (GBD)
- I-1: Industrial District
- C-1: *Conservation, Parks and Open Space District*
- P-1: *Public and Semi-Public District*  
(Amended 11-08)

### **Subd. 3: Annexation.**

In the event of annexation of new areas to the City, such areas shall be considered to be in the "A-1" Agricultural District unless otherwise classified.

### **Subd. 4: District Boundaries.**

- A. Boundaries indicated as approximately following the centerlines of streets, highways, alleys, or railroad lines shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in shoreline shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerlines of streams, rivers, lakes, or other bodies of water shall be construed to follow such centerlines.
- D. Boundaries indicated, as approximately following the City limits, shall be construed as following such City limits.
- E. Where a district boundary line divides a lot which was in single ownership at the time of passage of this chapter, the extension of the regulations for either portion of the lot beyond the district line into the remaining portion of the lot may be interpreted by the City Administrator upon request of the owner.

### **Subd. 5: General District Regulations.**

- A. The regulations of this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure of land, and particularly except as hereinafter provided.

- B. No buildings, structure, or land shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- C. No building or other structure shall hereafter be erected or altered to exceed the height or bulk, to accommodate or house a greater number of families, to occupy greater percentage of lot area, to have narrower or smaller rear yard, front yard, side yard, or other open space, than herein required, or in any other manner contrary to the provision of this Ordinance
- D. No yard or parcel existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or parcels created after the effective date of this chapter shall meet at least the minimum requirements established by this Ordinance.

Following is a summary of regulations contained in the following sections for the various districts:

District/ Regulation	A-1	R-1	R-2	R-3	M-1	B-1	B-2	I-1	P-1
Setback- Front Yard	40'	30'	30'	30'	10' internal lots. 30' from public street R-O-W	15'	0'	35'	30'
Setback Side Yard	20'	10' 30' adjacent to street if corner lot	5' if lot is legal non-conforming and less than 75' wide. 10' if lot is 75' wide or greater. 30' adj. to street if corner lot	10' 30' adj. to street if corner lot	10' internal lots. 30' from public street ROW	10' 30' adjacent to street if corner lot	0' 20' adj. to residential or 10' if adj. To RR ROW	15'	15'
Setback Rear Yard	50'	30'	20'	20'	10' internal lots. 30' from public street ROW	10' 30' if adjacent to residential	0' or 20' if adjacent to residential, or 10' if adjacent to RR ROW	30'	30'
Site Coverage		33% max with 40% front yard and 50% side and rear yard with impervious surface	33% max with 40% front yard and 50% side and rear yard with impervious surface	40% max with 40% front yard and 60% side and rear yard with impervious surface	Minimum 6' between manufactured home and accessory structures	75%	100%	60%	75%
Minimum Lot Size	1 acre with maximum one dwelling per 40 acres	12,000 sq. ft.	10,000 sq. ft.	11,250 sq. ft. for 4 or less units + 1,500 sq. ft. for each additional unit	5 acre park. Lots 6,000 sq. ft.	10,000 sq. ft.	6,000 sq. ft.	1 acre 43,560 sq. ft.	10,000 sq. ft.
Minimum Lot Width	100'	80'	75'	75'	Park: 250' Lots 50'	100'	50'	100'	100'
<b>District/</b>	<b>A-1</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>M-1</b>	<b>B-1</b>	<b>B-2</b>	<b>I-1</b>	<b>P-1</b>

Regulation									
Maximum Height	2 ½ stories or 35' for non-agricultural buildings, whichever is less	2 ½ stories or 35', which ever is less	2 ½ stories or 35', whichever is less	One and two-family units: 2 ½ stories or 35', which ever is less. Multi-family units: 3 stories or 40', which ever is less	1 ½ stories or 25 feet, which ever is less	3 stories or 40 feet, which ever is less	2 ½ stories or 35', which ever is less	2 ½ stories or 35', which ever is less	3 stories or 40', which ever is less
Minimum Floor Area Building	Residential units: Minimum foundation area of:  1 story: 960 sq. ft.  1 ½ , 2 or 3 story: 900 sq. ft.  Foundation is measured from exterior dimensions and includes only year around habitable space, excluding garage	Minimum foundation area of:  1 story: 960 sq. ft.  1 ½ , 2 or 3 story: 900 sq ft.  Foundati on is measur- ed from exterior dimen- sions and includes only year around habitable space, exclud- ing garage	Minimum foundation area of 860 sq. ft. of year around habitable space, excluding garage for 1, 1 ½, 2 and 3 story units	One and two-family: Minimum foundation area of 860 sq. ft. excluding garage. Multiple-family units: One-bedroom Minimum foundatio n area of 640 sq. ft., excluding garage, plus 120 sq. ft. for each addition- al bedroom	Minimum 800 sq. ft. for 1, 1 ½, 2 stories.  Foundation is measured from exterior dimensions and includes only year around habitable space, excluding garage	None	None	None	None

## **1003.02: A-1 AGRICULTURAL DISTRICT.**

### **Subd. 1: Purpose.**

This district is intended to preserve agricultural land from premature conversion to non-agricultural land uses.

### **Subd. 2: Special Requirements.**

None.

### **Subd. 3: Permitted Uses.**

The following uses are permitted uses:

- A. Farmsteads and agricultural related activities subject to Minnesota Pollution Control Agency standards, and all other applicable local, state, regional and federal standards.
- B. Park and forest preserve.
- C. *Religious Institutions.*  
(Amended 01-10)
- D. Golf course except miniature course or driving range.
- E. Roadside stand for the sale of agricultural products.
- F. Greenhouse or nursery.

### **Subd. 4: Conditional Uses.**

The following uses may be permitted upon issuance by the City of a conditional use permit:

- A. Public building erected by any government agency.
- B. Cemetery.
- C. Privately operated outdoor recreational facility.
- D. Golf driving range.
- E. Single-family dwelling on a site of not less than one acre.
- F. Private sod-surfaced airstrips used solely by the landowner.

### **Subd. 5: Accessory Uses.**

- A. Operation and storage of vehicles, machinery and equipment which is incidental to permitted or conditional uses allowed in this district.
- B. Living quarters for person employed on the premises.
- C. Home occupations as defined by Section 1004.07 of this Ordinance.

### **Subd. 6: Minimum Lot Size.**

- A. A lot area of not less than one acre for each non-farm dwelling is required. Each 40-acre parcel shall be limited to one dwelling unit.
- B. A lot width of not less than one hundred (100) feet is required.



**Subd. 7: Front, Side and Rear Yard Requirements.**

- A. A front yard of not less than forty (40) feet is required.
- B. Two side yards are required, each having a width of not less than twenty (20) feet.
- C. A rear yard of not less than fifty (50) feet is required.

**Subd. 8: Maximum Building Height.**

For non-farm buildings, building heights permitted are two and one-half (2 ½) stories, but shall not exceed thirty-five (35) feet.

**Subd. 9: Minimum Floor Area Requirements.**

For residential units, the following minimum foundation areas are required. Minimum foundation area shall be measured from exterior dimensions and include only year around habitable space, excluding the garage.

- A. One- story or split level units: 960 square feet.
- B. 1 ½ story units, 2 story and 3 story units: 900 square feet.

## **1003.03: R-1 SINGLE-FAMILY DISTRICT.**

### **Subd. 1: Purpose.**

This district is intended to establish an area of low-density residential uses.

### **Subd. 2: Permitted Uses.**

The following are permitted uses within the R-1 Single Family District:

- A. Single-family dwellings.
- B. 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.
- C. Public parks and playgrounds.
- D. Use of a single-family dwelling for non-owner occupied rental purposes provided:
  - 1. The property must satisfy off-street parking requirements contained in this Ordinance.
  - 2. Have a ceiling height of at least seven (7) feet.
  - 3. Contain adequate ventilation and fire escapes as determined by the Building Official.
  - 4. Meet all applicable fire code.
  - 5. The single-family unit shall be utilized as a single household and not two or more separate housing units and occupied by no more than one-family.

### **Subd. 3: Conditional Uses.**

The following are conditional uses within the R-1 Single Family District:

- A. Air navigation facilities, cemetery, crematory, mausoleum, government, public utilities and public service uses, hospitals, sanitariums, homes for the aged and similar institutions of an educational, philanthropic or charitable nature when required for the public health, safety or welfare.
- B. Public buildings and uses of the following kind: elementary and secondary schools (public and private), parks, playgrounds, libraries, museums, community centers, *religious institutions* and child nurseries provided:  
(Amended 01-10)
  - 1. Side yards shall be double that required for the district.
  - 2. No building shall be located within thirty (30) feet of any lot line of an abutting lot in a Residential District.
  - 3. Structures are adequately screened from adjacent properties as determined by the Planning Commission and/or City Council.
  - 4. *Off-street parking shall conform to the requirements of Section 1004.04 of this Chapter.*  
(Amended 01-10)

- C. Residential Planned Unit Developments.
- D. Golf courses and country clubs.

**Subd. 4: Accessory Uses.**

The following accessory uses are allowed in the R-1, Single Family Residential District, provided the standards of Section 1005.01, Subd. 3 are met.

- A. Accessory uses incidental to and on the same zoning lot as the principal use are allowed. For example, swimming pools, fallout shelters, conservatories, tennis courts, and additional private and private-club recreational uses, all noncommercial.
- B. Home occupations, provided standards of Section 1004.07 are met.

**Subd. 5: Minimum Lot Size.**

- A. Lot area of not less than twelve thousand (12,000) square feet for a dwelling unit is required.
- B. Lot width of not less than eighty (80) feet is required.

**Subd. 6: Front, Side and Rear Yard Requirements.**

- A. A front yard setback of not less than thirty (30) feet is required.
- B. Side yards not adjacent to street right-of-ways require a minimum of ten (10) feet.
- C. A rear yard with a depth of not less than thirty (30) feet is required.
- D. Corner lots, (side yards adjacent to street right-of-ways) require a minimum of thirty (30) feet.

**Subd. 7: Maximum Ground Coverage.**

No more than 33% of the lot shall be covered by the principal and all accessory buildings combined. In addition, no more than 40% of the front yard may be covered with "impervious surfaces" which include but are not limited to driveways, sidewalks, or parking stalls. No more than 50% of the required side and rear yards may be covered with impervious surfaces which include but are not limited to tennis courts, cement patios, or detached decks.

**Subd. 8: Maximum Building Height.**

Maximum building height is 2 1/2 stories or 35 feet, whichever is less.

**Subd. 9: Minimum Ground Floor Area.**

For residential units, the following minimum foundation areas are required. Minimum foundation area shall be measured from exterior dimensions and include only year around habitable space, excluding the garage.

- A. One- story or split level units: 960 square feet.
- B. 1 ½ story units, 2 story and 3 story units: 900 square feet.

**Subd. 10: Parking and Garages.**

Each dwelling unit shall have a minimum of two off-street parking spaces. A minimum of a two-stall garage of no less than 440 square feet shall be required at the time of construction of the dwelling.

## **1003.04: R-2 TWO-FAMILY DISTRICT.**

### **Subd. 1: Purpose.**

This district is intended to establish an area of medium density residential uses.

### **Subd. 2: Special Requirements.**

Dwellings may be converted to one-bedroom apartments at the ratio of one bedroom for each 600 square feet of floor area in each dwelling before conversion, exclusive of basement. Conversion to any use other than a permitted, conditional use or interim use is prohibited, unless that use is determined to be in compliance with the spirit and intent of this chapter. Conversion for residential rental purposes shall meet requirements outlined in Section 1003.04, Subd. 4. E.

### **Subd. 3: Permitted Uses.**

The following are permitted uses in the R-2 Two-Family District:

- A. Single-family dwellings or two-family dwellings.
- B. State licensed residential facility or a housing with services establishment registered under chapter 144D serving six (6) 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.
- C. Public buildings and uses of the following kinds: elementary and secondary schools (*public and private*), parks, playgrounds, libraries, museums, community centers, *religious institutions and child* nurseries provided:  
(Amended 01-10)
  1. Side yards shall be double that required for the district.
  2. No building shall be located within thirty (30) feet of any lot line of an abutting lot in a Residential District.
  3. Structures are adequately screened from adjacent properties as determined by the Planning Commission and/or City Council.
  4. *Off-street parking shall conform to the requirements of Section 1004.04 of this Chapter.*  
(Amended 01-10)

### **Subd. 4: Conditional Uses.**

The following are conditional uses within the R-2 Two-Family District.

- A. Cemetery, crematory, mausoleum, government public utility and public service uses, hospitals, sanitariums, homes for the aged and similar institutions and institutions of an educational, philanthropic or charitable nature when required for the public health and safety or welfare.
- B. Planned unit development.
- 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.
- D. Public buildings and public uses including public housing, temporary and permanent.
- E. Conversion of an existing single-family dwelling unit to a two-family dwelling unit provided:

1. The property must satisfy off-street parking requirements contained in this Ordinance.
  2. Have a ceiling height of at least seven (7) feet.
  3. Contain adequate ventilation and fire escapes as determined by the Building Official.
  4. Meets all applicable fire code.
- F. Manufactured Home Parks, in accordance with Section: 1003.06.
- G. Golf courses and country clubs.

**Subd. 5: Interim Uses.**

The following shall be considered as interim uses in the R-2, Two-Family District, provided the process outlined in Section 1006.05 is followed.

- A. The parking of commercial vehicles or equipment exceeding 9,000 pounds gross weight provided this has been a pre-existing use of the property prior to the date of adoption of this Ordinance and the following restrictions are met:
1. Parking or storage of no more than one vehicle or one piece of equipment on an improved driveway.
  2. Transporting or driving of the vehicle or equipment must meet road weight restrictions.
  3. The vehicle shall not run for more than ten consecutive minutes, without being moved, between the hours of 10 p.m. and 6 a.m., and shall comply with city noise ordinances.
  4. The parking area must be screened from neighboring properties with landscaping or fencing approved by the Zoning Administrator.
  5. The interim use permit shall expire within 18 months of issuance and this sunset date shall be noted as a condition of approval. An interim use permit may be reapplied for in accordance with Section 1006.06, Subdivision 4 B.
  6. The interim use permit shall expire immediately upon sale of the property or transfer of the title to the property.

**Subd. 6: Accessory Uses.**

The following accessory uses are allowed in the R-2, Two-Family Residential District, provided the standards of Section 1005.01, Subd. 3 are met.

- A. Accessory uses incidental to and on the same zoning lot as the principal use are allowed. For example; swimming pools, tool houses and similar non-commercial storage buildings, tennis courts, private garages.
- B. Home occupations consistent with Section 1004.07.

**Subd. 7: Minimum Lot Size.**

- A. Lot area required is not less than 10,000 square feet for a one or two-family dwelling.
- B. Lot width required is not less than seventy-five (75) feet.

**Subd. 8: Front, Side and Rear Yard Requirements.**

- A. A front yard of not less than thirty (30) feet is required. Each yard abutting a public street right-of-way shall be considered a front yard.
- B. Interior side yards shall not be less than five (5) feet for non-conforming lots of record with a lot width of less than seventy-five (75) feet. Interior side yards shall not be less than ten (10) feet for lots whose width is seventy-five (75) feet greater.
- C. A rear yard is required with a depth of not less than twenty (20) feet.
- D. Corner lots require two front setbacks each of thirty (30) feet.

**Subd. 9: Maximum Ground Coverage.**

Not more than 33% of the lot shall be covered by main and all accessory buildings combined. In addition, no more than 40% of the front yard may be covered with "impervious surfaces" which include but are not limited to driveways, sidewalks, parking stalls, tennis courts, cement patios, etc. No more than 50% of the required side and rear yards may be covered with impervious surfaces.

**Subd. 10: Minimum Ground Floor Area.**

For residential units, the following minimum foundation areas are required. Minimum foundation area shall be measured from exterior dimensions and include only year around habitable space, excluding the garage: One- story, split level units, 1 ½ story, 2 story and 3 story units: 860 square feet.

**Subd. 11: Maximum Building Height.**

Maximum building height is 2 1/2 stories or thirty-five (35) feet, whichever is less.

## **1003.05: R-3 MULTIPLE FAMILY DISTRICT.**

### **Subd. 1: Purpose.**

This district is intended to establish an area of high-density residential uses.

### **Subd. 2: Special Requirements.**

Conversion of any dwelling shall be in accordance with the *Uniform Building Code*, especially in relationship to minimum floor area required.

### **Subd. 3: Permitted Uses.**

The following are permitted uses:

- A. Single-family dwellings.
- B. State licensed residential facility or a housing with services establishment registered under chapter 144D serving six (6) 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.
- 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.
- D. Public buildings and uses of the following kinds: elementary and secondary schools (*public and private*), parks, playgrounds, libraries, museums, community centers, *religious institutions and child* nurseries provided:  
(Amended 01-10)
  - 1. Side yards shall be double that required for the district.
  - 2. No building shall be located within thirty (30) feet of any lot line of an abutting lot in a Residential District.
  - 3. Structures are adequately screened from adjacent properties as determined by the Planning Commission and/or City Council.
  - 4. *Off-street parking shall conform to the requirements of Section 1004.04 of this Chapter.*  
(Amended 01-10)
- E. Two-family dwellings.
- F. Multiple-family dwellings.

### **Subd. 4: Conditional Uses.**

The following are conditional uses within the R-3 Multiple-Family District.

- A. Cemetery, crematory, mausoleum, government, public utility and public service uses, hospitals, sanitariums, homes for the aged and similar institutions and institutions of an educational, philanthropic or charitable nature when required for the public health and safety or welfare.
- B. Planned unit development.
- C. Public buildings and public uses including public housing, temporary and permanent.

- D. Boarding and lodging houses.
- E. Manufactured Home Parks, in accordance with Section: 1003.06.
- F. Golf courses and Country Clubs.

**Subd. 5: Accessory Uses.**

The following accessory uses are allowed in the R-3, Multiple Family Residential District, provided the standards of Section 1003.05 are met.

- A. Accessory uses incidental to and on the same zoning lot as the principal use are allowed (for example, swimming pools, tool houses and similar non-commercial storage buildings, tennis courts, private garages).
- B. Home occupations consistent with Section 1004.07.

**Subd. 6: Minimum Lot Size.**

- A. Multiple dwelling units having fewer than five (5) dwelling units must have a minimum lot area of 11,250 square feet. Not less than 1,500 square feet additional for each dwelling unit over four (4).
- B. Lot width required is not less than seventy-five (75) feet.

**Subd. 7: Front, Side and Rear Yard Requirements.**

- A. A front yard of not less than 30 feet is required.
- B. Side yards are required for interior lots and shall be a minimum of ten (10) feet.
- C. A rear yard is required with a depth of not less than twenty (20) feet.
- D. Corner lots require two (2) front setbacks adjacent to public rights-of-way, both of not less than thirty (30) feet in width.

**Subd. 8: Maximum Ground Coverage.**

Not more than 60% of the lot shall be covered by main and all accessory buildings combined. In addition, no more than 40% of the front yard may be covered by with "impervious surfaces" which include but are not limited to driveways, sidewalks, parking stalls, tennis courts, cement patios, etc. No more than 60% of the required side and rear yards may be covered with impervious surfaces.

**Subd. 9: Minimum Foundation Areas.**

For single and two-family residential units, the following minimum foundation areas are required in the R-3 District. Minimum foundation area shall be measured from exterior dimensions and include only year around habitable space, excluding the garage: One- story, split level, 1 1/2 , 2 and 3 story units: 860 square feet.

Multiple-family units in the R-3 District shall have a minimum floor area of 640 square feet for a one-bedroom unit, excluding the garage; plus 120 square feet for each additional bedroom.

**Subd. 10: Maximum Building Heights.**

Building heights permitted are 2 1/2 stories but not exceeding thirty-five (35) feet for one and two-family dwellings and three (3) stories or a maximum forty (40) feet for multiple-family or apartment buildings.

**Subd. 11: Development Plan Required.**

- A. No building permit shall be issued until the Zoning Administrator reviews and approves a Development Plan to determine that the use and development are compatible with and



complementary to adjacent land uses, and consistent with the stated intent of this zone. The Zoning Administrator may at his/her discretion refer the development plan to the Planning Commission and City Council for further review. The developer shall provide the following items to the Zoning Administrator for any development located in the Multiple-Family Residential District:

1. Building location on the lot, drawn to scale.
2. Building elevations; front, rear and side.
3. Building exterior materials and color.
4. Locations of ingress and egress points.
5. Dumpster and solid waste pick-up areas and proposed screening material.
6. Sign location and dimensions.
7. Lighting standard and hood detail.
8. Parking and loading areas identified.
9. Drainage by the use of arrows and/or contours.
10. Landscaping material including the location, type of plant and size.
11. Fire hydrant and fire lane locations.
12. Utility locations.
13. Any other fencing, screening, or building accessories to be located in the development area.
14. The applicant shall provide proof of issuance of a National Pollutant Discharge Elimination System (NPDES) permit when said permit is required by the Minnesota Pollution Control Agency (e.g. construction activities in excess of one (1) acre).

## **1003.06: M-1 MANUFACTURED HOME RESIDENTIAL DISTRICT.**

### **Subd. 1: Purpose and Intent.**

The intent of the M-1 Manufactured Home Park District is to promote health, safety, order, convenience, and general welfare by enforcing minimum standards for manufactured home parks, the location and use of manufactured home parks, and the design, construction, alteration, and arrangement of homes on said lots, authorizing the inspection of manufactured home parks, the licensing of operators, and fixing penalties for violations. No building or land shall be used and no building shall be erected, converted, or structurally altered, unless otherwise provided herein.

### **Subd. 2: Permitted Uses.**

The following are permitted uses within the M-1 Manufactured Home Residential District:

- A. Manufactured homes in manufactured home parks.
- B. Public parks and playgrounds.
- C. Essential services.
- D. Storm shelters.
- E. Offices for the administration of the Manufactured Home Park.
- F. On-site laundry facilities to service tenants of the Manufactured Home Park.

### **Subd. 3: Accessory Uses.**

The following are permitted accessory uses in a M-1 Manufactured Home Residential District:

- A. Detached accessory building and carports for licensed and operable passenger cars and trucks not to exceed a gross weight of nine thousand (9,000) pounds. Private garages are intended for use to store the private passenger vehicles of the family or families resident upon the premises, and in which no business service or industry is carried on, unless it is part of a licensed home occupation.
- B. Deck.
- C. Patio.
- D. Room addition up to 200 square feet.
- E. Entryway airlock up to 50 square feet.
- F. Home occupations in compliance with Section 1004.07 of this Ordinance.

### **Subd. 4: Application.**

The following procedure must be followed to obtain approval for a manufactured home park:

- A. The property owner shall first apply in writing to the Zoning Administrator on such form as he/she may from time to time designate. Such application shall include a development plan and a plat plan prepared by and bearing the seal of a Minnesota Registered Surveyor or Registered Engineer, showing the following:
  - 1. Exact legal description of entire development property.
  - 2. Name, address, resume, and three references in the field of manufactured home park development and management.

3. The existing survey of the entire development site.
4. Location and size of all individual lots, storage areas, recreation areas, laundry and drying areas, roadways, parking sites, central office and shelters.
5. Location and size of all streets abutting the park and all proposed driveways from such streets to said park.
6. Street construction and surfacing plans and specifications, including parking areas and sidewalks.
7. Plans for sanitary sewage disposal, surface water drainage, water supply systems, electrical service, and gas service.
8. Setback dimensions of all lots and the entire manufactured home park from adjacent roads, properties, natural areas such as rivers, lakes, streams, ponds, and the like.
9. Delineation and identification of any and all wetlands on or near the development site.
10. Plans for any and all structures.
11. Location, owner, legal description of all easements on the site.
12. Detailed landscaping plans and specifications.
13. Lighting plans and specifications.
14. Location and width of sidewalks.
15. Description of the method of collecting and disposing of garbage and refuse.
16. Detailed description of maintenance procedures and grounds supervision.
17. Proposed development schedule including proposed deadlines for completion of each stage.
18. Such other information as required by the City Engineer, City Building Official, Zoning Administrator, City Council, and/or Planning Commission.

**Subd. 5: Design Standards.**

All manufactured home parks site plans shall conform to the following standards:

A. Park site.

1. Shall be drained and properly graded and meet criteria required in shoreland and/or floodplain areas, meet City engineering and building inspection requirements, and requirements stipulated by the Chisago Soil and Water Conservation District.
2. Shall have at least two points of ingress and egress for vehicles and these access points must get written approval from the appropriate government entity for the proposed access. The access points must meet their specific design requirements.
3. Total Land Area Required: Minimum total park area shall be five (5) acres and not less than 250 feet in width.

B. Individual lots.

1. Lot area: a minimum of 6,000 square feet for the exclusive use of the occupant.
2. Width: no less than 50 feet.
3. Depth: no less than 100 feet.
4. Each lot must provide a raised gravel base sized for the manufactured home installed on the site. Each lot must have sod removed from the base area.
5. Each manufactured home lot shall have frontage on an approved roadway and the corner of each manufactured home lot shall be marked. Each site shall be numbered.
6. Frost piers shall be installed, according to the manufacturer's specifications, on all lots at the time of manufactured home installation.
7. Manufactured Home Parks which are established after the adoption of this ordinance shall not allow manufactured homes which are greater than eight (8) years old to be moved into the park.

C. Setbacks.

1. There shall be a front, side and rear yard setback of ten (10) feet from each structure to the lot line. Lots that abut any public street shall have a setback of thirty (30) feet measured from property line. Where a public street is adjacent to a property line, a twelve (12) foot landscape area shall be required. Screening and buffer zones shall be established on the perimeter of the manufactured home park in compliance with the provisions of this chapter.
2. Accessory structures such as an awning, cabana, storage cabinet, carport, windbreak, deck or porch for purposes of setback requirements, shall be considered to be a part of the manufactured home.
3. There shall be an unused area not less than ten (10) feet in depth along each street or roadway and this area shall be seeded, sodded and/or landscaped, except for required walkways, driveways, or utilities.
4. There shall be an open space of at least six (6) feet between manufactured homes and their accessory buildings.

D. Maximum Height:

1. Principal Building: One and one-half stories or twenty-five (25) feet, whichever is less.
2. Accessory Building: Accessory buildings shall comply with the provisions of Section 1005.01, Subd. 3.

E. Floor Area:

1. Principal Building: Minimum: eight hundred (800) square feet.

F. Off-street automobile parking.

1. Each lot shall have off-street parking spaces for two (2) automobiles. These parking spaces shall comply with the off-street parking regulations outlined in Section 1004.04 of this Chapter.
2. Each park shall maintain a hard surfaced off-street parking lot for guests of occupants in the amount of one (1) space for each four (4) sites. Each parking space shall be a minimum of

nine (9) feet by eighteen (18) feet and constructed in accordance with Section 1004.04. An exception to this requirement may be made in cases of on-site garages and adequate off-street parking stalls on individual lots.

3. Access drives from roadways to all parking spaces and sites shall be hard surfaced.
4. Parking on street shall be discouraged and, if allowed, restricted to only one side of the street. All on-street parking plans are to be approved by the City.

G. Utilities.

1. All manufactured homes shall be connected to a public water and sanitary sewer system.
2. Disposal of surface storm water shall conform to city storm water management plans and shall be approved by the City Engineer and City Council.
3. All utility connections shall be approved by the City.
4. The source of fuel for cooking, heating, or other purposes at each site shall be as approved by the City.
5. All utilities shall be underground including those for street and exterior lighting purposes. There shall be no overhead wires or supporting poles.
6. No obstruction shall be permitted that impedes the inspection of plumbing, electrical facilities, and related mobile and manufactured home equipment.
7. The manufactured home park owner shall pay all required utility connection fees to the City.

H. Internal roadways and streets.

1. Roadways shall be hard surfaced to meet the standards for at least a seven-ton street, unless the applicant can demonstrate that a lesser roadway will be feasible along with plans to keep heavy service type trucks from entering the park. All roadway surface plans are to be approved by the City Engineer and City Council.
2. All roads shall have concrete, mountable, roll type curbs and gutters.
3. All streets shall have a road bed of not less than twenty-four (24) feet in width. No parking shall be permitted on the street unless the roadbed is at least thirty-two (32) feet in width, and in this case will still be limited to one (1) side for street parking purposes.
4. All streets and ways are hereby declared public only to the extent that they shall be under the supervision and control of the police enforcement powers of the City with respect to traffic laws and such other laws as shall be applicable to public ways and places.

I. Landscaping.

1. Each individual lot shall be properly landscaped with grass or sodding. In open areas and park areas, a minimum of ten (10) trees per acre is required. Trees shall be bound and burlapped. Tree varieties and sizes proposed are subject to approval by the City.
2. A compact hedge, tree line, or landscaped area shall be installed around each manufactured home park and be maintained at all times.
3. All areas shall be landscaped in accordance with a plan approved by the City Council.

J. Recreation.

1. The owners of all manufactured home parks shall improve, for the use of occupants, at least ten percent (10%) of the park's total land area for recreational use (tennis courts, children's play equipment, swimming pool, golf green, and the like). In lieu of land dedication for public park purposes, a cash contribution as established by City Code shall be paid to the City.

K. Shelters.

1. Each manufactured home park shall include suitable storm and disaster shelter facilities constructed to accommodate the park residents. The storm shelters must meet standards specified in the state regarding manufactured home park shelter design (Minnesota Rules Chapter 1370.0100 to 1370.0230, as amended from time to time) from the Minnesota Department of Administration Building Code and Standards Division.

L. General Regulations.

1. The owner of a manufactured home park shall be responsible for assuring that the following regulations are complied with by the park and its occupants:
  - a. All areas of the park shall be properly drained, and maintained clean and free from refuse and debris.
  - b. Distinctive design elements and/or themes common throughout the manufactured home park are strongly encouraged.
  - c. The placement of more than one (1) manufactured home on any single lot shall not be permitted.
  - d. Manufactured homes shall not be used for residential purposes if they:
    - i. Do not conform to the requirements of the Manufactured Home Code of the State of Minnesota (Minnesota Rules, Chapter 1350, as may be amended from time to time).
    - ii. Have not been issued a permit by the City Building Official. This includes additions, decks, and accessory structures over 120 square feet in area.
    - iii. Are in an unsanitary condition or have the exterior in bad repair.
    - iv. Are structurally unsound and do not protect the inhabitants against all elements.
    - v. Are not properly blocked, anchored, or utilities not properly connected.
  - e. No persons shall be allowed to reside in a park except those occupying manufactured homes on established individual sites or a central office or caretaker building.
  - f. No manufactured home may be inhabited by a greater number of occupants than that for which it was developed or allowed by state building code.
  - g. Each manufactured home shall be installed in accordance with the manufacturer's specific installation instructions, City building code requirements, and such installation plans and foundation plans prepared by a Minnesota certified engineer. All manufactured homes shall be permanently anchored to prevent uplifting due to wind.
  - h. The area beneath each manufactured home shall be enclosed with appropriate skirting material that is of compatible color and material of the manufactured home, shall not be

in disrepair, and the enclosed skirting shall have access for inspection. Vinyl or aluminum that has been painted is acceptable.

- i. No public address or loud speaker system shall be permitted in such park, unless permitted by the City Council for special or one-time uses of limited duration such as block parties or emergencies.
- j. Outdoor storage of vehicles and other equipment shall comply with Section 1004.01 of this Chapter. The manufactured home park shall provide a secured area for storage on-site, in compliance with the specifications of this chapter.
- k. The installation or construction of any structures or improvements within a park shall require a building permit as required by the City. All plans for such installation or construction shall meet the requirements of the Minnesota Department of Health and the City's zoning and building codes.

M. Location.

1. It shall be unlawful within this zoning district for any person to park any mobile or manufactured home on any street or highway, or other public place or on any tract of land owned by any person, occupied or unoccupied within the City, except as provided for in this chapter.
2. Emergency or temporary stopping or parking is permitted on any public street or highway for not longer than three (3) hours subject to any other and further prohibitions, and parking regulations or ordinances for that street or highway.
3. No person shall park or occupy any mobile or manufactured home which is situated outside of an approved manufactured home park.

N. Temporary mobile or manufactured home permits.

1. Temporary mobile or manufactured home permits may be issued by the City Council for the temporary use of a mobile or manufactured home as a temporary office when the mobile or manufactured home is located outside of an authorized manufactured home park. The City Council may establish such conditions for the mobile or manufactured home as it deems appropriate to insure the health, safety, and general welfare. Such temporary permits shall be limited to periods of not more than ninety (90) days. Upon written application, the City Council may renew such permits. A fee, established by the City Council by resolution, must accompany each application for, and renewal of, a temporary mobile or manufactured home permit. Each temporary mobile or manufactured home permit must be displayed in a conspicuous location on the outside of the mobile or manufactured home.

O. Inspection of manufactured home parks.

1. Compliance with chapter: The City Building Official is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this chapter, including the power to enter at reasonable times upon any private or public property for such purposes.
2. Registration record: The City Building Official, County Sheriff, or their duly authorized representatives, shall have the power to inspect the register containing a record of all residents of the manufactured home park.
3. Access: It shall be the duty of the park management to give the City Building Official free access to all lots, at reasonable times, for the purpose of inspection.

4. Repairs: It shall be the duty of every occupant of a manufactured home park to give the owner thereof or his/her agent or employee access to any part of such manufactured home park at reasonable times for the purpose of making such repairs or alterations as are necessary to comply with this chapter.
5. Emergency: Whenever the Zoning Administrator, after notification by the City Building Official, finds that an emergency exists which requires immediate action to protect the public health or safety, an order may be ordered, without notice of hearing, reciting the existence of such an emergency and requiring that such action be taken as deemed necessary to meet the emergency, including the suspension of the permit or license. Notwithstanding any other provisions of this chapter, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the Zoning Administrator shall be afforded a hearing before the Planning Commission as soon as possible. Pending any such hearing, such emergency orders shall be in full force and effect unless later removed, modified, or changed by the Zoning Administrator, Planning Commission, or the City Council.

P. Required illumination of the park.

1. All parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night. Such illumination specifications shall be reviewed and approved by the Zoning Administrator and City Engineer.
2. All parts of the park system: 0.6 foot candle.
3. Potentially hazardous locations, such as major street intersections and steps or stepped ramps, to be individually illuminated with a minimum of 0.6 foot candle.

Q. Walkways.

1. All parks shall be provided with safe, convenient, durable and convenient to maintain, all-season pedestrian access of adequate width for intended use, between individual manufactured homes, the park streets, and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.
2. A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall be a minimum of thirty-six (36) inches wide and shall be constructed adjacent to the concrete curb of all streets. Common walkways shall connect to municipal trails where feasible.
3. All manufactured homes shall be connected to common walks, to paved streets, or to paved driveways or parking spaces connecting to a paved street.

R. Service buildings and other community service buildings.

1. The requirements of this section shall apply to service buildings, recreation buildings, and other community service facilities, indoor recreation areas, and commercial areas supplying essential goods or services for the exclusive use of park occupants.
2. Structural requirements of buildings: All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, insects, and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.



3. Barbecue pits, outdoor fireplaces, and cooking shelters: Cooking shelters, barbecue pits, and outdoor fireplaces shall be so located, constructed, maintained, and used as to minimize fire hazards and smoke nuisance both on the property on which used and on neighboring properties, and shall comply with all appropriate ordinances, laws, or other regulations. Wood burning stoves and incinerators are not allowed.

S. Refuse handling.

1. The storage, collection, and disposal of refuse in the manufactured home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding, accident or fire hazards, or air pollution.

T. Insect and rodent control.

1. Grounds, buildings, and structures: Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with any requirements of the Chisago County Health Department, Minnesota Department of Health, City Council, or other duly authorized authority over such matters.
2. Parks: Parks shall be maintained free of accumulation of debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests.
3. Storage areas: Storage areas shall be so maintained as to prevent rodent harborage. Lumber, pipe and other building material shall be stored at least one foot above ground.
4. Screens: Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

U. Fuel supply and storage.

1. Approved natural gas piping systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems. No outside or buried fuel tanks will be allowed.

V. Fire protection.

1. Litter, rubbish, and the like. Manufactured home parks shall be kept free of litter, rubbish, and other flammable material.
2. Fire extinguishers: Portable fire extinguishers rated for class A, B, and C fires shall be kept visible in services buildings and at other locations conveniently and readily accessible for use by all of the occupants and shall be maintained in good operating condition. Their capacity shall be not less than ten (10) pounds.
3. Fire hydrants: Fire hydrants shall be installed in accordance with the following requirements:
  - a. The water supply system shall permit the operation of standard City fire hydrants.
  - b. Fire hydrants shall be spaced throughout the park in such locations and to such specifications as required by the City Fire Chief and/or City Building Official.

W. Miscellaneous requirements.

1. The following are responsibilities of the manufactured home park owners:

- a. The person to whom a license for a manufactured home park is issued shall operate the park in compliance with this chapter and shall provide adequate supervision to maintain the park, its facilities, and equipment in good repair and in a clean and sanitary condition.
- b. The park management shall notify park occupants of all applicable provisions of this chapter and inform them of their duties and responsibilities under this chapter.
- c. It shall be the duty of the operator of the manufactured home park to keep a register containing a record of all manufactured home owners and occupants located within the park. The register shall contain the date of arrival and departure of each manufactured home and the make, type and license number of each manufactured home. The park shall keep the register available for inspection at all times by law enforcement officers, public health officials, and other officials whose duty necessitates acquisition of the information contained in the register. The register record for each occupant registered shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park.

X. Manufactured Homes in Other Districts.

1. Manufactured home parks in other districts shall conform to the provisions of this Section in order to qualify for a conditional use permit to be located in that district.

## **1003.07: B-1 HIGHWAY BUSINESS DISTRICT.**

### **Subd. 1: Purpose.**

The B-1 District is designed and intended to promote the development of uses which require large concentration of automobile traffic. The district is also designed to accommodate those commercial activities which may be incompatible with the uses permitted in the GBD District and whose service is not confined to any one (1) neighborhood or community.

### **Subd. 2: Special Requirements.**

- A. All business, servicing, or processing shall be conducted within completely enclosed buildings, with the following exceptions: restaurants of the "drive-through" type, and off-street parking and loading.

### **Subd. 3: Permitted Uses.**

The following are permitted uses in the B-1 Highway Business District:

- A. Ambulance service.
- B. Appliance store, sales and storage.
- C. Auction rooms.
- D. Auto parts and accessory sales including outdoor display of auto accessories provided that such outdoor display or storage is separated from abutting development by ornamental fencing or screen planting.
- E. Auto sales, provided parking lot requirements outlined in Section 1004.04 are adhered to for sales lot.
- F. Bank.
- G. Beauty or barbershop.
- H. Bicycle store.
- I. Blueprinting, photostatting and lithographing.
- J. Bowling alley and billiard parlor.
- K. Bus, railway, or airline depot or ticket office.
- L. Catalog service and mail order house.
- M. Club or lodge.
- N. Dairy products store.
- O. Dance hall.
- P. Diaper service.
- Q. Discount store.
- R. Drugstore.

- S. Dry cleaning.
- T. Electric contractor.
- U. Exterminator.
- V. Floral sales.
- W. Food locker plant: a food locker plant renting only individual lockers for home customer storage of food, including sale or retail, delivery of individual home orders and the cutting and packaging of meats or game but not including slaughtering or eviscerating thereof.
- X. Fruit store.
- Y. Grocery store.
- Z. Gunsmith.
- AA. Halls; rented for meetings, conventions, or social gatherings.
- BB. Hardware store.
- CC. Health club or gym.
- DD. Health equipment and supply store.
- EE. Hotel, motel, or tourist home.
- FF. Ice plant.
- GG. Janitorial service.
- HH. Laboratory; scientific and testing.
- II. Laundromat.
- JJ. Linen supply.
- KK. Liquor store (off-sale).
- LL. Locksmith.
- MM. Medical facilities including clinics, appliances, sales and fittings.
- NN. *Mortuaries, funeral homes and crematoriums.*  
(Amended 12-09)
- OO. Paint and wallpaper store.
- PP. Painting and decorating contractor.
- QQ. Pawn shop.
- RR. Pet store.
- SS. Photographic studio, picture processing, or equipment.

TT. *Shopping Centers or multiple-tenant retail sales and service facilities, provided:*

1. *Site, building and floor plans shall be submitted to the City, with proposed occupancy or type of businesses identified.*
2. *All buildings shall comply with setback requirements outlined in Section 1003.07, Subd. 7.*
3. *The internal parking lot, drive aisles and circulation system, and off-street parking shall conform to the requirements of Section 1004.04 (Off-Street Parking and Loading) of this Chapter.*
4. *All tenants shall be permitted or approved conditional uses within the B-1 District.*
5. *Requirements of the Building Code for multiple-tenants, in one facility, shall be met.*
6. *The physical design may include more than one building provided the project is developed as a commercial PUD in accordance with Section 1004.08. If there is an open space between two (2) buildings, the space shall not be less than 20 feet.  
(Amended 07-08)*

UU. Plumbing contractor.

VV. Powersport vehicle store.

WW. Printing, publishing, and allied industries.

XX. Radio and television broadcasting (including transmitter and studios).

YY. Second hand store.

ZZ. Sign contractor.

AAA. Tailor.

BBB. Taxidermist.

CCC. Theatrical studio.

DDD. Upholstery shop of any type.

EEE. Variety store.

FFF. Veterinarian, including observation kennels for household pets; provided, however, all such kennels are contained within completely enclosed structures.

**Subd. 4: Conditional Uses.**

The following uses may be permitted after issuance by the City of a conditional use permit:

- A. Auto and boat service stations and gas stations, auto glass, muffler and upholstery shops, auto repair shops, tire recapping and supply stores, and vehicle (automobiles, boats) storage for new or used vehicles (this does not include dismantling or wrecking) and parking and/or commercial storage of vehicles; need not be enclosed, provided:
  1. Motor fuel facilities are installed in accordance with state and City standards.
  2. Adequate space shall be provided to access gas pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access

by motor fuel transports and unloading operations minimize conflict with circulation, access and other activities on the site.

3. Wherever fuel pumps are to be installed, pump islands shall be installed.
  4. A protective canopy located over the pump island(s) may be allowed as an accessory structure on the property; however, adequate visibility both on and off site shall be maintained and accessory structure setbacks must be met.
  5. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.
  6. Parking or storage areas which comply with outdoor storage and parking regulations, as defined in Sections 1004.01 and 1004.04 of this Chapter.
- B. Convenience Store with gasoline, provided that:
1. The sale of food items is in compliance with state and county standards and subject to the approval of a Health Inspector who shall provide specific written sanitary requirements for each proposed sale location.
  2. The approximate area and location devoted to non-automotive merchandise sales shall be specified in general terms in the application.
  3. Motor fuel facilities are installed in accordance with state standards. Adequate space shall be provided to access gas pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations minimize conflict with circulation, access and other activities on the site.
  4. Wherever fuel pumps are to be installed, pump islands shall be installed.
  5. A protective canopy located over the pump island(s) may be an accessory structure on the property however adequate visibility both on and off site shall be maintained.
  6. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.
- C. Car washes (drive through, self-service and mechanical) provided that stacking space is constructed, subject to approval by the City Engineer, to accommodate that number of vehicles which can be washed during a maximum thirty (30) minute period.
- D. Community or convention centers.
- E. Drive-through type commercial establishments, provided that an internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles as well as designed to minimize the impact of headlights on vehicles utilizing the drive-through. If any component of a permitted use includes a drive-through, a conditional use permit shall be sought to allow for the review of the aforementioned items.
- F. Garden supplies and landscape nursery.
- G. Indoor Firing Ranges: The use of property for an indoor firing range shall conform to the following standards:

1. The firing range shall not be located on any lot adjacent to an existing Residential or Conservation, Parks, Public & Open Space District.
2. The firing range shall not be located within one thousand (1,000) lineal feet, measured from building to building, of an existing firing range or establishment licensed to dispense intoxicating or non-intoxicating beverages.
3. The use, occupancy, and construction of the building shall conform to the Minnesota State Building Code.
4. The building and method of operation shall conform with the applicable Minnesota Pollution Control Agency, Environmental Protection Agency, and OSHA standards for indoor ventilation, emissions into the atmosphere, indoor sound levels, lead containment, and outside noise standards.
5. The design and construction of the firing range shall completely confine all ammunition rounds within the building and in a controlled manner. The design and construction of the firing range shall be certified by a registered engineer in the State of Minnesota. The certified plans shall include the specifications and construction of the bullet trap(s), ceilings, exterior and interior walls, and floors. The certified plans shall state what type and caliber of ammunition the range is designed to totally confine. In addition, the building shall be constructed of tip-up concrete, concrete block or other similar material, as approved by the Planning Commission and City Council, to ensure the facility is secure.
6. No ammunition shall be used in the range that exceeds the certified design and construction specifications of the firing range.
7. A written log of range users shall be maintained by the range operator and available for inspection by the City at any/all times. The name and address of the user shall be verified by photo identification. The log shall, but is not limited to:
  - a. The name, address and phone number of the range user;
  - b. The time and date the user was in the range;
  - c. A photocopy the individual's permit to carry a dangerous weapon.
8. On-site supervision shall be supplied at all times by an adult with credentials as a range operator. The range operator shall be responsible for the conduct of their place of business and the conditions of safety and order in the place of business and on the premises.
9. The applicant shall provide and maintain proof of liability insurance which shall require the insurer notify the Zoning Administrator in writing within ten (10) business days of cancellation of the policy, a change in the limit of the policy and/or a change in policy ownership. Said policy shall be available for inspection by the Zoning Administrator and/or his/her assigns at all times.
10. On site instruction shall be given only by Certified Firearms Instructors. Current certificates for firearms instructors shall be on display in a conspicuous location in the premises and available for public inspection at all times.
11. An outside security plan for the general grounds shall be submitted to the Zoning Administrator or designee for review and approval.
12. The transport of firearms on the premises, to the premises and from the premises shall conform to State Law.

- 13. Minors shall not be allowed in the range unless accompanied by an adult at all times. This provision shall not be interpreted to prohibit minors from participating in a firearm safety class which is supervised by an adult instructor.
- 14. Indoor firing ranges shall not sell or dispense intoxicating or non-intoxicating liquors, nor shall they be located in a building which contains a business that sells or dispenses non-intoxicating or intoxicating liquors.
- 15. The Planning Commission and City Council reserve the authority to review or modify the performance standards for the range.
- H. Landing or take-off area for rotorcraft, not including maintenance, repair, fueling or hanger facilities.
- I. Marine sales and repair.
- J. Public or semi-public development.
- K. Restaurants, cocktails lounges and other eating and drinking establishments.
- L. Shipping and storage of merchandise solely intended to be retailed by the established principal permitted use.
- M. Sports arena or stadium.
- N. *Religious institutions.*  
(Amended 01-10)

**Subd. 5: Accessory Uses.**

- A. Commercial or business building for a use accessory to the principal use, not to exceed 30% percent of the size of principal structure.
- B. Fences, landscaping.
- C. Off-street loading and parking areas, subject to applicable section(s) of this Chapter.
- D. Signs, which meet the criteria of Section 1004.05 of this Chapter.
- E. Temporary buildings for construction purposes for a period not to exceed construction.

**Subd. 6: Minimum Lot Size.**

- A. The minimum lot size is ten thousand (10,000) square feet.
- B. The minimum lot width is one hundred (100) feet.

**Subd. 7: Front, Side and Rear Yard Requirements.**

- A. Front yard: except as otherwise hereinafter provided, all uses allowed in the B-1 District (permitted or conditional uses) shall provide a minimum front yard *setback* of fifteen (15) feet *for principal or accessory structures) as well as off-street parking.* This area shall be devoted exclusively to landscaping, except for necessary access drives.  
(Amended 02-07)



- B. Side yard: *Principal and accessory structures*: minimum ten (10) feet. If abutting a residential district, then thirty (30) feet. *If abutting a public right-of-way, then fifteen (15) feet. Off-street parking spaces/parking lots and access drives: minimum five (5) feet.*  
(Amended 02-07)
- C. Rear yard: *Principal and accessory structures*: minimum ten (10) feet, unless abutting a residential district, then thirty (30) feet. *Off-street parking spaces/parking lots: minimum five (5) feet.*  
(Amended 02-07)

**Subd. 8: Maximum Ground Coverage.**

The sum total of the ground area covered by all structures (permitted or conditional uses) shall not exceed 75% of the zoning lot on which the structures are located.

**Subd. 9: Maximum Height.**

Maximum height three (3) stories or forty (40) feet, whichever is less.

**Subd. 10: Development Plan Required.**

- A. No building permit shall be issued until the Zoning Administrator reviews and approves a Development Plan to determine that the use and development is compatible with and complementary to adjacent land uses, and consistent with the stated intent of this zone. The Zoning Administrator may at his/her discretion refer the development plan to the Planning Commission and City Council for further review. The developer shall provide the following items to the Zoning Administrator for any development located in the Highway Business District:
  - 1. Building location on the lot, drawn to scale.
  - 2. Building elevations; front, rear and side.
  - 3. Building exterior materials and color.
  - 4. Locations of ingress and egress points.
  - 5. Dumpster and solid waste pick-up areas and proposed screening material.
  - 6. Sign location and dimensions.
  - 7. Lighting standard and hood detail.
  - 8. Parking and loading areas identified.
  - 9. Drainage by the use of arrows and/or contours.
  - 10. Screening of heating, ventilation and air-conditioning equipment, if proposed to be located in a side yard. Screening plans are not required for rooftop equipment or equipment placed in the rear yard.
  - 11. Landscaping material including the location, type of plant and size.
  - 12. Fire hydrant and fire lane locations.
  - 13. Utility locations.
  - 14. Any other fencing, screening, or building accessories to be located in the development area.

15. The applicant shall provide proof of issuance of a National Pollutant Discharge Elimination System (NPDES) permit when said permit is required by the Minnesota Pollution Control Agency (e.g. construction activities in excess of one acre).

## **1003.08: B-2 GENERAL BUSINESS DISTRICT (GBD).**

### **Subd. 1: Purpose.**

This district is designed and intended as a specialized district directed to serve the pedestrians in a compact central area of the City. The B-2 District will provide for a high-density shopping and business environment, especially stressing the pedestrian function and interaction of people and businesses, rather than being heavily oriented toward the use of automobiles.

### **Subd. 2: Special Requirements.**

Every use, unless expressly exempted by this chapter or allowed by a conditional or interim use permit, shall operate in its entirety within a completely enclosed structure; the exemption of a use from the requirement of enclosure will be indicated by the phrase "need not be enclosed" appearing after any use exempted or in the case of a permitted establishment by the granting of a conditional or interim use permit, subject to the conditions in the conditional use Section.

### **Subd. 3: Permitted Uses.**

The following uses are permitted uses:

- A. Antique store.
- B. Apparel, fabric and accessory store.
- C. Appliance store, sales and service.
- D. Art gallery.
- E. Art supply store.
- F. Artist studios or school.
- G. Bakery retail.
- H. Bank, not including drive-up bank.
- I. Barbershop.
- J. Beauty salon.
- K. Bookstore.
- L. Business machines store.
- M. Café/eatery, consisting of less than 2,000 square feet of total space.
- N. Camera and photographic supply store.
- O. Candy, ice cream and confectionery store.
- P. Catalog service and mail order house.
- Q. Caterer.
- R. Chiropractor offices.
- S. City Hall.

- T. Clinic, including medical, dental, chiropractic and veterinary.
- U. Dance studio.
- V. Department store.
- W. Drugstore.
- X. Floral sales.
- Y. Furniture store and home furnishings.
- Z. Gift, novelty or souvenir store.
- AA. Grocery store.
- BB. Hardware store.
- CC. Health equipment store or health club.
- DD. Interior decorator.
- EE. Jewelry store.
- FF. Laboratory, dental or medical.
- GG. *Laundromat.*  
*(Amended 01-10)*
- HH. *Liquor Store.*  
*(Amended 01-10)*
- II. Locksmith.
- JJ. Luggage store.
- KK. *Multiple-tenant buildings, provided:*
  - 1. *Site, building and floor plans shall be submitted to the City.*
  - 2. *All tenants or businesses shall be permitted or approved conditional uses within the B-2 District.*
  - 3. *Requirements of the Building Code for multiple-tenants, in one facility, shall be met.*  
*(Amended 07-08)*
- LL. Music store, accessories and studio.
- MM. Offices for professional services including but not limited to accounting, legal, computer related businesses.
- NN. Optical goods and optician services.
- OO. Paint and wallpaper store.
- PP. Photographic studio or picture processing.

- QQ. Print shops.
- RR. Radio and television broadcasting (excluding transmitter).
- SS. Savings and loan association, state or federally chartered; excluding drive-up facilities.
- TT. Shoe repair shop.
- UU. Sporting goods store.
- VV. Stationery store.
- WW. Tailor.
- XX. Telephone central office exchange.
- YY. Theater; not including drive-in theater.
- ZZ. Theatrical studio.
- AAA. Ticket agency.
- BBB. Toy store.
- CCC. Travel bureau or agency.
- DDD. Variety store.
- EEE. Video/DVD stores.

**Subd. 4: Conditional Uses.**

The following uses may be permitted after issuance by the City of a conditional use permit:

- A. Convenience Store with gasoline, provided that:
  1. The sale of food items is in compliance with state and county standards and subject to the approval of a Health Inspector who shall provide specific written sanitary requirements for each proposed sale location.
  2. The approximate area and location devoted to non-automotive merchandise sales shall be specified in general terms in the application.
  3. Motor fuel facilities are installed in accordance with state standards. Adequate space shall be provided to access gas pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations minimize conflict with circulation, access and other activities on the site.
  4. Wherever fuel pumps are to be installed, pump islands shall be installed.
  5. A protective canopy located over the pump island(s) may be an accessory structure on the property however adequate visibility both on and off site shall be maintained.
  6. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.
- B. Community or convention center.

- C. Garden supplies store; need not be enclosed, provided all unenclosed portions of the use are located on the rear one-half (1/2) of the zoning lot.
- D. Mixed use of a Permitted Use and multiple-family residential dwelling units; but only if at least 50% of the interior square footage (exclusive of the basement or cellar) is used full time for a Permitted Use, and said permitted and residential uses are not conflicting. The area consisting of multiple residential dwelling units must meet the standards of Section 1003.05; and said residential uses shall occupy only the upper portion of structures. Off-street parking requirements shall be separately determined for the commercial and residential uses in accordance with Section 1004.04.
- E. Parking of vehicles; need not be enclosed.
- F. Planned unit developments.
- G. Public or semi-public development.
- H. Restaurants, cocktail lounges and other eating or drinking establishments provided by supply off-street parking in conformance with Section 1004.04, if the establishment's gross area consists of 2,000 square feet or more.
- I. Service stations and Auto Repair shops provided all storage is completely enclosed and no items are stored outside.
- J. Sports Arena or Stadium provided they meet the off-street parking requirements of Section 1004.04.
- K. *Accessory storage structures, such as a garage or shed, provided that the following conditions are met:*
  - 1. *The lot in which the accessory structure is proposed is a minimum 15,000 square feet in size.*
  - 2. *The accessory structure shall be set back a minimum of five feet (5') from property lines; with a minimum six feet (6') between the accessory structure and principal structure.*
  - 3. *The accessory structure shall not exceed 40% of the size of the principal structure.*
  - 4. *The accessory structure shall meet the general requirements outlined in Section 1005.01, Subd. 3, with the exception that only one accessory structure may be permitted by conditional use permit in the B-2, General Business District.*
  - 5. *The construction of the accessory structure on the site be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area.*
  - 6. *The accessory structure shall be used for the storage of items incidental to the principal structure and shall not be used for the direct sale of goods or services to customers.*
  - 7. *The applicant/owner is unable to add on to the principal structure due to a unique situation such as historic registry regulations, or the like.  
(September, 2006)*
- L. *State Licensed Board and Lodging Facilities for one to 20 persons, provided that:*

1. *The facility is licensed for a Board and Lodging Facility through the Minnesota Department of Health.*
2. *The facility shall house no more than 20 residents at any given time, with no more than two adult residents per bedroom, provided that adequate off-street parking is provided for the proposed occupancy and overnight staff pursuant to the requirements of the zoning code.*
3. *Off-street parking improvements shall be provided on site consistent with the requirements of Section 1004.04, Subd. 3 J of the Zoning Ordinance.*
4. *The facility shall comply with applicable laws, rules or regulations of the State of Minnesota, Political Subdivisions of this State, and the United States, including but not limited to all fire and building codes, sanitation, food service, lodging, safety, health and Department of Health regulations.*
5. *The facility shall send copies of reports of inspections completed by appropriate authorities regarding compliance with laws, rules and regulations of Conditional Use Permit to the City Administrator of Rush City or the Administrator's designee prior to operation of the facility.*
6. *The facility shall report to the local law enforcement agencies for investigation, all criminal offenses or delinquent acts that are committed in or on the grounds of, or otherwise in connection with, the facility.*
7. *The facility shall submit annual licensing reports and any changes to the Policy and Procedure Manual related to facility to the City Administrator or the Administrator's designee each year.*
8. *The facility shall be staffed at all times when residents are present at the facility with a staffing pattern approved by the MN Department of Human Services or Chisago County Health and Human Service Department, that is adequate both to ensure supervision of residents and maintenance of security within the facility, and to provide for programs, transportation, security, and other operational needs. In determining security needs, the facility shall be required to consider, among other things, the proximity of the facility to neighborhoods.*
9. *The conditional use shall be in effect only at such time that the facility has met licensing requirements and provided such documentation to the City Administrator and the conditional use permit shall only be in effect as long as the terms and conditions here provided for are and observed. If violations are found, the conditional use permit may be revoked.*
10. *Only second and/or third levels of buildings in the B-2 District may be used for board and lodging facilities. The first floor of the facility shall be reserved for commercial uses.*
11. *The proposed residential use shall be compatible with the Permitted Use within the facility and with surrounding uses, and shall not cause disturbances to surrounding uses.*
12. *Residents in the State Licensed Board and Lodging Facility shall not be Court ordered to reside in the specific facility for which the conditional use permit is granted, but rather at the choice of the resident.*
13. *Except for minor children of current adult residents at the facility, all residents shall be over the age of 18 years. Minor children of adult residents of the facility shall be counted toward the maximum allowable number of residents in the facility.*
14. *Procedures for the issuance of a Conditional Use Permit, as outlined in Section 1006.04 shall be followed."  
(Amended 04-08)*

*M. Bed and Breakfasts provided that:*

1. *The establishment conforms with all applicable federal and state regulations, and Building Code requirements.*
2. *Primary entrance to all guestrooms shall be from within the dwelling.*
3. *A guest register shall be maintained and available for City inspection.*
4. *No food preparation or cooking shall be conducted within any of the guest rooms.*
5. *Off-street parking requirements for guests are in addition to those required for any other use on the property. Off-street parking shall conform to the requirements of Section 1004.04 of this Chapter.*
6. *Procedure for the issuance of a Conditional Use Permit, as outlined in Section 1006.04 of this Chapter shall be followed.*
7. *Rooms are only for rent for a period not to exceed fourteen (14) consecutive days during any ninety (90) day period.  
(Amended 03-09)*

*N. Hotel provided that:*

1. *Off-street parking shall conform to the requirements of Section 1004.04 of this Chapter.  
(Amended 03-09)*

*O. Mortuaries, funeral homes and crematoriums provided that:*

1. *Procedure for the issuance of a Conditional Use Permit, as outlined in Section 1006.04 of this Chapter shall be followed.*
2. *Off-street parking shall conform to the requirements of Section 1004.04 of this Chapter.  
(Amended 12-09)*

*P. Religious institutions provided that:*

1. *Off-street parking shall conform to the requirements of Section 1004.04 of this Chapter.  
(Amended 01-10)*

**Subd. 5: Accessory Uses.**

- A. Fences and landscaping.
- B. Off-street loading and parking areas, subject to applicable section(s) of this Ordinance.
- C. Signs, which meet the criteria of Subdivision 1004.05 of this Ordinance.

**Subd. 6: Minimum Lot Size.**

- A. Lots shall have a minimum area of four thousand (4,000) square feet.
- B. Lots shall have a minimum street frontage of forty (40) feet.

**Subd. 7: Front, Side and Rear Yard Requirements.**



- A. No front yard setback required.
- B. Side and rear yard setbacks shall be twenty a minimum of twenty (20) feet if abutting a residential district.
- C. All structures shall be set back not less than ten (10) feet from any railroad right-of-way.
- D. The space resulting from the foregoing setbacks (yard requirements) shall be utilized only for access to the permitted use or for landscaping purposes.

**Subd. 8: Maximum Ground Coverage.**

No maximum ground coverage requirements.

**Subd. 9: Maximum Building Height.**

Building heights of 2 1/2 stories or a maximum of thirty-five (35) feet shall be permitted.

**Subd. 10: Development Plan Required.**

- A. No building permit shall be issued until the Zoning Administrator reviews and approves a Development Plan to determine that the use and development is compatible with and complementary to adjacent land uses, and consistent with the stated intent of this zone. The Zoning Administrator may at his/her discretion refer the development plan to the Planning Commission and City Council for further review. The developer shall provide the following items to the Zoning Administrator for any development located in the General Business District:
  - 1. Building location on the lot, drawn to scale.
  - 2. Building elevations; front, rear and side.
  - 3. Building exterior materials and color.
  - 4. Locations of ingress and egress points.
  - 5. Dumpster and solid waste pick-up areas and proposed screening material.
  - 6. Sign location and dimensions.
  - 7. Lighting standard and hood detail.
  - 8. Parking and loading areas identified.
  - 9. Drainage by the use of arrows and/or contours.
  - 10. Screening of heating, ventilation and air-conditioning equipment.
  - 11. Landscaping material including the location, type of plant and size.
  - 12. Fire hydrant and fire lane locations.
  - 13. Utility locations.
  - 14. Any other fencing, screening, or building accessories to be located in the development area.
  - 15. The applicant shall provide proof of issuance of a National Pollutant Discharge Elimination System (NPDES) permit when said permit is required by the Minnesota Pollution Control Agency (e.g. construction activities in excess of one acre).



## **1003.09: I-1 LIGHT INDUSTRIAL DISTRICT.**

### **Subd. 1: Purpose.**

The Light Industrial District provides space for light manufacturing activities as defined in the Section 1001.04 of this Ordinance and involving a minimum degree of refuse byproducts and air or noise pollution, and requiring a relatively low level of on-premise processing. These activities may include secondary commercial functions which are conducted on site. Heavy manufacturing activities as described in Section 1002.01 of this Chapter are prohibited.

### **Subd. 2: Permitted Uses.**

The following are permitted uses:

- A. Art equipment supplies – manufacturing of.
- B. Automobile repair station.
- C. Bags, boxes and paper containers, manufacturing and storage.
- D. Bakery products.
- E. Blank books, loose leaf binders; fabrication and assembly.
- F. Books and bookbinding.
- G. Bottling establishments and distribution.
- H. Cabinet and woodworking establishments.
- I. Camera and photographic manufacturing.
- J. Clothing manufacturing.
- K. Cold storage plants, commercial printing, publishing, engraving and reproduction firms.
- L. Confectionery and related products, manufacturing and packaging.
- M. Dental instruments and supplies manufacturing, assembly or packaging.
- N. Dry cleaning and dyeing establishments.
- O. Electrical lighting and wiring equipment and components – manufacturing, assembly and testing.
- P. Footwear - manufacture and fabrication.
- Q. Hand and edge tools (except machine tools) - manufacturing and assembly.
- R. Injection molding.
- S. Jewelry manufacturing.
- T. Laboratory instruments and associated equipment, scientific and testing.
- U. Luggage, handbags, and similar items - manufacturing and assembly.
- V. Lumber yards.

- W. Mail order facilities.
- X. Medical and surgical instruments and supplies manufacturing, assembly or packaging.
- Y. *Multiple-tenant buildings, provided:*
  - 1. *Site, building and floor plans shall be submitted to the City, with proposed occupancy or type of businesses identified.*
  - 2. *All buildings comply with setback requirements outlined in Section 1003.09, Subd. 6.*
  - 3. *The internal parking lot, drive aisles and circulation system, and off-street parking shall conform to the requirements of Section 1004.04 (Off-Street Parking and Loading) of this Chapter.*
  - 4. *All tenants are permitted or approved conditional uses within the I-1 District.*
  - 5. *Requirements of the Building Code for multiple-tenants, in one facility, are met. (Amended 07-08)*
- Z. Newspaper plants and offices.
- AA. Office furniture and supplies manufacturing, assembly or packaging.
- BB. Offices/showroom/retail space as a portion of the principal industrial use provided they do not exceed a combined twenty-five (25) percent of the total square footage of the principal use.
- CC. Optical instruments and lenses - manufacturing and assembly.
- DD. Pallet (re) manufacturing.
- EE. Plastics manufacturing.
- FF. Plumbing fixture and equipment - wholesale.
- GG. Pottery shop manufacturing, assembly or packaging.
- HH. Precision instruments manufacturing, assembly or packaging.
- II. Radio and television - assembly and parts fabrication.
- JJ. Reconditioning of component products.
- KK. Scientific and research instruments and equipment manufacturing and assembly.
- LL. Signs and advertising display materials manufacturing, assembly or packaging.
- MM. Sport equipment - manufacturing and assembly.
- NN. Telephone and telegraph technical apparatus - manufacturing and assembly.
- OO. Temperature controls - fabrication and assembly.
- PP. Tool and die makers.
- QQ. Trade schools.

RR. Warehousing and distribution operations.

SS. Welding supply.

TT. Wholesale business facilities.

**Subd. 3: Conditional Uses.**

The following uses may be permitted after issuance by the City of a conditional use permit:

- A. *Adult Establishments subject to the requirements of Chapter 507 of the City Code. (Amended 06-13-11)*
- B. Freight truck terminals, provided access and circulation do not cause conflict with general traffic movement on the adjacent roadway(s).
- C. Motor vehicle body shop.
- D. Planned unit industrial developments.
- E. *More than one principal structure per industrial lot provided the following conditions are met:*
  - 1. *The proposed uses of each principal structure shall meet the standards of the industrial zoning district.*
  - 2. *Direct access to each principal structure shall be provided via an improved public street.*
  - 3. *A site plan shall be submitted illustrating points of ingress/egress and traffic flow. Access to each principal structure shall not compromise general safety and shall provide adequate traffic movement for public safety (police, fire, ambulance) to each principal structure.*
  - 4. *Each principal structure shall be served with its own water and sewer utility services and meters, if required by state building code and/or the City Code.*
  - 5. *Off-street parking requirements for each principal use shall be provided, in accordance with Section 1004.04 of the Zoning Ordinance.*
  - 6. *Principal structures shall be located on the lot to accommodate a future lot division, meeting the standards of the Zoning and Subdivision Ordinances.*
  - 7. *The proposed principal structures with their proposed uses shall comply with the building and fire codes.*
  - 8. *A change in use of one or more of the principal structures shall require submittal of a revised development plan, in conformance with Section 1003.09, Subd. 9A.*
  - 9. *Additional conditions may be imposed by the City and listed on the approved conditional use permit relating to public health and safety.*
  - 10. *The conditional use permit shall be reviewed at least annually for compliance. (Amended 05-08)*

**Subd. 4: Accessory Uses.**

The following are permitted accessory uses within the Light Industrial District.

- A. Business identification signs as regulated in Section 1004.05.
- B. Off-street parking and off-street loading in compliance with Section 1004.04.

- C. Outdoor storage as regulated in Section 1004.01.
- D. Temporary buildings for construction purposes for a period not to exceed a period of twelve (12) months.

**Subd. 5: Minimum Lot Size.**

- A. Every individual lot, site or tract shall have an area of not less than one (1) acre.
- B. Every lot or tract shall have a width of not less than one hundred (100) feet abutting a public right-of-way.
- C. There shall be a required minimum ten percent (10%) reservation of the total lot area for landscaping use. Such landscaping shall conform in design and appearance with the overall development plan as approved by the Planning Commission.

**Subd. 6: Front, Side and Rear Yard Requirements.**

- A. A front yard having a depth of not less than thirty five (35) feet between building and the street right-of-way line is required. The front yard is to be devoted to landscaping except for necessary points of access, signs as allowed and required off-street parking in accordance with Section 1004.04.
- B. There shall be two (2) side yards, one on each side of a building. Each side yard shall be not less than fifteen (15) feet in width.
- C. A Light Industrial District side yard adjacent to a residential boundary line shall be set back a minimum of thirty (30) feet from the property line which shall include a landscaped strip of at least ten (10) feet in width along the lot boundary line.
- D. The City may require additional side yard setbacks. When such additional width is required, such additional width shall not exceed one hundred (100) feet and parking in this area will be permitted.
- E. There shall be a rear yard not less than thirty (30) feet in depth.

**Subd. 7: Maximum Ground Cover.**

In the I-1 District, the sum total of the ground area covered by all structures (permitted and conditional) on the zoning lot on which the structures are located shall not exceed 75%.

**Subd. 8: Maximum Building Height.**

Maximum height – three (3) stories or no greater than forty (40) feet.

**Subd. 9: Development Plan Required.**

- A. No building permit shall be issued until the Zoning Administrator reviews and approves a Development Plan to determine that the use and development is compatible with and complementary to adjacent land uses, and consistent with the stated intent of this zone. The Zoning Administrator may at his/her discretion refer the development plan to the Planning Commission and City Council for further review. The developer shall provide the following items to the Zoning Administrator for any development located in the Light Industrial District:
  - 1. Building location on the lot, drawn to scale.
  - 2. Building elevations; front, rear and side.

3. Building exterior materials and color.
4. Locations of ingress and egress points.
5. Dumpster and solid waste pick-up areas and proposed screening material.
6. Sign location and dimensions.
7. Lighting standard and hood detail.
8. Parking and loading areas identified.
9. Drainage by the use of arrows and/or contours.
10. Landscaping material including the location, type of plant and size.
11. Fire hydrant and fire lane locations.
12. Utility locations.
13. Any other fencing, screening, or building accessories to be located in the development area.
14. The applicant shall provide proof of issuance of a National Pollutant Discharge Elimination System (NPDES) permit when said permit is required by the Minnesota Pollution Control Agency (e.g. construction activities in excess of one acre or industry required to secure permit).

**Subd. 10: Industrial Performance Standards.**

- A. It is the intent of this subdivision to provide that industry and related activities shall be established and maintained with proper appearance from streets and adjoining properties and to provide that each such permitted use not infringe on the comfort and repose nor negatively impact the value of adjoining properties by the control of the following defined nuisances.
- B. All uses shall comply with all federal, state and local pollution and nuisance laws and regulations, including, but not limited to, glare, smoke, dust, odors and noise. The burden of proof for compliance of appropriate performance standards shall lie with the applicant.
- C. Any lights used for exterior illuminations shall be directed away from adjacent properties.
- D. Every operation shall be carried on in accordance with local fire and safety codes.
- E. In order to assure compliance with the performance standards set forth above, the Planning Commission may require the owner or operator of any permitted use or conditional use to make such investigations and tests as may be required to show adherence to the performance standards.
- F. All subsequent additions and outbuildings constructed after the erection of an original building or buildings shall be reviewed by the Zoning Administrator.





## **1003.10: I-2 GENERAL INDUSTRIAL DISTRICT.**

### **Subd. 1: Purpose.**

*The I-2 General Industrial District provides space for both light and heavy industrial and manufacturing activities as defined in the Section 1002.01 of this Ordinance and because the nature of these uses may include intense industrial and manufacturing activities, the district requires isolation from residential and retail service commercial uses. These activities may include secondary commercial functions which are conducted on site.*

### **Subd. 2: Permitted Uses.**

*The following are permitted uses in the I-2 General Industrial District:*

- A. Any permitted use allowed in the in the I-1 Light Industrial District.*

### **Subd. 3: Conditional Uses.**

*The following uses may be permitted after issuance by the City of a conditional use permit in the I-2 General Industrial District:*

- A. Any conditional use allowed in the in the I-1 Light Industrial District.*
- B. Crude oil, gasoline or other liquid storage tanks.*
- C. Manufacturing, refining and processing of chemicals.*
- D. Propane Transfer Stations.*

### **Subd. 4: Accessory Uses.**

*The following are permitted accessory uses within the I-2 General Industrial District.*

- A. Any accessory use allowed in the in the I-1 Light Industrial District.*
- B. Fences as regulated by section 1005.01, subd. 5.*

### **Subd. 5: Minimum Lot Size.**

- A. Every individual lot, site or tract shall have an area of not less than two (2) acres.*
- B. Every lot or tract shall have a width of not less than two hundred (200) feet abutting a public right-of-way.*
- C. There shall be a required minimum ten percent (10%) reservation of the total lot area for landscaping use. Such landscaping shall conform in design and appearance with the overall development plan as approved by the Planning Commission.*

### **Subd. 6: Front, Side and Rear Yard Requirements.**

- A. A front yard having a depth of not less than forty (40) feet between building and the street right-of-way line is required. The front yard is to be devoted to landscaping except for necessary points of access, signs as allowed and required off-street parking in accordance with Section 1004.04.*
- B. There shall be two (2) side yards, one on each side of a building. Each side yard shall be not less than thirty (30) feet in width.*
- C. A General Industrial District side yard adjacent to a residential boundary line shall be set back a minimum of fifty (50) feet from the property line which shall include a landscaped strip of at least ten (10) feet in width along the lot boundary line.*

D. *The City may require additional side yard setbacks. When such additional width is required, such additional width shall not exceed one hundred (100) feet and off-street parking in this area will be permitted.*

E. *There shall be a rear yard not less than forty (40) feet in depth.*

**Subd. 7: Maximum Ground Cover.**

*In the I-2 General Industrial District, the sum total of the ground area covered by all structures (permitted and conditional) on the zoning lot on which the structures are located shall not exceed seventy-five percent (75%).*

**Subd. 8: Maximum Building Height.**

*Maximum height – three (3) stories or no greater than forty (40) feet.*

**Subd. 9: Site Plan Review Required.**

*No building permit shall be issued until a site plan has been reviewed and approved by the City according to the requirements of section 1006.07 Site Plan Review.*

**Subd. 10: Industrial Performance Standards.**

A. *It is the intent of this subdivision to provide that industry and related activities shall be established and maintained with proper appearance from streets and adjoining properties and to provide that each such permitted use not infringe on the comfort and repose nor negatively impact the value of adjoining properties by the control of the following defined nuisances.*

B. *All uses shall comply with all federal, state and local pollution and nuisance laws and regulations, including, but not limited to, glare, smoke, dust, odors and noise. The burden of proof for compliance of appropriate performance standards shall lie with the applicant.*

C. *Any lights used for exterior illuminations shall be directed away from adjacent properties.*

D. *Every operation shall be carried on in accordance with local fire and safety codes.*

E. *In order to assure compliance with the performance standards set forth above, the Planning Commission may require the owner or operator of any permitted use or conditional use to make such investigations and tests as may be required to show adherence to the performance standards.*

F. *All subsequent additions and outbuildings constructed after the erection of an original building or buildings shall be subject to the requirements of section 1006.07 Site Plan Review.*

*(Amended 04-08-13, Ord. 2013-03)*

## **1003.11: C-1 CONSERVATION, PARKS, AND OPEN SPACE DISTRICT.**

*(Amended 11-08)*

### **Subd. 1: Purpose.**

This district is established to retain open space within the City and also to notify public bodies and the public in general of land, which is constrained for construction activities or utilized for public purposes.

### **Subd. 2: Special Requirements.**

- A. No filling, grading, dredging or excavation shall be allowed within the C-1 District without having first obtained an interim use permit. No construction shall be allowed within the C-1 District without having first obtained a conditional use permit. Any fill proposed to be deposited in the C-1 District must be shown to have some beneficial purpose and the amount thereof must not exceed that necessary to achieve the intended purpose, as demonstrated by a plan submitted by the owner. The plan shall show the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials. Such fill shall be protected against erosion by rip-rap, vegetative coverage, bulkheading, and the like.
- B. In extraordinary cases, conditional uses may be granted upon application, but only when the proposed use is determined to be in the public interest. No conditional use shall be granted which the Council determines will or has a tendency to:
  - 1. Increase the height or duration of floodwater in any watercourse.
  - 2. Be inconsistent with the objectives of encouraging land uses compatible with the preservation of the natural landforms, vegetation, wildlife, marshes and wetlands within the City.
  - 3. Disturb land and water areas essential to continue the temporary or permanent holding of surface water runoff.
- C. No conditional use shall be granted unless the applicant, in support of his/her application, submits engineering data, surveys, site plans, and other information as the City may require in order to determine the effects of such development on the affected land and water areas.

### **Subd. 3: Permitted Uses.**

The following are permitted uses:

- A. Agricultural activities.
- B. Park.
- C. Forest, nature or other preserve.
- D. *Park or preserve identification signs.*  
*(Amended 11-08)*

### **Subd. 4: Conditional Uses.**

The following uses may be permitted upon issuance by the City of a conditional use permit:

- A. Structural park improvements.
- B. Filling, grading, dredging or excavation provided it meets, at a minimum, the requirements specified in Section 1003.10, Subd. 2 A.

## **1003.12: P-1 PUBLIC AND SEMI-PUBLIC DISTRICT.**

### **Subd. 1: Purpose.**

*This district is established to accommodate large-scale governmental, public utility, recreational, cultural, health care and educational facilities. It is the intent of this District to provide procedures for the orderly establishment of public facilities, expansion of operations or change in the use of public facilities for any public purpose while minimizing the impact of any such public use which is incompatible with or detrimental to the essential character of land adjoining the Public & Semi Public District.*

### **Subd. 2: Special Requirements.**

- A. *Prior to construction or alteration of any such facility, a building permit shall be required.*

### **Subd. 3: Permitted Uses.**

*The following are permitted uses:*

- A. *Municipal Airports.*
- B. *Schools.*
- C. *Municipal Wastewater Sewage Lagoons.*
- D. *Public libraries and public art galleries.*
- E. *Recreational buildings, community centers and swimming pools.*
- F. *Religious Institutions.*  
*(Amended 01-10)*
- G. *Municipal government administration buildings, fire stations, police stations and public works buildings.*
- H. *Public hospitals, nursing homes and convalescent centers.*

### **Subd. 4: Conditional Uses.**

*The following uses may be permitted upon issuance by the City of a conditional use permit:*

- A. *Daycare facilities associated with churches.*
- B. *Correctional facility.*
- C. *Electrical Substations and other public facilities.*
- D. *Towers.*
- E. *Cemeteries.*
- F. *Sports Arena or Stadium provided they meet the off-street parking requirements of Section 1004.04.*

### **Subd. 5: Accessory Uses.**

*The following accessory uses are allowed in the P-1, Public and Semi-Public District, provided the standards of Section 1005.01, Subd. 3 are met.*

- A. *Fences, landscaping.*
- B. *Off-street loading and parking areas, subject to applicable section(s) of this Chapter.*

- C. *Signs, which meet the criteria of Section 1004.05 of this Chapter.*
- D. *Temporary buildings for construction purposes for a period not to exceed construction.*
- E. *Outdoor storage as regulated in Section 1004.01.*

**Subd. 6: Minimum Lot Size.**

- A. *The minimum lot size is ten thousand (10,000) square feet.*
- B. *The minimum lot width is one hundred (100) feet.*

**Subd. 7: Front, Side and Rear Yard Requirements.**

- A. *A front yard having a depth of not less than thirty (30) feet between building and the street right-of-way line is required. The front yard is to be devoted to landscaping except for necessary points of access, signs as allowed, and required off-street parking in accordance with Section 1004.04.*
- B. *There shall be two (2) side yards, one on each side of a building. Each side yard shall be not less than fifteen (15) feet in width.*
- C. *A Public and Semi-Public District side yard adjacent to a residential boundary line shall require a building set back of a minimum of thirty (30) feet from the property line, which shall include a landscaped strip of at least ten (10) feet in width along the lot boundary line.*
- D. *There shall be a rear yard not less than thirty (30) feet in depth.*
- E. *Parking/Paving:*
  - 1. *Ten (10) feet from the street right-of-way.*
  - 2. *Ten (10) feet from the property lines adjoining land zoned for residential or public purposes.*
  - 3. *Five (5) feet from property lines adjoining land zoned for commercial, industrial, or mixed uses.*

**Subd. 8: Maximum Ground Coverage.**

*The sum total of the ground area covered by all structures (permitted or conditional uses) shall not exceed 75% of the zoning lot on which the structures are located.*

**Subd. 9: Maximum Height.**

*Building heights with a maximum height of three (3) stories or forty (40) feet, whichever is less shall be permitted.*

**Subd. 10: Development Plan Required.**

- A. *No building permit shall be issued until the Zoning Administrator reviews and approves a Development Plan to determine that the use and development is compatible with and complementary to adjacent land uses, and consistent with the stated intent of this zone. The Zoning Administrator may at his/her discretion refer the development plan to the Planning Commission and City Council for further review. The developer shall provide the following items to the Zoning Administrator for any development located in the Highway Business District:*
  - 1. *Building location on the lot, drawn to scale.*

2. *Building elevations; front, rear and side.*
3. *Building exterior materials and color.*
4. *Locations of ingress and egress points.*
5. *Dumpster and solid waste pick-up areas and proposed screening material.*
6. *Sign location and dimensions.*
7. *Lighting standard and hood detail.*
8. *Parking and loading areas identified.*
9. *Drainage by the use of arrows and/or contours.*
10. *Screening of heating, ventilation and air-conditioning equipment, if proposed to be located in a side yard. Screening plans are not required for rooftop equipment or equipment placed in the rear yard.*
11. *Landscaping material including the location, type of plant and size.*
12. *Fire hydrant and fire lane locations.*
13. *Utility locations.*
14. *Any other fencing, screening, or building accessories to be located in the development area.*
15. *The applicant shall provide proof of issuance of a National Pollutant Discharge Elimination System (NPDES) permit when said permit is required by the Minnesota Pollution Control Agency (e.g. construction activities in excess of one acre).  
(Amended 11-08)*

## **1004.01: OUTDOOR STORAGE AND REFUSE.**

### **Subd. 1: Outdoor Storage: Residential Uses.**

- A. All outside storage of materials and equipment for residential uses (excluding farms) shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following:
1. Clothes line pole and wire.
  2. Any total combination of five (5) or fewer licensed and operational recreational or power sports vehicles (RV's, trailers not to exceed 22 feet which are used for hauling/storing recreational/power sport vehicles, boats, snowmobiles, etc.) and/or seasonal automobiles may be parked or stored on the property outside a home, provided:
    - a. If they are stored in the front yard, they are stored entirely on an established driveway, entirely on the owner's property.
    - b. If stored in the side yard they are at least five (5) feet from the property line.
    - c. If stored in the rear yard they are at least ten (10) feet from the rear lot line and five (5) feet from a side lot line.
    - d. If stored on a corner lot they are not closer than twenty (20) feet from the property line abutting a side street.
    - e. Each vehicle stored on an open trailer shall be counted as one item. In addition each open or enclosed trailer shall count as one vehicle or item.
  3. Construction and landscaping material currently being used on the premises.
  4. On and off-street parking of currently registered and operable passenger vehicles and trucks.
  5. Lawn furniture or furniture used and constructed explicitly for outdoor use.
  6. Rear or side yard exterior storage of firewood for the purpose of consumption only by the person(s) on whose property it is stored.
  7. Swing sets and children's playhouses, provided they are stored or located in the side or rear yard.
  8. Flag poles.
  9. Landscaping: environmental and ornamental landscaping and lawn and garden décor.
  10. Portable sporting equipment such as basketball hoops.
  11. Other items typically found in yards and approved by the Zoning Administrator.
- B. Storage and/or parking of commercial vehicles and/or equipment, or any combination thereof, exceeding twenty-two (22) feet in length or eight (8) feet in height are prohibited in residential districts.

### **Subd. 2: Commercial and Industrial Outdoor Storage.**

- A. Except as allowed by district use provisions, outside storage of equipment, materials and inventory as a principal or accessory use for commercial and industrial uses shall conform to the following conditions:
  - 1. The area occupied is not within a required front or required side yard.
  - 2. The storage area is totally fenced, fully screened, and/or landscaped according to a plan approved by the Zoning Administrator.
  - 3. The storage area is covered to control dust and storm water drainage with bituminous surfacing, concrete or a comparable substitute approved by the Zoning Administrator who may at his/her discretion refer the item to the Planning Commission and City Council for approval.
  - 4. All lighting shall be directed away from the public right-of-way and from neighboring residences.

**Subd. 3: Refuse.**

- A. All lots within all zoning districts shall be maintained in a neat and orderly manner. No rubbish, salvage materials, junk, or miscellaneous refuse shall be openly stored or kept in the open, when the same is construed by the City Council to be a menace or nuisance to the public health, safety, or general welfare of the City, or to have a depressing influence upon property values in the area.
- B. Waste materials are to be picked up and disposed of in accordance with any and all City standards applicable to refuse/waste materials. Excluded waste materials must be disposed of in a safe and appropriate manner in accordance with local, state, and federal law. Release of excluded waste materials to public or independent sewage treatment systems, the environment, or the solid waste stream is strictly prohibited. The Disposal Service shall, upon collection, immediately assume title to and liability for solid waste materials, recyclables, and demolition debris.



## **1004.02: SURFACE (STORM) WATER MANAGEMENT.**

### **Subd. 1: Findings and Purpose.**

- A. The City of Rush City hereby finds that uncontrolled and inadequately planned use of wetlands, woodlands, natural habitat areas, areas subject to soil erosion and areas containing restrictive soils adversely affects the public health, safety and general welfare by impacting water quality and contributing to other environmental problems, creating nuisances, impairing other beneficial uses of environmental resources and hindering the ability of the City to provide adequate water, sewer, flood control and other community services. In addition, extraordinary public expenditures may be required for the protection of persons and property in such areas and in areas which may be affected by unplanned land usage.
- B. The purpose of this Section is to promote, preserve and enhance the natural resources within the City of Rush City and protect them from adverse effects occasioned by poorly sited development or incompatible activities by regulating land disturbing or development activities that would have an adverse and potentially irreversible impact on water quality and unique and fragile environmentally sensitive land; by minimizing conflicts and encouraging compatibility between land disturbing and development activities and water quality and environmentally sensitive lands; and by requiring detailed review standards and procedures for land disturbing or development activities proposed for such areas, thereby achieving a balance between urban growth and development and protection of water quality and natural areas.

### **Subd. 2: Scope and Effect.**

- A. Every applicant for Subdivision approval, PUD approval, or commercial or industrial permit to allow land disturbing activities must submit a surface (storm) water management plan to the City. No Subdivision approval or permit to allow land disturbing activities, including but not limited to, mining, excavation, filling and grading shall be issued until approval of the surface (storm) water management plan or a waiver of the approval requirement has been obtained in conformance with the provisions of this Ordinance. The provisions of this subdivision apply to all land, public or private, located within the City.
- B. The provisions of this Chapter do not apply to:
  - 1. Any part of a Subdivision if a plat for the Subdivision has been approved by the City on or before the effective date of this Ordinance.
  - 2. Any land disturbing activity for which plans have been approved by the watershed management organization within six months prior to the effective date of this Ordinance.
  - 3. A lot for which a building or zoning permit has been approved on or before the effective date of this Ordinance.
  - 4. Installation of a fence, sign, telephone and electric poles and other kinds of posts or poles.
  - 5. Emergency work to protect life, limb or property.
- C. The City upon recommendation of the Planning Commission, may waive any requirement of this subdivision upon making a finding that compliance with the requirement will involve an unnecessary hardship and the waiver of such requirement will not adversely affect the standards and requirements set forth in this subdivision. The City may require as a condition of the waiver, such dedication or construction, or agreement to dedicate or construct physical improvements, facilities, property and/or easements as may be necessary to adequately meet said standards and requirements.

### **Subd. 3: Surface (Storm) Water Management Plan Approval Procedures.**

#### **A. Application.**

1. A written application for surface (storm) water management plan approval, along with the proposed surface (storm) water management plan, shall be filed with the Zoning Administrator and shall include a statement indicating the grounds upon which the approval is requested, that the proposed use is permitted by right or as an exception in the underlying zoning district, and adequate evidence showing that the proposed use will conform to the standards set forth in this subdivision. Prior to applying for approval of a surface (storm) water management plan, an applicant may have the surface (storm) water management plans reviewed by the City.
2. Two sets of clearly legible blue or black lined copies of drawings and required information shall be submitted to the City and shall be accompanied by a receipt evidencing payment of fees (if applicable) for processing and approval and a bond, when required. Drawings shall be prepared to scale appropriate to the site of the project and suitable for the review to be performed.

#### **B. Surface (Storm) Water Management Standards.**

1. When possible existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
2. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and erosion control facilities or methods must be used to retain sediment on the site.
3. When topographic features and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways and ponds may be used. Preference should be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.
4. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with applicable local, state and federal standards.
5. Newly constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

#### **C. Surface (Storm) Water Management Plan Required.**

1. At a minimum, the surface (storm) water management plan shall contain the following information:
  - a. Existing Site Map: A map of existing site conditions showing the site and immediately adjacent areas, including:
    - i. The name and address of the applicant; a legal description of the property directly associated with the request; north point/arrow; date; scale of drawing; and number of sheets;
    - ii. Location of the tract by an insert map at a scale sufficient to clearly identify the location of the property and giving such information as the names and numbers of

adjoining roads, railroads, utilities, Subdivisions, towns, and districts or other landmarks;

- iii. Existing topography with a contour interval appropriate to the topography of the land but in no case having a contour interval greater than two (2) feet;
  - iv. A delineation of all streams, rivers, public waters and wetlands located on and immediately adjacent to the site, including depth of water, a description of vegetation which may be found in the water, a statement of general water quality, and any classification given to the water body or wetland by the Minnesota Department of Natural Resources, the Minnesota Pollution Control Agency, and/or the United States Army Corps of Engineers;
  - v. Location and dimensions of existing surface (storm) water drainage systems and natural drainage patterns on and immediately adjacent to the site delineating in which direction and at what rate surface (storm) water is conveyed from the site, identifying the receiving stream, river, public water, or wetland, and setting forth those areas of the unaltered site where surface (storm) water collects;
  - vi. A description of the soils of the site, including a map indicating soil types of areas to be disturbed as well as a soil report containing information on the suitability of the soils for the type of development proposed and for the type of sewage disposal proposed and describing any remedial steps to be taken by the Developer/Proposer to render the soils suitable; and
  - vii. Vegetative cover and a clear delineation any vegetation proposed for removal.
- b. Site Construction Plan: A site construction plan including:
- i. Locations and dimensions of all proposed land disturbing activities and any phasing of those activities;
  - ii. Locations and estimated dimensions of all temporary soil or dirt stockpiles;
  - iii. Locations and dimensions of all construction site erosion control measures necessary to meet the requirements of this Subdivision;
  - iv. Schedule of anticipated starting and completion date of each land disturbing activity including the installation of construction site erosion control measures needed to meet the requirements of this Subdivision; and,
  - v. Provisions for maintenance of the construction site erosion control measures during construction.
- c. Plan of Final Site Conditions: A plan of final site conditions on the same scale as the existing site map showing the site changes including:
- i. Finished grading shown at contours at the same interval as provided above or as required to clearly indicate the relationship of proposed changes to existing topography and remaining features;
  - ii. A drainage plan of the developed site delineating in which direction and at what rate surface (storm) water will be conveyed from the site and setting forth the areas of the site where surface (storm) water will be allowed to collect;
  - iii. The proposed size, alignment and intended use of any structures to be erected on the site;

- iv. A clear delineation and tabulation of all areas which shall be paved or surfaced, including a description of the surfacing material to be used; and,
- v. Any other information pertinent to the particular project which in the opinion of the applicant is necessary for the review of the project.

D. Plan Review Procedure.

1. Process: Surface (storm) water management plans meeting the requirements of Section 1004.02, Subdivision 3C shall be submitted by the Zoning Administrator to the City Engineer or Designee for review in accordance with the standards of Section 1004.02, Subdivision 3D. The Planning Commission shall recommend approval, recommend approval with conditions, or recommend denial of the surface (storm) water management plan to the City Council. Following Planning Commission action, the surface (storm) water management plan shall be submitted to the City Council at its next available meeting. City Council action on the surface (storm) water management plan must be accomplished within sixty (60) days following the date the application for approval is filed with the Zoning Administrator.
  2. Duration: Approval of a plan submitted under the provisions of this Chapter shall expire one year after the date of approval unless construction has commenced in accordance with the plan. However, if prior to the expiration of the approval the applicant makes a written request to the Zoning Administrator for an extension of time to commence construction setting forth the reasons for the requested extension, the City may grant one extension of not greater than one single year. Receipt of any request for an extension shall be acknowledged by the Zoning Administrator within fifteen (15) days. The Zoning Administrator, after consulting with the City Engineer shall make a decision on the extension within thirty (30) days of receipt. Any plan may be revised in the same manner as originally approved.
  3. Conditions: A surface (storm) water management plan may be approved subject to compliance with conditions reasonable and necessary to insure that the requirements contained in this Subdivision are met. Such conditions may, among other matters, limit the size, kind or character of the proposed development; require the construction of structures, drainage facilities, storage basins, and other facilities; require replacement of vegetation; establish required monitoring procedures; stage the work over time; require alternation of the site design to insure buffering; and require the conveyance to the City or other public entity of certain lands or interests therein.
  4. Performance Bond: Prior to approval of any surface (storm) water management plan, the applicant shall submit an agreement to construct such required physical improvements, to dedicate property or easement, or to comply with such conditions as may have been agreed to. Such agreement shall be accompanied by a bond to cover the amount of the established cost of complying with the agreement. The agreement and bond shall guarantee completion and compliance with conditions within a specific timeframe, which time may be extended. The adequacy, conditions and acceptability of any agreement and bond shall be determined by the City Council or any official of the City as may be designated by resolution of the City Council.
  5. Fees: All applications for surface (storm) water management plan approval shall be accompanied by a processing and approval fee, if applicable, and as specified by the City Council through resolution.
- E. Site Dewatering. Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydro-cyclones, swirl concentrators or other appropriate controls as appropriate. Water may not be discharged in a manner that causes erosion or flooding of the site or receiving channels or a wetland.

- F. Waste and Material Disposal. All waste and unused building materials, including but not limited to, garbage, cleaning wastes, debris, wastewater, toxic materials or hazardous materials, shall be properly disposed of off-site and not allowed to be carried by runoff into a receiving channel or surface (storm) sewer system.
- G. Tracking. Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each workday.
- H. Drain Inlet Protection. All surface (storm) drain inlets shall be protected during construction until control measures are in place with a straw bale, silt fence or equivalent barrier meeting accepted design criteria, standards, and specifications contained in the Minnesota Pollution Control Agency publication entitled "Protecting Water Quality in Urban Areas".
- I. Site Erosion Control. The following criteria (1 through 4) apply only to construction activities that result in runoff leaving the site.
1. Channeled runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described below. Sheetflow runoff from adjacent areas greater than ten thousand (10,000) square feet in area shall also be diverted around disturbed areas, if practical. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.
  2. All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.
  3. Runoff from the entire disturbed area on the site shall be controlled by meeting either Subsection (a) and (b) or (a) and (c):
    - a. All disturbed ground left inactive for fourteen (14) or more days shall be stabilized by seeding or sodding (only available prior to September 15) or by mulching or covering or other equivalent control measure.
    - b. For sites with more than twenty (20) acres disturbed at one time, or if a channel originates in the disturbed area, one or more temporary or permanent sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least one percent (1%) of the area draining to the basin and at least three (3) feet of depth and constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of three (3) feet. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.
    - c. For sites with less than twenty (20) acres disturbed at one time, silt fences, straw bales or equivalent control measures shall be placed along all sideslope and downslope sides of the site. If a channel or area of concentrated runoff passes through the site, silt fences shall be placed along the channel edges to reduce sediment reaching the channel. The use of silt fences, straw bales or equivalent control measures must include a maintenance and inspection schedule.
  4. Any soil or dirt storage piles containing more than twenty (20) cubic yards of material should not be located with a downslope drainage length of less than twenty-five (25) feet from the toe of the pile to a roadway or drainage channel. If remaining for more than fourteen (14) days, they shall be stabilized by mulching, vegetative cover, tarps, or other means. Erosion from piles which will be in existence for less than fourteen (14) days shall be controlled by placing straw bales or silt fence barriers around the pile. In-street utility repair or construction soil or dirt storage piles located closer than twenty-five (25) feet of a roadway or drainage

channel must be covered with tarps or suitable alternative control, if exposed for more than seven days, and the surface (storm) drain inlets must be protected with straw bale or other appropriate filtering barriers.

J. Surface (Storm) Water Management Criteria for Permanent Facilities.

1. An applicant shall install or construct all permanent and temporary facilities for the proposed land disturbing or development activity, all surface (storm) water management facilities deemed necessary by the City and/or City Engineer to manage increased runoff so that the two-year, ten-year, and 100-year storm peak discharge rates existing before the proposed development shall not be increased, and accelerated channel erosion will not occur as a result of the proposed land disturbing or development activity. An applicant may also make an in-kind or monetary contribution for the development and maintenance of community surface (storm) water management facilities designed to serve multiple land disturbing and development activities undertaken by one (1) or more persons, including the applicant.
2. The applicant shall give consideration to reducing the need for surface (storm) water management facilities by incorporating the use of natural topography and land cover such as wetlands, ponds, natural swales and depressions as they exist before development to the degree that they can accommodate the additional flow of water without compromising the integrity or quality of the wetland or pond.
3. The following surface (storm) water management practices shall be investigated in developing a surface (storm) water management plan:
  - a. Natural infiltration of precipitation on-site, if located outside of areas considered sensitive to groundwater contamination;
  - b. Flow rate reduction by use of open vegetated swales and natural depressions;
  - c. Surface (storm) water retention facilities; and
  - d. Surface (storm) water detention facilities.
4. A combination of successive practices may be used to achieve the applicable minimum control requirements specified in Subsection (1) above. The applicant shall provide justification for the method selected.

K. Design Standards for Detention Facilities. Surface (storm) water detention facilities constructed in the City of Rush City shall be designed according to standards approved by the City Engineer.

L. Models/Methodologies. Hydrologic models and design methodologies used for the determination of runoff and analysis of surface (storm) water management structures shall be approved by the City Engineer. Plan, specification, and computations for surface (storm) water management facilities submitted for review shall be sealed and signed by a registered professional engineer. All computations shall appear on the plans submitted for review, unless otherwise approved by the City Engineer.

M. Watershed Management and Groundwater Management Plans. Surface (storm) water management plans shall be consistent with adopted watershed management plans and groundwater management plans prepared in accordance with Minnesota Statutes Chapter 123B.231 and 103B.255 respectively, and as approved by the local watershed authority as required by state law.

N. Easements. If a surface (storm) water management plan involves direction of some or all runoff off of the site, it shall be the responsibility of the applicant to obtain from adjacent property owners any necessary easements or other property interests concerning flowage of water.

## **1004.03: MOVING OF BUILDINGS.**

### **Subd. 1: Definitions.**

- A. For purposes of this Section the terms defined in this subsection have the meaning given them.
  - 1. "Building" means a structure designed, built or occupied as a shelter and roofed enclosure for persons, animals or property, and used or intended to be used for residential, business, mercantile, storage, commercial, industrial, residential assembly, educational or recreational, or other purposes.
  - 2. "Removal location" is any location in the City to which a building may properly be moved and on which such building may properly be located after such moving under the provisions of this Section.

### **Subd. 2: Permit Requirements.**

- A. No person shall move, remove, raise or hold up or move any building, larger than 120 square feet in size, along or across any highway, street or alley, within the limits of the City, without first obtaining a permit from the building official. This permit shall not be required for a building that is in transit through the city when the mover has been permitted by a lawfully issued permit from the county or the state.
- B. Other jurisdiction authorization for movement over streets and roads other than the City streets must be obtained from the appropriate authorities under whose jurisdiction such streets and roads or highways come.
- C. Manufactured homes being moved in or out of manufactured home parks, which were in existence prior to the adoption of this ordinance shall not be required to obtain a moving permit, provided a building permit has been issued for the home.
- D. Contents of application:
  - 1. A description of the building proposed to be moved, giving street number, construction materials, dimensions, number of rooms, condition of exterior and interior, and photographs showing ground and street elevations;
  - 2. A legal description of the premises from which the building is to be moved;
  - 3. A legal description of the premises to which it is proposed such building be moved, if located in the City;
  - 4. The portion of the premises to be occupied by the building when moved, if located in the City;
  - 5. The highways, streets and alleys over, along or across which the building is proposed to be moved;
  - 6. Proposed moving date and hours;
  - 7. The owner of a building to be moved into the City, shall file with the application sufficient evidence that the building and lot from which it is to be removed are free of any encumbrances, that all taxes and any other charges against the same are paid in full. The applicant shall file with the application a written statement or bill of sale or other sufficient evidence that the applicant is entitled to move the building;
  - 8. The application shall be accompanied by the permit fee, as set by City Council Ordinance;

9. The application shall be accompanied by a performance surety bond in the sum to be fixed by the building official or Zoning Administrator, but not less than \$2,000, or by the assignment to the City of such collateral security, which bond or collateral security shall be signed and executed by the proposed owner of the premises to which such building is proposed to be moved. The bond or other collateral shall guarantee the performance of all of the conditions of the license and of the conditions in this Section; and
10. Upon receipt of an application the building official shall procure an estimate of the expense to be incurred in removing and replacing any property of the City, as a result of moving the building through the City, together with the cost of materials necessary to be used in making such removals or replacements. Prior to issuance of the permit the building official shall require the applicant deposit of a sum of money equal to twice the amount of the estimated expense.

E. Building official: duties.

1. The building official shall inspect the building at its location prior to moving, and the applicant's equipment to determine whether the standards for issuance of a permit are met.
2. The building official may not issue a permit if he/she finds:
  - a. That any application requirement or any fee or deposit requirement has not been met;
  - b. That the building is too large to move without endangering persons or property in the City;
  - c. That the building is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it could not be moved without endangering persons and property in the City;
  - d. That the building is structurally unsafe or unfit for the purpose for which it is being moved;
  - e. That the applicant's equipment is unsafe and that persons and property would be endangered by its use;
  - f. That zoning or other regulations of the City would be violated by the building in its destination location;
  - g. That for any reason, persons or property in the City would be endangered by the moving of the building;
  - h. That the building to be moved is not worth at least 60 percent of the cost of a similar new building as determined by the building inspector; or
  - i. That the building in its destination location would fail to comply in any respect with any provision of this code, or, in the alternative, that proper assurances of such compliance have not been given.

F. Fees and deposits.

1. Deposit. All fees, deposits, bonds and insurance policies and shall be provided to the Zoning Administrator.
2. Return upon non-issuance. Upon a refusal to issue a permit, the building official or Zoning Administrator shall return to the applicant all deposits, bonds and insurance policies. Building permit fees filed with the application shall not be returned.



3. Return allowance for expense. After a building has been moved, the building official shall furnish the Zoning Administrator with a written statement of all expenses incurred in removing and replacing all property belonging to the City, and of all material used in the process, together with a statement of any and all damage caused to or inflicted upon property belonging to the City. The City shall then authorize the building official to return to the applicant all deposits after the City Clerk deducts the sum sufficient to pay for all of the costs and expenses and for all damage done to property of the City by reason of the removal of the building. Permit fees deposited with the application shall not be returned.
- G. Designated streets for removal. The building official shall procure from the street department a list of designated streets over which the building may be moved. The building official shall have the list approved by the Chisago County Sheriff's Department and shall reproduce the list upon the permit in writing. In making their determinations, the street department and the Chisago County Sheriff's Department shall act to assure maximum safety to persons and property in the City and to minimize congestion and traffic hazards on public streets.
- H. Duties of permittee.
1. Use designated streets. The permittee shall move a building only over streets designated for such use in the written permit.
  2. Notice: time change. The permittee shall notify the building official in writing of a desired change in moving date and hours as proposed in the application.
  3. Notice: damage. The permittee shall notify the building official in writing, of any and all damage done to property belonging to the City within twenty-four (24) hours after the damage or injury has occurred.
  4. Display lights. The permittee shall cause red lights to be displayed during the night time on every side of the building while it is on a street, in such manner as to warn the public of the obstruction, and shall at all times erect and maintain barricades across the streets in such manner as to protect the public from damage or injury by reason of the removal of the building.
  5. Street occupancy period. The permittee shall remove the building from the City streets after twenty-four (24) hours of such occupancy, unless an extension is granted by the building official.
  6. Compliance with law. The permittee shall comply with the building code, the zoning code and all other applicable regulations and laws upon relocating the building in the City.
  7. Original premises. The permittee shall remove all rubbish and materials, and fill all excavations to existing grade at the original building site, when located in the City, so that the premises are left in a safe and sanitary condition.
  8. Utilities. The Zoning Administrator or designee must certify that; all sewer charges and water bills payable against the property within the City from which the building is to be moved have been paid and that all sewer and water connections have been plugged or discontinued at the curb line or at the main; and that all taxes against the property have been paid in full.
  9. Painting. The permittee shall paint or cause to be painted all exterior walls, doors and door frames, window frames as well as screen and storm windows of the building moved, unless waived by the building official.

10. Grading and grassing. The permittee shall install or cause to be installed a finished grade on all parts of the premises on to which such building is moved, including the planting or installation of live sodding on all parts of the plot or parcel involved.
  11. Roofing. The permittee shall install or cause to be installed new roofing on such building, unless the building official waives such new roofing.
  12. Drainage. The permittee shall construct and provide all necessary and proper drainage for the premises on to which such building is moved. Such drainage shall be installed and constructed according to plans to be submitted by the owner and approved by the building official and the City Engineer. Plans shall be in accordance with the City's storm water management ordinance.
  13. Lateral support requirements. Whenever the premises or parcel of land onto which such building is moved is graded by cutting or filling any part thereof, all slopes in excess of twelve percent (12%) thus created shall be finished, graded and sodded wherever possible, or shall be maintained by the erection of retaining walls. Such walls to be erected by the owner, or their designee, of such premises pursuant to plans and under the supervision of the building official.
- I. Miscellaneous conditions.
1. Character of neighborhood. No permit shall be issued under this Section unless and until the Zoning Administrator is satisfied that the building proposed to be moved will in its destination location conform to the general character and to the type of architecture of the neighborhood.
  2. Scope. It is not intended by this Section to interfere with or abrogate or annul any easement, covenant or other agreement between parties. When this Section imposes a greater restriction than is imposed or required by any other section, rule, regulation or by easements, covenants, or agreements, the provisions of this section shall control.
- J. Enforcement.
1. Expense above deposit. The permittee is liable for any expense, damage or costs in excess of the deposited amounts or securities. The City Attorney may prosecute an action against the permittee in a court of competent jurisdiction for the recovery of such amounts.
  2. Original premises. When necessary, because the permittee has not complied with this section, the City shall proceed to do the work necessary to leave the original premises in a safe and sanitary condition. The cost thereof shall be charged against the general deposit.
- K. Hours. No building shall be moved across any railroad or bridge, unless the hour be specified and approved by the company or governmental unit controlling such tracks or bridge.
- L. Moving buildings into City.
1. A person desiring to move a building into the City from outside the City shall notify the building official prior to the process of moving of such building in sufficient time so that the building official may make all necessary inspections in order to determine whether such building complies with the applicable section of this code.

## **1004.04: OFF-STREET PARKING AND LOADING.**

### **Subd. 1: Scope of Regulations.**

The off-street parking requirements of this section shall apply within all zoning districts except the B-2 General Business District, unless noted as a requirement of a conditional use permit.

### **Subd. 2: Computation.**

When in the process of determining the number of off-street parking spaces there occurs a fraction of a space, such fraction shall be deemed as a requirement for an additional whole space. The parking requirements for a use not specifically mentioned herein shall be the same as required for a use of similar nature as determined by the Zoning Administrator.

### **Subd. 3: General Provisions.**

- A. Whenever a use requiring off-street parking is increased in floor area, and such use is located in a building existing on or before the effective date of this Ordinance, additional parking space for the additional floor area shall be provided and maintained in amounts hereafter specified for that use.
- B. For the purpose of this section, "Floor Area," in the case of offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used for services to the public as customers, patrons, clients or patients as tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise, less ten (10) percent.
- C. Change of Use or Occupancy of Buildings. Any change of use or occupancy of any building or buildings, including additions thereto, requiring more parking area shall not be permitted until there is furnished such additional parking spaces as required by this Section.
- D. Off-street parking facilities for dwellings shall be provided and located on the same lot or parcel of land as the building they are intended to serve.
- E. Nothing in this section shall prevent the extension of, or an addition to a building or structure into an existing parking area which is required for the original building or structure when the same amount of space taken by the extension or addition is provided by an enlargement of the existing parking area.
- F. Use of Garage Space. No person shall alter a garage to be used as living space in any district, unless other legal provisions are made to provide the required parking for the use on the lot. Garages intended to be used to meet off-street parking requirements shall not be used instead for the storage of goods and materials unless additional off-street parking spaces are provided on site in accordance with this Section.
- G. No curb cut access or driveway shall be located less than thirty (30) feet from the intersection of two (2) or more street right-of-ways for residential uses, and sixty (60) feet for commercial and industrial areas. This distance shall be measured from the intersection of lot lines.
- H. Curb cut or driveways shall be a minimum of five (5) feet from the side property lines.
- I. All properties shall be entitled to at least one (1) curb cut or driveway access. Single-family uses shall be limited to one (1) curb cut or driveway access per property. A second curb cut or driveway access may be permitted by the Zoning Administrator in a R-1 district if:
  - 1. The second access is at least thirty (30) feet from the edge of the primary access;
  - 2. The setbacks for the driveway or curb cut access points are met;

3. Impervious surface lot coverage requirements are met;
  4. The installation of the second curb cut or driveway access will not result in two access points from the lot onto a collector street, minor arterial or arterial street; and
  5. It is determined the second curb cut or driveway access will not result in conflicts with traffic flow or endanger public safety.
  6. On corner lots, both accesses or driveways shall be onto the same street right-of-way.
- J. Surfacing. All driveways and all of the areas intended to be utilized for parking space for five (5) or more vehicles shall be surfaced with a bituminous paving on a suitable base, or reinforced concrete, decorative interlocking pavers or equivalent material approved by the Planning Commission and City Council. Alternative surfaces may be permitted in parking lot areas in industrial districts, provided the parking lot area is not adjacent to the street right-of-way, is not located in the front yard, and is not intended for use by employee and customer parking. These "truck parking" areas are subject to Planning Commission and City Council approval.
- K. Compliance. Parking lots existing on or before the date of adoption of this Ordinance do not have to be brought into compliance with these standards until such time as any of the following events occur:
1. A new structure is constructed on the property served by the parking lot.
  2. An addition is constructed to any existing structure located on the property served by the parking lot; or
  3. A change in the use of the property served by the parking lot occurs which results in a remodeling of the structure requiring the issuance of a building permit.
- L. Site plan. There shall be provided by the developer/owner off-street parking spaces as described on a parking plan, submitted in accordance with the parking requirements and approved by the City for all uses as hereinafter specified. All plans submitted for a building permit on residential developments exceeding R-2 density and all other developments requiring parking spaces shall include a site plan to be approved by the Planning Commission. Such site plan shall be a part of the building permit and no certificate of occupancy shall be issued until all items shown on the site plan for parking facilities have been completed. The site plan should include at least the following:
1. Zoning, setbacks, and statement of use.
  2. North point and scale.
  3. All adjacent streets and alleys.
  4. Sidewalks, curbs, gutters, and boulevard trees.
  5. Entire ownership of lot or parcel being developed.
  6. Completely dimensioned parking spaces and driving lane(s), if applicable.
  7. Owner's name and current address.
  8. Description of surface.
  9. Drainage plan.

- M. Parking of commercial vehicles or equipment. No commercial vehicles, earth moving equipment or equipment exceeding 9,000 pounds gross weight shall be parked, stored, or otherwise continued in a residential district unless stored in a completely enclosed structure or unless they are being used in conjunction with a legitimate service being rendered for the benefit of the residential premises or unless the property is located in the R-2 District, has a pre-existing use of the lot for commercial vehicle or equipment storage and the City Council has approved the continued use through the issuance of an interim use permit as outlined in Section 1003.04, Subd. 5 and Section 1006.05.
- N. Parking and storage of certain vehicles. Automotive vehicles or trailers of any type without current registration or in an inoperable condition shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.
- O. There shall be no parking allowed on any residential front yard area, except for a paved or otherwise improved driveway. Parking of recreational vehicles shall be allowed on required side and rear yard areas; however, said parking shall not encroach on any required setback.
- P. Reduction and use of parking. Subject to the review and processing of an interim use permit as regulated by Section 1006.05 of this Chapter, the Planning Commission may reduce the number of required off-street parking spaces when the applicant can demonstrate in documented form a need which is less than required. In such situations, the City shall require a site plan illustrating "Proof of Parking" availability. The plan shall illustrate where the additional parking will be located and how the traffic circulation will coordinate with the site plan and existing parking lot should use or needs change. The Planning Commission shall also consider:
1. The on street parking available by the site.
  2. The expected usage of the site and parking demand.
  3. Surrounding land uses and zoning districts.
  4. The provisions of this chapter affecting the parking lot or loading area.
  5. Any other associated aspect that the Planning Commission deems necessary to evaluate the request.
  6. The applicant shall install the additional required off-street parking within three (3) months of written notification by the Zoning Administrator.
- Q. Screening and Landscaping: All open automobile parking areas for commercial, industrial or institutional uses containing five or more parking spaces shall be effectively screened on each side adjoining or fronting on any property situated in a residential district or any institutional premises by a wall, fence, densely-planted compact hedge, trees or other effective screen, not less than five (5) feet nor more than eight (8) feet in height, as determined by the Planning Commission. However, the Planning Commission and City Council may waive this requirement if the closest point of such parking area is at least seventy-five (75) feet from the nearest residential property line.
- R. Signs: Accessory signs shall be permitted on parking areas in accordance with the provisions specified under Section 1004.05 of this Chapter.
- S. Area of parking spaces: Loading space and drive aisles shall not be construed as supplying off-street parking space.
- T. Parking space minimum requirements.
1. Single-family residential: two (2) spaces per dwelling.

2. Two-family minimum: two (2) spaces per dwelling unit.
3. Senior housing: one (1) space per dwelling unit.
4. Multiple-family residential: two (2) spaces per dwelling unit.
5. Commercial uses: five (5) spaces per one thousand (1,000) square feet of retail sales floor area.
6. Automobile repair stations: three (3) spaces for each stall plus one (1) for each attendant on the major shift.
7. Auditorium, stadium, gymnasium, community center: one (1) space for each four (4) permanent seats in the largest assembly area, plus one (1) seat for each two-hundred (250) square feet of office area.
8. Office building, professional offices, banks: one (1) space for each two-hundred fifty (250) square feet of business area.
9. Drive-in restaurants: five (5) spaces for each one hundred (100) square feet of business area.
10. Hotel and Motel: one (1) space per dwelling unit.
11. Restaurants and other food dispensing establishment, except drive-in restaurant: one (1) space for each four (4) seats, plus one (1) space for each two (2) employees on the shift.
12. Furniture, automobile and boat sales, and appliance sales: one (1) space for each four hundred (400) square feet of gross floor area in the first twenty-five thousand (25,000) square feet, and one (1) space for each six hundred (600) square feet of gross floor area thereafter.
13. Hospitals, rest homes, nursing homes, and the like: one (1) space for each four (4) beds, plus one (1) space for each employee on the major shift.
14. Bowling alleys: five (5) spaces for each lane or alley.
15. Car wash: five (5) spaces, plus five (5) spaces for each wash lane.
16. Animal hospitals and kennels: six (6) spaces, plus one (1) space for each two hundred (200) square feet of gross floor area over ten thousand (10,000) square feet of gross floor area.
17. Manufacturing and research, experimental stations: one (1) space for each employee on the major shift or one (1) space for each three hundred (300) square feet, whichever is greater.
18. Warehousing and wholesale business establishments: one (1) space for each employee on the major shift, plus one (1) space for each company vehicle.
19. Skating rink or dance hall: one (1) space for each two hundred fifty (250) square feet of gross floor area.
20. Miniature golf course, archery range, golf, driving range: ten (10) spaces respectively.
21. *Bed and Breakfasts: one (1) space per dwelling unit.  
(Amended 03-09)*
22. *Mortuaries, funeral homes and crematoriums:*

- a. *B-1 Highway Business District: One space per one hundred (100) square feet of the public use floor area.*
  - b. *B-2 General Business District: One space per two hundred (200) square feet of the public use floor area.  
(Amended 12-09 and 02-13-12)*
23. *Religious institutions: At least one parking space for each 3 seats based on the design capacity of the largest place of assembly.  
(Amended 01-10)*
- U. **Parking Lot Standards.** In all districts where off-street parking lots are permitted or required such off-street parking shall be constructed and maintained subject to the following regulations:
1. Adequate ingress and egress shall be provided.
  2. Such parking lots shall be constructed and maintained in a useable condition, with a hard surface consisting of concrete, bituminous, pavement or paver stone designed to drain and dispose of surface water. Recycled bituminous or concrete shall be prohibited except as permitted in an industrial area by variance.
  3. Whenever such parking lot boundary adjoins property zoned for residential use, a setback of fifteen (15) feet from said lot line shall be required, and maintained.
  4. Necessary curbs or other protection against damages to adjoining properties, streets and sidewalks shall be provided and maintained.
  5. Plans for the construction of any such parking lot must be approved by the Zoning Administrator before construction is started. No such land shall be used for parking until approved by the Zoning Administrator.
  6. No sign shall be so located as to restrict the sight, orderly operation and traffic movement within any parking area. Only signs necessary for the orderly operation of traffic movement or parking regulation shall be permitted in any parking area. Such signs shall not be considered part of the permitted advertising space and shall be subject to signage regulations.
  7. Except in the case of single-family, two-family, and townhouse developments, parking areas shall be designed so that circulation between parking aisles or driveways occurs within the designated parking lot and does not depend upon a public street or alley and such design does not require backing onto the public street.
  8. Except in the cases of single-family, two-family and townhouses, parking lot areas shall comply with the following standards:

ANGLE OF PARKING (ALONG CURB)	STANDARD STALL WIDTH	HANDICAP STALL WIDTH	STANDARD STALL DEPTH	MINIMUM DRIVEWAY WIDTH
Zero degrees	9'	11'	21'	12'
30 degrees	9'	16'	18'	12'
45 degrees	9'	16'	20'	13'
60 degrees	9'	16'	21'	18'
90 degrees	9'	16'	18'	24'

- V. Drainage and Surfacing: Driveways shall not exceed a grade of six (6) percent and all parking lots except those for less than five (5) vehicles shall be graded according to a drainage plan which has been approved by the City Engineer. Catch basins, sumps and underground storm sewers may be required.
- W. Striping: All lots for five (5) or more vehicles shall have the organization of spaces painted on the surface according to the plan approved by the Zoning Administrator.
- X. Maintenance: It shall be the responsibility of the lessee and/or owner of the principal use, uses or building to maintain in a neat and adequate manner, the parking area, striping, landscaping and screening.
- Y. Lighting: Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance, and shall be in compliance with Section 1005.01, Subdivision 9 of this Chapter.
- Z. The standards outlined in Section 1004.04, Subd. 3, T and X shall not be applicable to parking provided for single-family or two-family residences, public parks or other publicly owned property. Parking lot standards for industrial uses may be subject to variance or modification by the conditional use permit for the specific industrial use. In considering a request for variance or modification, the City shall consider the location of the property, size of the parking area, use of the parking area, adjacent property uses and the impact on the general well being of the community. Alternative surfaces which may be permitted in an industrial area are limited to Class 2 crushed gravel which conforms to the requirements of MN/DOT specification 3138 with visual evidence of further consolidation.
- AA. Joint parking: Joint parking areas for several uses in the same block or in the same vicinity may be permissible, if the number of stalls provided is equal to the sum total of the individual requirements and provided that it is found by the Planning Commission, upon application thereto, that the parking demand generated by the different uses including in any joint arrangement to provide parking stalls required herein occurs at distinctly different times, as in the case of a store generating different demand for parking during its daytime business hours and thereafter generating peak demand for parking after such daytime hours, and in similar cases. The Planning Commission may recommend to the City Council the reduction of the total number of parking stalls to be jointly provided.

The joint use of parking facilities shall be protected by covenants that run with the lots housing all the joint users and the lot or lots on which the parking facility which satisfies the parking requirements of this Chapter is provided. Those covenants shall grant a perpetual easement for parking to the joint principal use lots. The form, manner of execution, and content of such covenants must be approved by the City Attorney and the document containing the covenants must be recorded at the Chisago County Recorder's Office.

- BB. *Parking Lot Setbacks. In the B-1, Highway Commercial and I-1, Light Industrial Zoning District, all off-street parking areas or parking lots shall have the following minimum setbacks: Front yard: fifteen (15) feet, Side yards: five (5) feet, Rear Yard: five (5) feet; unless abutting a residential district, then all setbacks shall be a minimum of fifteen (15) feet. All usable open space, as defined by this Ordinance, shall be planted and maintained in grass, sodding, shrubs or other suitable vegetation or treatment as specified unless devoted to drives, sidewalks or patios, within six (6) months of the issuance of the certificate of occupancy. (Amended 02-07)*



## **1004.05: SIGNS.**

- Subd. 1: Purpose and Findings.**
- Subd. 2: Prohibited Signs.**
- Subd. 3: General Regulations.**
- Subd. 4: Exemptions.**
- Subd. 5: Permitted Signs.**
- Subd. 6: Standards by Zoning District**
- Subd. 7: Permit Required.**
- Subd. 8: Construction Requirements.**
- Subd. 9: Nonconforming Signs.**
- Subd. 10: Severability.**

### ***Subd. 1: Purpose and Findings.***

A. Purpose. The purpose of this Section is to protect, maintain and regain the natural and scenic beauty and attractiveness of Rush City. By the construction of public roads, the public has created views to which the public retains a right of view and it is the intent of these standards to prevent the taking of that right. Signs are recognized as accessory uses and are permitted in all districts subject to the regulations of this Section.

- 1. It is not the purpose or intent of this sign ordinance to regulate the message displayed on any sign; nor is it the purpose or intent of this ordinance to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this ordinance is to:*
- 2. 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.*
- 3. Maintain, enhance and improve the aesthetic environment of the city by preventing visual clutter that is harmful to the appearance of the community.*
- 4. Improve the visual appearance of the City while providing for effective means of communication, consistent with constitutional guarantees and the City's goals of public safety and aesthetics.*
- 5. Provide for fair and consistent enforcement of the sign regulations set for herein under the zoning authority of the City.*
- 6. To establish standards which permit property owners the opportunity to identify and advertise themselves, goods, or services.*

B. Findings. The City Council hereby finds as follows:

- 1. Exterior signs have a substantial impact on the character and quality of the environment.*
- 2. Signs provide an important medium through which individuals may convey a variety of messages.*
- 3. Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.*
- 4. The city's zoning regulations include the regulation of 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 its citizens from a proliferation of signs of a type, size, location and*

*character that would adversely impact upon the aesthetics of the community and threaten the health, safety and welfare of the community. The regulation of the physical characteristics of signs within the City has had a positive impact on traffic safety and the appearance of the community.*  
(Amended 03-06)

**Subd. 2: Prohibited Signs.**

- A. No sign shall be allowed that is a hazard to the public health, safety, convenience, welfare or that prevents ingress or egress from any door, window or fire escape.
- B. Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. No sign shall be placed so as to destruct or interfere with traffic visibility or traffic control.
- C. Private signs are prohibited within the public right-of-way of any street or easement.
- D. Signs with rotating beams or flashing illumination are prohibited.
- E. Rotating signs are prohibited.
- F. Signs painted or attached to vehicles and/or trailers where the vehicle and/or trailer is parked on a property and not intended to be moved.
- G. Roof signs are prohibited.
- H. Advertising signs (billboards).
- I. Off-premises signs, other than directional or logo signs or civic signs as permitted by MNDOT and the City of Rush City.
- J. Unless otherwise noted as permitted, no sign shall be placed on fences, trees or other vegetation, public street/traffic signs, utility poles or City/public property. Signs in violation of this Subdivision may be removed by City personnel at their discretion, without advance notice to the sign owner.

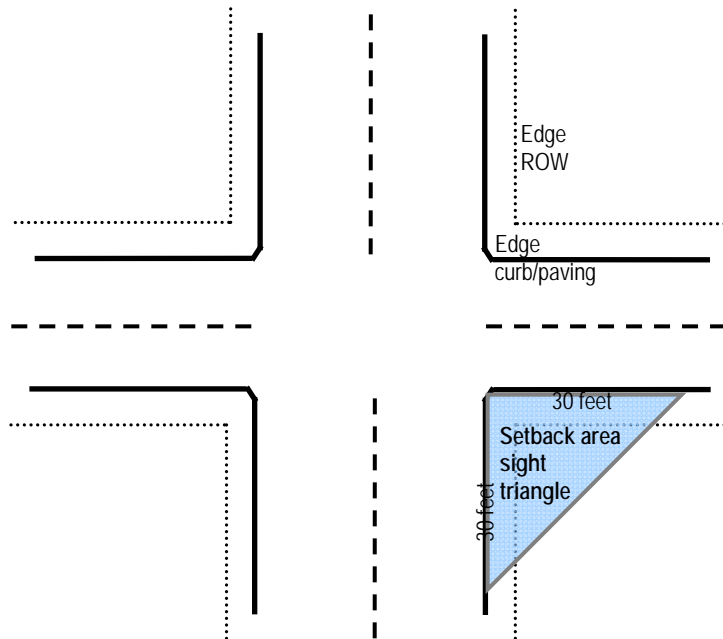
**Subd. 3: General Regulations.**

- A. All signs along state and federal highways shall conform to state and federal sign regulations.
- B. Sign Maintenance.
  - 1. Painting: The owner of any sign shall be required to have such a sign properly painted at least once every two (2) years, if needed, including all parts and supports of the sign, unless such parts or supports are galvanized or otherwise treated to prevent rust.
  - 2. Area Around Signs: The owner, or lessee, of any sign or the owner of the land on which the sign is located shall keep the grass, weeds or other growth cut and the area between the sign and the street and the area within six (6) feet from the ends of the sign, free from refuse.
  - 3. Obsolete Signs: Any sign which no longer advertises a bona fide business conducted or a product sold shall be taken down and removed by the owner, agent or person having the beneficial use of the building or land upon which the sign may be found, within ten (10) days after written notice from the Zoning Administrator.
  - 4. Unsafe or Dangerous Signs: Any sign which becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure or

land upon which the sign is located, within ten (10) days after written notification from the Zoning Administrator.

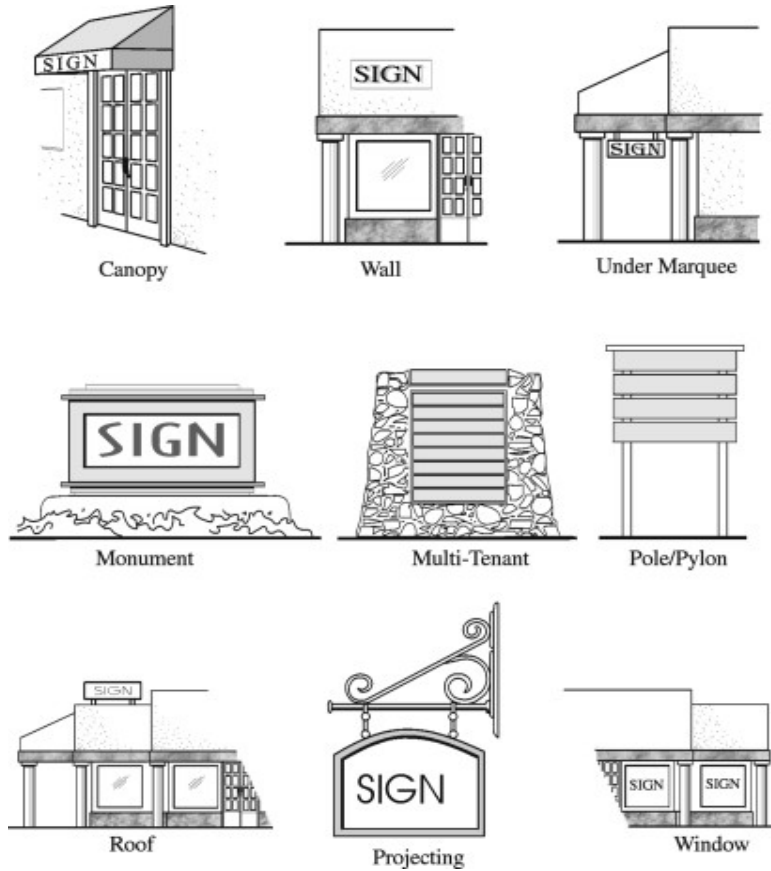
C. Setbacks.

1. All signs in the A-1, R-1, R-2 and R-3 Districts shall be set back a minimum of five (5) feet from all property lines. Signs on corner lots shall be setback thirty (30) feet from the edge of the rights-of-way of intersecting streets so as to preserve the a sight triangle. The sight triangle is the area of visibility required on a corner to allow for the safe operation of vehicles, pedestrians and cyclists in the proximity of intersecting streets, sidewalks and bicycle paths. The City may require a greater setback because of public safety reasons that may include, but not be limited to, the following concerns: vehicle sight-distances, distance from an intersection, or function of the adjoining right-of-way. (Amended 01-08)



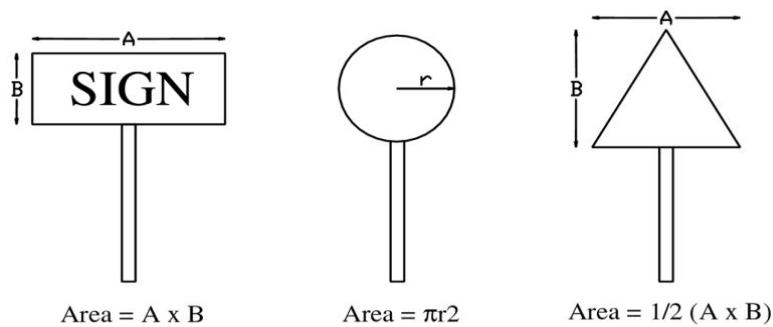
2. In the B-1, B-2, I-1 and P-1 Districts, free-standing or pole signs shall be setback a minimum of five (5) feet from the front property line and a minimum of either five (5) feet or a distance equal to the height of the sign, whichever is greater, from the side property lines. (Amended 11-08)

## Sign Types

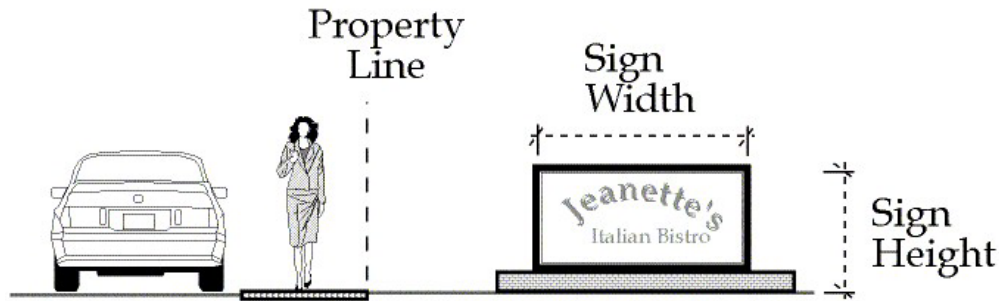


- E. Sign Area Measurement.** The outer dimensions of the frame/cabinet surrounding the sign face. Double-faced (back-to-back, abutting) freestanding signs shall be considered as a single sign face if the copy is identical on both faces.

**Figure 1  
Measurement of Sign Area Examples**



- F. **Sign Height.** The height of a freestanding sign will be measured from the average grade within the perimeter of the sign to the uppermost point of the sign.



- G. **Sign Illumination.** If a sign is illuminated the illumination must be directed toward and limited to the sign's surface and not trespass onto adjacent property or in any way distract traffic.

#### Subd. 4: Exemptions.

- A. The following signs do not require a permit; however, they shall conform to the requirements of this Chapter:
1. Signs for one and two-family residential dwellings identifying the occupant or street address, provided that such signs are less than two (2) square feet in area.
  2. Pedestrian vehicular traffic and parking directional signs in parking lots, provided such signs are less than eight (8) square feet in area and less than six (6) feet in height.
  3. Public signs, street signs, warning signs or signs of public companies for the purpose of safety.
  4. Signs not exceeding twelve (12) square feet, which denote the architect, engineer, contractor or owners when placed upon a work site. Such signs shall be removed within ten (10) days after completion of construction.
  5. Signs designating candidates seeking public political office provided that such election sign shall not exceed twelve (12) square feet in size. Such signs shall be located on private property, shall not be located so as to obstruct vehicular lines of sight and shall be in accordance with, Minnesota Statute 211B.045.
  6. Flags, badges or insignia of any governmental agency.
  7. Emergency signs required by any governmental agency.
  8. Temporary real estate signs pertaining only to the sale, rental or development of a property upon which it is displayed. Such signs shall not exceed six (6) square feet for residential property or twenty-four (24) square feet for other properties. One (1) sign shall be permitted for each lot and must be removed within ten (10) days following the sale, lease or development of said property.
  9. Temporary Signs. Banners placed on private property for advertising of a special sales event or grand opening; provided the following conditions are met:
    - a. A temporary sign permit shall be obtained from the Zoning Administrator prior to erection of said temporary sign.

- b. The sum of the square footage of all temporary signage (aggregate square foot area) shall not exceed a total of eighty (80) square feet per lot including the framework to which it is attached. The maximum square footage of a single temporary sign shall not exceed sixty (60) square feet in area.
  - c. There shall be no more than two (2) temporary signs per business or lot at any one time.
  - d. Temporary signs shall maintain a ten (10) foot setback from all property lines along with a 30 foot setback from intersections, and be located on private property.
  - e. A temporary sign permit shall expire forty (40) days after the initial display date contained in the permit.
  - f. Temporary signs which do not remain affixed shall be immediately removed/re-secured.
  - g. If any temporary sign is not removed by the expiration date of the permit, the Zoning/City Administrator or his/her designee may remove it and charge the costs of removal to the individual or enterprise responsible or property owner per the City's Fee Schedule.
10. Memorial signs or tablets, names of buildings and date of erection when cut into or attached to any masonry surface or incombustible material, provided the sign does not exceed six (6) square feet in area.
11. *Home occupation signs, non-illuminated, attached to the wall of a dwelling or as a freestanding sign and not exceeding four (4) square feet. Only one home occupation sign per property shall be allowed.  
(amended 11-13-12)*
12. Subdivision Signs. A temporary freestanding sign for the purpose of announcing or promoting of a new residential, commercial or industrial project development, provided that each residential project contains at least six dwellings or lots. Further provisions are that one such sign is permitted for each major thoroughfare the project abuts provided said sign is located on the project development property. Signs shall be setback at least 130 feet from any preexisting structure. The sign is to be removed within two years of signing of the final plat or when the project is 75 percent sold out or rented, whichever is sooner; and each sign shall not exceed the following size limitations: Project area under 20 acres, 48 square feet. Project area over 20 acres, 100 square feet.
13. *Service Club and Religious Notice Signs. Signs and notices, not exceeding eight square feet in advertising area, whose erection is authorized by law, relating to meetings and location of nonprofit service clubs or charitable associations or religious services.  
(Amended 01-08)*

**Subd. 5: Permitted Signs.**

- A. The following signs are permitted in the A-1, R-1, R-2, R-3 Districts, upon issuance of a sign permit:
  - 1. Bulletin boards for public, charitable or religious institutions, not to exceed twenty (20) square feet, in an area located on the premises.
  - 2. Religious uses, public institutions, non-residential and residential development signs, on-site, not exceeding sixty-four (64) square feet in area. Such identification signs may be wall or ground mounted or a combination thereof. A ground sign shall not exceed eight (8) feet in height. There may be a second sign if the use abuts two (2) or more streets.

3. One sign not more than four square feet pertaining to the sale or rental of land within a building on which the sign is located and no more than one nameplate not more than four square feet in area pertaining to a home occupation or permitted use, provided that such sign is attached to the dwelling and does not emit any flashing, flickering or glaring light, direct or reflected.

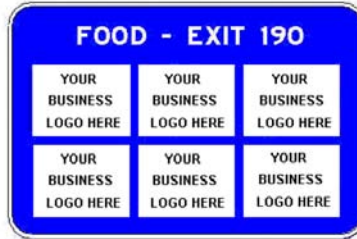
B. The following signs are permitted in the B-1, B-2 and I-1 Districts.

1. *Bulletin boards for public, charitable or religious institutions, not to exceed twenty (20) square feet, in an area located on the premises.  
(Amended 03-06)*
2. *Religious uses, public institutions, commercial/industrial development signs not exceeding sixty-four (64) square feet in area, provided they are located on-site.  
(Amended 03-06)*
3. *Civic Signs provided the following conditions are met:  
(Amended 03-06)*
  - a. *They are on property owned by the City or by the religious, charitable, nonprofit or public service group requesting the sign or an easement has been obtained from the commercial or industrial property owner in which the sign is proposed to be located and the Planning Commission and City Council find the location to be compatible with the business site layout.*
  - b. *The sign is limited to advertising of special functions sponsored, in whole or in part, by the City or by religious, charitable, nonprofit or public service groups.*
  - c. *The sign may contain information including the names of members of the civic group or organization; provided the list of members consumes no more than ~~20%~~ 50% of the gross area of the face of the sign, and provided it does not display information of a commercial nature advertising a product or service of any member, other than the member's business logo. The Civic Sign may indicate distance to the location of the civic, charitable or non-profit service group vicinity if it is more than one half mile from the sign.*
  - d. *If visible from MNDOT Right-of-way, a permit shall be obtained and approved by MNDOT for the sign.*
  - e. *No sign shall be erected without the consent of the Council, after recommendation from the Planning Commission.*
  - f. *The setbacks, size and height standards within this Ordinance are met.  
(Amended 01-08)*
4. Temporary Sandwich Signs. Temporary Sandwich Signs may be permitted in the B-2 (General Business District) provided the total square footage per sign shall not exceed twelve (12) square feet or six (6) square feet per side. A temporary sandwich sign permit shall conform to the following:
  - a. The property owner shall sign a hold harmless agreement indemnifying the City of Rush City in any action arising out of the location of said sign within the public right-of-way.
  - b. Said signs shall be placed during daylight hours only, sunrise to sunset.
  - c. Signs shall only be placed in front of the location the sign serves.

- d. Temporary sandwich signs shall not occupy more than one-third (1/3) of the width of the sidewalk on which it is located.
  - e. The Chisago County Sheriff's Department shall remove all signs that are in violation.
5. Unified shopping center/multiple occupancy buildings. In a unified shopping center or multiple occupancy building, the total surface area of all individual signs on the buildings shall not exceed the maximum square footage requirements outlined in Section 1004.05, Subd. 5, C. As a part of this maximum square footage the center or building may erect one freestanding or monument sign, which identifies the name and location of the building and its tenants. For shopping centers or multiple tenant buildings with more than one driveway entrance, a second freestanding or monument sign may be permitted, provided it is at least 350 feet from the first sign and meets the requirements of maximum surface area and height outlined in Section 1004.05.  
(Adopted 03-04)
- a. Master Sign Plan. No permit shall be issued for an individual sign requiring a permit in a commercial and/or industrial zoning district where more than one business or industry will be located until a master signage plan has been approved by the City. The master signage plan is intended to control total sign area and sign placement so as to help eliminate incongruities as tenants/occupants change.
  - b. The owner/agent proposing a commercial or industrial development plan, site or plot plan and/or planned unit development with more than one individual business or tenant any shall submit a master signage plan containing the following information:
    - i. A scaled site plan showing location of buildings, parking lots, driveways and landscaped areas and an accurate indication on the site plan of the proposed location of present and future signs of any type, whether requiring a permit or not.
    - ii. Scaled color drawings clearly showing location of sign on building elevation.
    - iii. Computation of the maximum total sign area, the maximum area for individual signs and the height of signs.
    - iv. The maximum numbers of signs affixed to a building by each business within the building shall be controlled by the master signage plan.
    - v. Other provisions of the plan may contain such other restrictions as the owner of the development or building may reasonably determine.
    - vi. The plan shall be signed by all owners or their authorized agents in such form as required by the City or as a part of applicable and active restrictive covenants.
    - vii. A master signage plan may be amended by filing administratively a new master signage plan that conforms to all requirements of this Ordinance.
    - viii. After approval of a master signage plan, no sign shall be erected, placed, painted or maintained, except in conformance with approved master signage plan and such plan may be enforced in the same way as provisions of this Ordinance. In case of any conflict between the provisions of such a plan and this code, the code shall govern.
6. *MNDOT Logo Signs, General Motorized Signs and/or Directional Signs. Freestanding signs located in right-of-way or on properties near the intersections of Interstate 35 and/or along State Highway 361 which identify tourist-oriented businesses such as gasoline service stations, restaurants, motels and regional commercial uses, as permitted by Minnesota Statute 160.292 through 160.297. These signs, and MNDOT required trailblazing signs, may*



be allowed along Highway 361, only as an extension of MNDOT requirements, in locations designated by MNDOT, with the written permission of the land owner. Necessary permits shall be obtained from MNDOT prior to installation of the signs.  
(Amended 01-08)



**Example Only**

C. The following signs are permitted in the P-1 District, upon issuance of a sign permit:

1. Bulletin boards for public, charitable or religious institutions, not to exceed twenty (20) square feet, in an area located on the premises.
2. Religious uses and public institutions signs not exceeding two hundred (200) square feet in area, provided they are located on-site.
3. Civic Signs provided the following conditions are met:
  - a. They are on property owned by the City or by the religious, charitable, nonprofit or public service group requesting the sign or an easement has been obtained from the commercial or industrial property owner in which the sign is proposed to be located and the Planning Commission and City Council find the location to be compatible with the business site layout.
  - b. The sign is limited to advertising of special functions sponsored, in whole or in part, by the City or by religious, charitable, nonprofit or public service groups.
  - c. The sign may contain information including the names of members of the civic group or organization; provided the list of members consumes no more than 50% of the gross area of the face of the sign, and provided it does not display information of a commercial nature advertising a product or service of any member, other than the member's business logo. The Civic Sign may indicate distance to the location of the civic, charitable or nonprofit service group vicinity if it is more than one half mile from the sign.
  - d. If visible from MNDOT Right-of-way, a permit shall be obtained and approved by MNDOT for the sign.
  - e. No sign shall be erected without the consent of the Council, after recommendation from the Planning Commission.
  - f. The setbacks, size and height standards within this Ordinance are met.  
(Amended 11-08)

#### **Subd. 6: Standards by Zoning District**

A. Maximum Square Footage of Signs in the B-1, B-2, I-1 and P-1 Districts:  
(Amended 11-08)

1. The aggregate square footage of sign space per lot shall not exceed fifteen (15) percent of

the ground area of the principal structure on the lot. *In the P-1 District, if no principal structure is located on the lot, the maximum aggregate square footage of sign space per lot shall not exceed one (1) percent of the ground area of the lot or five hundred (500) square feet, whichever is less.*

*(Amended 11-08)*

2. Aggregate wall sign area shall not exceed twenty (20) percent of the area of the facade to which it is affixed.
3. No individual sign shall exceed one hundred and fifty (150) square feet of area per surface, *except in the P-1 District where no individual sign shall exceed two hundred (200) square feet.*  
*(Amended 11-08)*
4. *MNDOT Logo Signs, General Motorized Signs and/or Directional Signs shall be of a standard size, color and design as established by and ordered directly through MNDOT, in accordance with their policies.*  
*(Amended 01-08)*
5. Signs that are placed on the exterior walls of buildings shall not extend more than four (4) inches from a building's wall surface.
6. Awning, Canopy and Sign Projection: Awnings or canopies shall provide a minimum clearance of eight (8) feet from the sidewalk and project no closer than two (2) feet from the edge of the curb of the street. Projecting signs shall project no more than three (3) feet from the building, have a cumulative square footage of no more than twelve (12) square feet, and have an undersign clearance of at least ten (10) feet.
7. Window signs may be placed inside of the commercial buildings, provided not more than fifty percent (50%) of the window is covered.

B. Maximum Height:

1. B-2, I-1 *and* P-1 Districts: Maximum Height. Freestanding signs shall not exceed twenty (20) feet in height as measured from the elevation of the centerline of the adjoining roadway, except that at those sites at which the elevation of the abutting property is higher than the centerline of the adjoining roadway, the height of any such sign shall not exceed twenty (20) feet as measured from the elevation of said abutting property at the site of such sign. All free standing signs must have at least fourteen (14) feet of underside clearance, unless they are enclosed at the base by landscaping and protected to avoid the underneath passage of persons or autos.  
*(Amended 11-08)*
2. B-1 (Highway Business): Maximum Height. Freestanding signs shall not exceed thirty (30) feet in height as measured from the elevation of the centerline of the adjoining roadway, except that at those sites at which the elevation of the abutting property is higher than the centerline of the adjoining roadway, the height of any such sign shall not exceed thirty (30) feet as measured from the elevation of said abutting property at the site of such sign. All free standing signs must have at least fourteen (14) feet of underside clearance, unless they are enclosed at the base by landscaping and protected to avoid the underneath passage of persons or autos.

- C. The following table summarizes the requirements for signage per zoning classification. This is only a summary. The complete text should be referred to for further detail.

Zoning District	Permitted Signage	Maximum Sign Area Per Lot	Maximum S.F. for this type of Sign	Maximum Height	Minimum Setback – Feet	Other
A-1, Agricultural and R-1, R-2, R-3 Residential	Public, charitable or religious bulletin board.	20 Square Feet	20 Square feet	Ground mounted: 8 feet	Five Feet from property lines, 30 feet from intersections	
	Religious uses, public institutions, and residential development signs.	64 Square Feet	64 Square feet	Ground mounted: 8 feet	Five Feet from property lines, 30 feet from intersections	Wall or ground mounted only.  There may be a second sign if the use abuts two (2) or more streets.
	Sign for the sale or rental of land.	Four square feet in area	Four square feet	Ground mounted: 8 feet	Five Feet from property lines, 30 feet from intersections	
	Nameplate pertaining to a home occupation or permitted use.	Four square feet in area	Four square feet	NA	Five Feet from property lines, 30 feet from intersections	Must be attached to the dwelling and cannot emit any flashing, flickering or glaring light, direct or reflected.
B-1 Highway Commercial	Public, charitable or Religious bulletin board.	Aggregate square footage of all signage on lot shall not exceed 15% of the ground area of the lot.	20 Square feet	Ground mounted: 8 feet	Pole or Free-standing sign: Min of 5 feet from the front property line and a minimum of either 5 feet or a distance equal to the height of the sign, whichever is greater, from side property lines.	Maximum 150 square feet per individual sign
	Religious uses, public institutions, non-residential development signs.	Aggregate square footage of all signage on lot shall not exceed 15% of the ground area of the lot.	64 Square feet	Ground mounted: 8 feet	5 Feet from property lines, 30 feet from intersections	Wall or ground mounted only.
	Civic Signs/ Community Identity Entrance Sign	Aggregate square footage of all signage on lot shall not exceed 15% of the ground area of the lot.	Maximum 150 square feet per individual sign	Free-standing signs: maximum 30 feet, with 14 feet of clearance beneath	Pole or Free-standing sign: Minimum of 5 feet from the front property line and a minimum of either 5 feet or a distance equal to the height of the sign, whichever is greater, from side property lines.	Must be on property owned by the City or by the religious, charitable, nonprofit or public service group requesting the sign.  If visible from MNDOT R-O-W, need MNDOT permit.
	Projecting Signs	Aggregate square footage of all signage on lot shall not exceed 15% of the ground area of the lot.	Not to exceed maximum sign area per lot.		Maximum two (2) feet from building, with 10 foot clearance beneath.	Maximum 150 square feet per individual sign

Zoning District	Permitted Signage	Maximum Sign Area Per Lot	Maximum S.F. for this type of Sign	Maximum Height	Minimum Setback – Feet	Other
B-1 Highway Commercial	Awning with lettering/sign that is an integral part of an awning.	Aggregate square footage of all signage on lot shall not exceed 15% of the ground area of the lot.	Not to exceed 20% of the area of the façade to which it is affixed, but not to exceed maximum sign area per lot.	8 foot clearance beneath awning		Maximum 150 square feet per individual sign
	Window Signs	Aggregate sq. ft. of all signage on lot shall not exceed 15% of the ground area of the lot.	Maximum 50% window coverage.	NA	NA	Maximum 150 square feet per individual sign
	Shopping Center Sign	Aggregate square footage of all signage on lot shall not exceed 15% of the ground area of the lot.	Maximum 150 square feet per individual sign.  Wall sign: Not to exceed 20% percent of the area of the façade to which it is affixed, but not to exceed maximum sign area per lot.	One Free-standing pole sign: thirty (30) feet, with fourteen (14) foot clearance beneath, unless enclosed at base.	Pole or Free-standing sign: Minimum of five (5) feet from the front property line and a minimum of either five (5) feet or a distance equal to the height of the sign, whichever is greater, from the side property lines.	For shopping centers or multiple tenant buildings with more than one driveway entrance, a second freestanding or monument sign may be permitted, provided it is at least 350 feet from the first sign and meets the requirements of maximum surface area and height outlined in Section 1004.05
	Directional Sign, Logo Sign or General Motorized Signs	Per MNDOT Standards	Per MNDOT Standards	Per MNDOT Standards	Within Street Right-of-Way, as permitted by governing roadway unit.	Per MNDOT Standards
	Wall Sign	Aggregate square footage of all signage on lot shall not exceed 15% of the ground area of the lot.	Not to exceed 20% of the area of the façade to which it is affixed, but not to exceed maximum sign area per lot.	Affixed to wall	Must not project more than 4" from building.	Maximum 150 square feet per individual sign
	B-2 Downtown Business District and I-1 Industrial District	Public, charitable or Religious bulletin board.	Aggregate square footage of all signage on lot shall not exceed 15% of the ground area of the lot.	20 Square feet	Ground mounted: 8 feet	Five Feet from property lines, 30 feet from intersections
Religious uses, public institutions, non-residential development signs.		Aggregate square footage of all signage on lot shall not exceed 15% of the ground area of the lot.	64 Square feet	Ground mounted: 8 feet	Five Feet from property lines, 30 feet from intersections	Wall or ground mounted only.
Civic Sign/ Community Identify Entrance Sign		Aggregate square footage of all signage on lot shall not exceed 15% of the ground area of the lot.	Not to exceed maximum sign area per lot.			Maximum 150 square feet per individual sign.  If visible from MNDOT R-O-W, need MNDOT permit.

Zoning District	Permitted Signage	Maximum Sign Area Per Lot	Maximum S.F. for this type of Sign	Maximum Height	Minimum Setback – Feet	Other
B-2 Downtown Business District and I-1 Industrial District	Projecting Signs	Aggregate square footage of all signage on lot shall not exceed 15% of the ground area of the lot.	No more than 12 square feet.		In the B-2, no closer than two feet from the edge of the curb of the street.	No more than 3 feet wide.
	Awning with lettering/sign that is an integral part of an awning.	Aggregate square footage of all signage on lot shall not exceed 15% of the ground area of the lot.	Not to exceed twenty (20) percent of the area of the façade to which it is affixed, but not to exceed maximum sign area per lot.	Must have minimum 8 feet clearance beneath.	Minimum two (2) feet from edge of curb street in B-2.	Maximum 150 square feet per individual sign
	Window Signs	Aggregate square footage of all signage on lot shall not exceed 15% of the ground area of the lot.	Maximum 50% window coverage.	Within window.	NA	Maximum 150 square feet per individual sign
	Sandwich Sign-temporary – <i>In B-2 Downtown District Only</i>	Aggregate square footage of all signage on lot shall not exceed 15% of the ground area of the lot.	Six (6) square feet for a single side, maximum twelve (12) square feet for two-sided.		Shall not occupy more than one-third (1/3) of the width of the sidewalk on which it is located	Maximum 150 square feet per individual sign
	Shopping Center Sign	Aggregate square footage of all signage on lot shall not exceed 15% of the ground area of the lot.	Not to exceed maximum sign area per lot.	If Pole Sign: 20 feet, with 14 foot clearance beneath.	Minimum of five (5) feet from the front property line and a minimum of either five (5) feet or a distance equal to the height of the sign, whichever is greater, from the side property lines.	Master Signage Plan is Required. Maximum 150 square feet per individual sign
	Directional Sign, Logo Sign or General Motorized Signs	Per MNDOT Standards	Per MNDOT Standards	Per MNDOT Standards	Within Street Right-of-Way, as permitted by governing roadway unit.	Per MNDOT Standards
	Wall Sign	Aggregate square footage of all signage on lot shall not exceed 15% of the ground area of the lot.	Not to exceed twenty (20) percent of the area of the façade to which it is affixed, but not to exceed maximum sign area per lot.	Wall height	Affixed to wall	Maximum 150 square feet per individual sign
<i>P-1 Public and Semi-Public District</i>	<i>Public, charitable or Religious bulletin board.</i>	<i>Aggregate square footage of all signage on lot shall not exceed 1% of the ground area of the lot or 500 square feet whichever is less.</i>	<i>20 Square feet</i>	<i>Ground mounted: 8 feet</i>	<i>Pole or Free-standing sign: Min of 5 feet from the front property line and a minimum of either 5 feet or a distance equal to the height of the sign, whichever is greater, from side property lines.</i>	

Zoning District	Permitted Signage	Maximum Sign Area Per Lot	Maximum S.F. for this type of Sign	Maximum Height	Minimum Setback – Feet	Other	
<i>P-1 Public and Semi-Public District</i>	<i>Religious uses, public institutions, non-residential development signs.</i>	<i>Aggregate square footage of all signage on lot shall not exceed 1% of the ground area of the lot or 500 square feet whichever is less.</i>	<i>200 Square feet</i>	<i>Ground mounted: 8 feet</i>	<i>5 Feet from property lines, 30 feet from intersections</i>		
	<i>Civic Signs/ Community Identity Entrance Sign</i>	<i>Aggregate square footage of all signage on lot shall not exceed 1% of the ground area of the lot or 500 square feet whichever is less.</i>	<i>Maximum 200 square feet per individual sign</i>	<i>Free-standing signs: maximum 30 feet, with 14 feet of clearance beneath</i>	<i>Pole or Free-standing sign: Minimum of 5 feet from the front property line and a minimum of either 5 feet or a distance equal to the height of the sign, whichever is greater, from side property lines.</i>	<i>Must be on property owned by the City or by the religious, charitable, nonprofit or public service group requesting the sign.  If visible from MNDOT R-O-W, need MNDOT permit.</i>	
	<i>Projecting Signs</i>	<i>Aggregate square footage of all signage on lot shall not exceed 1% of the ground area of the lot or 500 square feet whichever is less.</i>	<i>Not to exceed maximum sign area per lot or 200 square feet whichever is less.</i>			<i>Maximum two (2) feet from building, with 10 foot clearance beneath.</i>	
	<i>Window Signs</i>	<i>Aggregate square footage of all signage on lot shall not exceed 1% of the ground area of the lot or 500 square feet whichever is less.</i>	<i>Maximum 50% window coverage.</i>	<i>NA</i>	<i>NA</i>		
	<i>Directional Sign, Logo Sign or General Motorized Signs</i>	<i>Per MNDOT Standards</i>	<i>Per MNDOT Standards</i>	<i>Per MNDOT Standards</i>	<i>Within Street Right-of-Way, as permitted by governing roadway unit.</i>	<i>Per MNDOT Standards</i>	
	<i>Wall Sign</i>	<i>Aggregate square footage of all signage on lot shall not exceed 1% of the ground area of the lot or 500 square feet whichever is less.</i>	<i>Not to exceed 20% of the area of the façade to which it is affixed, but not to exceed 200 square feet.</i>	<i>Affixed to wall</i>	<i>Must not project more than 4" from building.</i>		

*(Table Added 01-08 and Amended 11-08)*

**Subd. 7: Permit Required.**

- A. Every person shall obtain from the City a permit before erecting, placing, rebuilding, reconstructing, structurally altering, enlarging or relocating any sign or awning which is not specifically exempted by these regulations from this permit requirement. An application for a permit shall be submitted to the Zoning Administrator in accordance with the permit procedures of the City Code and the requirements of this section. The application shall include the information

required by the form provided by the City and shall be accompanied by appropriate documents and plan or plans drawn to scale which legibly reflect the following:

1. The location of proposed and existing signs in relation to property lines and existing and proposed building based upon a site plan approved by the City which accurately reflects current conditions on the property.
  2. The design, full dimensions, and specifications including the method of construction, and attachment to a building or placement in the ground.
  3. Stress calculations prepared by a certified engineer, where applicable, indicating that the structure's design for dead load and wind pressure in any direction in the amount required by regulations.
  4. Such other information as the Zoning Administrator or Building Inspector may require showing full compliance with this Ordinance and other applicable laws or codes of the City. The Zoning Administrator may waive requirements for technical information specified above where such information is not necessary to the determination of compliance.
- B. The Zoning Administrator shall, upon approval, issue a written permit authorizing the proposed sign and related work. The permit shall, where applicable, specify the duration of the permit and any special conditions or requirements related to the construction of the sign. Expiration and renewal of permits shall be in accordance with the provisions of the Minnesota State Building Code for building permits.
- C. Sign permit fees. Permit fees shall be as established by the City Council and shall be in such amounts as the Council determines in its reasonable discretion to be necessary to finance the administration and enforcement of this Ordinance.

**Subd. 8: Construction Requirements.**

- A. All signs shall be constructed and maintained in a manner where they will be safe to the general public.
- B. All permanent signs shall be constructed to meet Uniform Building Code standard for wind resistance, dead loads, wind loads and other applicable sections of the Uniform Building Code. Signs shall be rigidly suspended by means of fastening or support so as not to be free swinging or a menace to persons or property.
- C. All electrical wiring of signs shall comply with the provisions of the Minnesota State Building Code, as may be amended from time to time.

**Subd. 9: Nonconforming Signs.**

- A. Any sign legally existing on the effective date of the ordinance from which this article is derived which does not conform to the requirements set forth in this article shall become a nonconforming use.
- B. Nonconforming, permanent signs shall be allowed to continue but shall not be rebuilt, materially altered, or relocated without being brought into compliance with the requirements of this article, except that any flashing portion shall be discontinued within 30 days after the effective date of this article.

**Subd. 10: Signs for Athletic Facilities/Fields.**

- A. *Temporary signs for recreation and sporting events shall be allowed provided that the following criteria is met: temporary non-illuminated signs shall be allowed to remain for the length of the*

*athletic season for which they are the primary users and/or scheduled times for use of the facility/fields but not to exceed four (4) consecutive months; a maximum of twenty (20) signs per athletic field shall be allowed; and a sign permit is required for each athletic field. Advertising signage shall be affixed to the inside of outfield and sideline fences and shall be made of a textile or plastic fabric material. Individual signs shall not exceed 4' x 8'.*

- B. Sponsored scoreboards shall be allowed in athletic fields provided that the scoreboard(s) shall not exceed one hundred (100) square feet in area and the advertising area is not to exceed thirty percent (30%) of the front face of the scoreboard.  
(Amended 09-06)*

**Subd. 11: Severability.**

*If any section, subsection, sentence, clause, or phrase of this Section relating to the regulation of signs within the City is for any reason held to be invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of this Section relating to the regulation of signs within the City. The City Council hereby declares that it would have adopted this Ordinance in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.  
(Amended 03-06)*



## **1004.06: TOWERS.**

### **Subd. 1: Purpose and Intent.**

- A. In order to accommodate the communication needs of the residents, business and industry while protecting the health, safety and general welfare of the City of Rush City, the following regulations are imposed in order to:
1. Facilitate the use of wireless communication services, television and radio antennas, for residents, businesses and industries of the City of Rush City.
  2. Minimize adverse effects of towers through careful design and siting standards;
  3. Avoid potential damage to adjacent properties from tower or antenna failure through structural standards and setback requirements; and
  4. Maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.

### **Subd. 2: Amateur Radio Towers.**

Amateur radio support structures (towers) shall not exceed a height above ground level of seventy-five (75) feet, unless a conditional use permit has been granted. They shall be mounted on the roof of a dwelling or other building or located in the rear yard. They shall be installed in accordance with the instructions furnished by the manufacturer of that tower model. Because of the experimental nature of the amateur radio service, antennas mounted on a tower may be modified and changed at any time so long as the published allowable load on the tower is not exceeded and the structure of the tower remains in accordance with the manufacturer's specifications. All towers shall be of a monopole design.

### **Subd. 3: Tower Locations.**

- A. Antennas on a public structure or existing structures are allowed in all districts by resolution approved by the City Council. Towers not exceeding seventy-five (75) feet in height may be erected after the issuance of a building permit. Towers exceeding seventy-five (75) feet in height may be allowed only by a conditional use permit in the following zoning districts:
1. B-1, Highway Commercial.
  2. B-2, General Business.
  3. I-1, Light Industrial.

### **Subd. 4: Tower Setbacks.**

- A. The setback of the tower shall be at a ratio of one (1) foot of setback for every two (2) feet of height of tower (i.e. a one hundred (100) foot tower would require a fifty (50) foot setback from all property lines and street right-of-way).
- B. In the event that any portion of the property directly abuts a district zoned residential, the setback to this district shall be at a ratio of one (1) foot for every one (1) foot of height of structure (i.e. a one hundred (100) foot tower would require a one hundred (100) foot setback from any property line which is residentially zoned).

### **Subd. 5: Tower Lighting.**

Towers shall be required to meet Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) requirements and may be required to be artificially lighted. If the tower does require

artificial lighting, a letter stating this need and a description of the lighting shall be provided to the City Council prior to approval. The lighting, unless required by the FAA to be otherwise, must be diffused.

**Subd. 6: Co-Location Required.**

- A. All commercial towers erected, constructed or located within the City of Rush City shall comply with the following requirements:
  - 1. A proposal for a new commercial tower shall not be approved unless the applicant has provided proof that the proposed tower cannot be accommodated on an existing or approved tower or building within a two (2) mile search radius of the proposed tower, due to one (1) or more the following reasons:
    - a. The antenna would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.
    - b. The antenna would cause interference materially impacting the usability of other existing or planned antenna at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
    - c. Existing or approved towers and buildings within the search radius cannot accommodate the planned antenna at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
    - d. Other unforeseen reasons that make it unfeasible to locate the planned antenna equipment upon an existing or approved tower or building.
  - 2. Co-Location. Any proposed commercial tower shall be designed structurally, electronically and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional users if the tower is over one hundred (100) feet in height or for at least one (1) additional user if the tower is over seventy-five (75) feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

**Subd. 7: Structural and Landscaping Requirements.**

- A. Proposed or modified towers and antennas shall meet the following design requirements:
  - 1. Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
  - 2. Commercial towers shall be of a monopole design, unless the City Council determines that an alternative design would better blend into the surrounding environment.
  - 3. Landscaping plans for the base of the tower must be submitted with the application of the conditional use permit or building permit, should a conditional use permit not be needed. These plans must be compatible with the surrounding character of the area and must be approved either by the City Council prior to the issuance of the conditional use permit or Zoning Administrator prior to issuance of a building permit.
  - 4. Screening plans for accessory equipment or buildings shall be provided and include a one hundred percent (100) opaque barrier to be constructed of either brick masonry walls or solid wood fencing of a height of no more than six (6) feet.

**Subd. 8: Abandoned or Unused Towers or Antennas.**

A. Abandoned or unused towers or portions of towers shall be removed as follows:

1. All abandoned or unused towers and associated facilities shall be removed within six (6) months of cessation of operations at the site unless a time extension is approved by the City Council. In the event a tower is not removed within six (6) months of cessation of operations at a site, the tower and associated facilities may be removed by the City of Rush City and the costs of removal assessed against the property.
2. Unused portions of towers above a manufactured connection shall be removed within six (6) months of the time of antenna location. The replacement of portions of a tower previously removed requires the issuance of a new conditional use permit.

**Subd. 9: Public Safety Telecommunication Interference.**

Commercial wireless telecommunications services shall not interfere with public safety telecommunications. Before the introduction of new service or changes in existing services, telecommunication providers shall notify the City at least ten (10) days in advance of any changes and allow the City to monitor interference levels during the testing process.

## **1004.07: HOME OCCUPATIONS.**

### **Subd. 1: Purpose.**

The purpose of this Chapter is to prevent competition with business districts and to provide a means through the establishment of specific standards and procedures by which home occupations can be conducted in residential neighborhoods without jeopardizing the health, safety and general welfare of the surrounding neighborhood. In addition, this Chapter is intended to provide a mechanism enabling the distinction between permitted home occupations and special or customarily "more sensitive" home occupations, so that permitted home occupations may be allowed through an administrative process rather than a legislative hearing process.

### **Subd. 2: Regulations.**

All occupations conducted in the home shall comply with the provisions of this Section, the provisions of the district in which it is located, and other Chapters of this Ordinance.

### **Subd. 3: Process.**

- A. Any home occupation as defined in this Ordinance shall require a "home occupation license". Such license shall be issued subject to the conditions of this Chapter and other applicable City Code provisions and state law.
- B. Permitted Home Occupations: This license may be issued by the Zoning Administrator based upon proof of compliance with the provisions of this Section. A fee shall accompany the application for the permitted home occupation license, if so designated by City Council Ordinance. If the Zoning Administrator denies a home occupation license to an applicant, the applicant may appeal the decision to the City Council which shall make the final decision. The license shall remain in full force and effect until such time as there has been a change in conditions or until such time as the provisions of this Chapter have been changed. At such time as the City has reason to believe that either event has taken place, a public hearing shall be held before the Planning Commission. The City Council shall make a final decision on whether or not the permit holder is entitled to the license.
- C. Special Home Occupations: A license for a Special Home Occupation shall require a public hearing before the Planning Commission, following published notice in the official newspaper of the City and mailed notice to property owners within 350 feet of the property in which the home occupation is proposed, not less than 10 days nor more than 30 days prior to the hearing. The Planning Commission shall forward a recommendation to the City Council which shall make a decision regarding the issuance of the license based on the provisions listed in this Section, within 60 days of the completed application for the request. A fee shall accompany application for the special home occupation license if so designated by City Council Ordinance.

### **Subd. 4: Permitted Home Occupation Regulations.**

- A. Permitted home occupations include and are limited to: art studio, dressmaking, secretarial services, day care for up to twelve (12) children, family day care, foster care, professional offices such as legal, accounting, insurance or computer technician and teaching with musical, dancing and other instructions which consist of no more than two (2) pupils at a time, the sale of products whose name brand are not marketed and sold in a wholesale or retail outlet, and similar uses.
- B. The following regulations shall apply:
  - 1. No person other than those who customarily reside on the premises and one (1) full-time equivalent additional employee shall be employed on the premises.
  - 2. All permitted home occupations shall be conducted entirely within the principal building whenever possible and should not be conducted in an accessory building.

3. Permitted home occupations shall not create a parking demand in excess of that which can be accommodated in an existing driveway.
4. The home occupation shall not involve any of the following: repair service or manufacturing which requires equipment other than found in a home; teaching which customarily consists of more than two (2) pupils at a time; over-the-counter sale of merchandise produced off the premises, except for those brand name products that are not marketed and sold in a wholesale or retail outlet.

**Subd. 5: Special Home Occupations.**

- A. Examples of Special Home Occupations include: barber and beauty services, day care for over twelve (12) children, massage therapy as outlined in Section 1004.07, Subd. 5. F 4 of this Chapter, carpentry or woodworking, group nursery, bed and breakfasts as outlined in Section 1004.07, Subd. 5, F. 3 of this Chapter, dog grooming, photography studio, saw sharpening, small appliances and small engine repair and other occupations similar in nature. The following regulations shall apply:
- B. Any home occupation which does not meet the specific requirements for a permitted home occupation as defined in this Chapter shall require a "special home occupation license" which shall be applied for, reviewed and approved in accordance with the provisions of this Ordinance.
- C. Declaration of Conditions. The Planning Commission and the Council may impose such conditions of the granting of a "special home occupation license" as may be necessary to carry out the purpose and provisions of this Chapter.
- D. A "Special Home Occupation License" may be issued for a period of one (1) year after which the license may be reissued for periods of up to five (5) years each.
- E. An accessory building may be used for the storage of items incidental to the licensed home occupation.
- F. Special Home Occupation Requirements:
  1. No person other than those who customarily reside on the premises and one (1) full-time equivalent additional employee shall be employed on the premises.
  2. Special home occupations may be allowed to accommodate their parking demand through utilization of on-street parking.
  3. Bed and Breakfasts may be permitted as a special home occupation provided that:
    - a. The bed and breakfast shall be part of an owner-occupied residential structure.
    - b. Four (4) or fewer rooms are for rent for a period not to exceed fourteen (14) consecutive days during any ninety (90) day period.
    - c. The establishment conforms with all applicable federal and state regulations, and Building Code requirements.
    - d. Primary entrance to all guestrooms shall be from within the dwelling.
    - e. A guest register shall be maintained and available for City inspection.
    - f. No food preparation or cooking shall be conducted within any of the guestrooms.

- g. Food service shall be limited to breakfast.
  - h. No other commercial use shall occur on the property, including home occupations. Activities including luncheons, banquets, parties, weddings, meetings, fund raising events or other gatherings for direct or indirect compensation are prohibited.
  - i. Parking shall be accommodated on the property and parking requirements for guests are in addition to those required for the principal residential use. Parking shall conform to the requirements of Section 1004.04 of this Chapter.
4. Massage Therapy may be permitted as a special home occupation provided that all requirements outlined in this Chapter and other City Ordinances are met including, but not limited to:
- a. "Massage" shall be defined as the rubbing, kneading, tapping or rolling of the body with the hands for the exclusive purpose of physical-fitness, relaxation or beautification, and for no other purpose.
  - b. An application including the names and addresses of the owner and any and all operators, three references whom are residents of Chisago County, signed authorization for a criminal background check, any previous names the applicant and operator(s) have used or have been known by, previous addresses for the past five (5) years, any businesses the applicant has been engaged in over the past five (5) years, the name of the business if other than the applicant's name and a list of any other communities in which the applicant is licensed, and a copy of the operator and any employee's license for massage from the state, must be submitted to the City.
  - c. The special home occupation permit shall be denied if: the proposed use is in conflict with any health, building or other provisions of the City Ordinance or state law; the application contains false, fraudulent or deceptive statements; the applicant or any employee has been convicted within the previous three years of a violation of this Chapter or MN Statutes 609.33 (Disorderly house) and any applicable City Ordinances; if the applicant or any proposed employee is under eighteen (18) years of age or an illegal alien; or for any other good and sufficient reasons as may be determined by the City Council.

**Subd. 6: General Provisions.**

- A. No manufacturing business shall be allowed.
- B. No mechanical or electric equipment not customarily found in a home shall be employed, installed or maintained.
- C. No interior or exterior alterations shall be permitted and no construction features shall be permitted which are not customarily found in a dwelling.
- D. No home occupation shall produce light glare, noise, odor or vibration that will in any way have an objectionable effect upon adjacent or nearby property.
- E. No equipment shall be used in the home occupation which will create electrical interference to surrounding properties.
- F. Any home occupation shall be clearly incidental and secondary to the residential use of the premises, should not change the residential character thereof, and shall result in no incompatibility or disturbance to the surrounding residential uses.

- G. There shall be no exterior storage of equipment or materials used in the home occupation, except personal automobiles used in the home occupation may be parked on the site.
- H. The floor area devoted to the home occupation, other than day care, shall not exceed twenty-five (25) percent of the total ground area occupied by buildings on the lot.
- I. There shall be no display or evidence apparent from the exterior of the lot that the premises are being used for any purpose other than that of a dwelling. No exterior sign except as permitted in accordance with Section 1004.05, Subd. 4, A. 11.
- J. Whenever within one (1) year after granting a license, the use as permitted by the license has not have been initiated, then such license shall become null and void unless a petition for extension of time in which to complete the work has been granted by the Zoning Administrator.

**Subd. 7: Existing Non-Conforming Home Occupations.**

Existing home occupations lawfully existing on the effective date of this Ordinance may continue as non-conforming uses. They shall however, be required to obtain licenses for their continued operation. Any existing home occupation that is discontinued for a period of more than one (1) year shall be brought into conformity with the provisions of this Ordinance prior to re-institution.

**Subd. 8: Inspection.**

The City hereby reserves the right upon issuing any home occupation license to inspect the premises in which the occupation is being conducted to ensure compliance and the provisions of this Chapter or any conditions additionally imposed.

**Subd. 9: Violation.**

Any home occupation found to be in violation of this Chapter shall be served with a notice from the Zoning Administrator. If the violation is not corrected within ten (10) days, the license for the home occupation shall be revoked. Revocation of a home license may be appealed to the Board of Zoning Adjustments.

## **1004.08: PLANNED UNIT DEVELOPMENTS.**

### **Subd. 1: Purpose and Intent.**

- A. The purpose of this section is to provide for the development as an integrated, coordinated unit as opposed to traditional parcel-by-parcel, approach to development. This Section is intended to introduce flexibility of site design and architecture for the conservation of land and open space through clustering of buildings and activities. It is further intended that Planned Unit Developments (PUD's) are to be characterized by central management, integrated planning and architecture, joint or common use of parking, maintenance of open space and other similar facilities, and a harmonious selection and efficient distribution of uses.
- B. Public Benefit. Specifically, it is intended to encourage the efficient use of land and resources, to promote greater efficiency in public utility services and encourage innovation in the planning and building of all types of development. Public benefits to be derived as a result of the PUD include but are not limited to:
  - 1. Innovations in residential development to the end that the demands for housing of all economic levels may be met by greater variety in tenure, type, design, and siting of dwellings and by the conservation and more efficient use of land in such developments.
  - 2. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.
  - 3. A creative use of land and related physical development which allows a phased and orderly transition of land from rural to urban areas.
  - 4. An efficient use of land resulting in smaller networks of utilities and streets, thereby lowering housing costs and public investments.
  - 5. Developments and a development pattern in harmony and consistent with the objectives of the City's Comprehensive Plan.
  - 6. A more desirable environment than would be possible through the strict application of zoning and subdivision regulations of the City.

### **Subd. 2: General Requirements and Standards.**

- A. Ownership. An application for PUD approval must be filed by the landowner or jointly by all landowners of the property included in a project. The application and all submissions must be directed to the development of the property as a unified whole. In the case of multiple ownership, the approval of the final plat shall be binding on all owners. In absence of an ownership application, the project developer may submit with the development application the written consent of all property owners within the proposed PUD. The financial commitments incurred through any portion of the development shall be the responsibility of the ownership.
- B. Consistency with Comprehensive Plan. The proposed PUD shall be generally consistent with the adopted Rush City Comprehensive Plan.
- C. Permitted Uses. All permitted, permitted accessory, or conditional uses contained in the underlying zoning district shall be treated as permitted, permitted accessory and conditional uses in PUD overlay district. Mixed use PUDs are permitted provided they meet the intent and purpose for which a PUD is permitted. Uses not listed as permitted or conditional in a specific district shall not be allowed in a PUD unless it is found that the use is complimentary to the functionality of the development and the other uses found therein.



- D. Density. Increased density shall be permitted to encourage the preservation of natural topography and geological features, however the provisions of this Chapter shall not require the City to provide concessions in setbacks, density or lot size to protect waterways or waterbodies, steep slopes or other areas which would normally not be developable.
- E. Standards. Every PUD shall conform to the standards prescribed in this section.
1. Relationship of PUD Site to Adjacent Areas. The design of a PUD shall take into account the relationship of the site to the surrounding areas. The perimeter of the PUD shall be so designed as to minimize undesirable impact of the PUD on adjacent properties and, conversely, to minimize undesirable impact of adjacent land use and development characteristics on the PUD.
  2. Minimum Development Size. A Planned Unit Development for any parcel or track of land shall have a minimum net site area for each zoning district as set forth below:
    - a. Residential Districts – three (3) acres minimum
    - b. General Business District – one (1) acre minimum
    - c. Highway Commercial District – four (4) acres minimum
    - d. Industrial District – five (5) acres minimum
    - e. Mixed Use PUD – five (5) acres minimum
  3. Minimum Lot Size. The minimum lot size requirements of other Sections of this ordinance do not apply to a PUD except that the minimum lot size requirements of the underlying zone shall serve as a guideline to determine the maximum dwelling unit density of a total development. The maximum dwelling unit density shall be determined by the area remaining after appropriate space for street right-of-ways and any other public dedications have been determined and subtracted from the total PUD area. If the property involved in the PUD includes land in more than one (1) zoning district, the number of dwelling units or the square footage of commercial, residential or industrial uses in the PUD shall be proportional to the amount that would be allowed separately on the parcels located in each of the underlying zoning districts.
  4. Set-Back and Side Yard Requirements. Notwithstanding other provisions of this Section, every lot in a PUD abutting the perimeter of the PUD shall conform to yard requirements for the underlying district. Side yards between buildings in a PUD shall be not less than twenty (20) feet but such buildings may be built without reference to the property lines of the individual lots on which they are built. Buildings shall be spaced no less than twenty (20) feet apart to allow emergency vehicles freedom to maneuver between buildings.
  5. Access to Public Right-of-way. The site of a PUD shall abut, and the major internal street or streets serving the PUD shall be connected to, at least one (1) collector street.
  6. Utility Requirements. Utilities, including telephone and electrical systems, installed within a PUD shall be placed underground. Utility appurtenances which can be effectively screened may be excepted from this requirement if the City finds that such exception will be consistent with the objective of this Section and the character of the proposed PUD.
  7. Open Space. Common open space shall be either held in common ownership by all owners in the PUD or dedicated for public use with approval of the City Council. Whenever possible, common open space shall be linked to the open space areas of adjoining developments. Common open space shall be of such size, shape, character, and locations as to be useable for its proposed purpose.

**Subd. 3: Operating and Maintenance Requirements for PUD Common Open Space and Service Facilities.**

- A. Whenever common open space or service facilities are provided within the PUD, the PUD plan shall contain provisions to assure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard.
- B. Common open space and service facilities within a PUD shall be placed under the ownership of one or more of the following or may include a method deemed most appropriate by the City Council.
  - 1. Landlord control, where only use by tenants is anticipated.
  - 2. Property owners association, provided all of the following conditions are met:
    - a. Prior to the use, occupancy, sale or the execution of contracts for sale of an individual building unit, parcel, tract, townhouse, apartment, or common area, a declaration of covenants, conditions and restrictions or an equivalent document as specified in Minnesota Statutes Section 515B, as may be amended from time to time, shall be filed with the Zoning Administrator prior to the filings of the declaration of documents or floor plans with the Chisago County Recorder's Office.
    - b. The declaration of covenants, conditions and restrictions or equivalent document shall specify that deeds, leases or documents of conveyance affecting buildings, units, parcels, tracts, townhouses or apartments shall subject the properties to the terms of the declaration.
    - c. The declaration of covenants, conditions and restrictions shall provide that an owner's association or corporation may be formed and if such an association or corporation is formed property owners must be members of the association or corporation which shall maintain all properties and common areas in good repair and which shall assess individual property owners proportionate shares of joint or common costs. This declaration shall be subject to the review and approval of the City Attorney. The intent of this requirement is to protect the property values of the individual owner through establishing effective private control.
    - d. The declaration shall additionally, amongst other things, provide that in the event the association or corporation fails to maintain properties in accordance with the applicable rules and regulations of the City, or fails to pay taxes or assessments on properties as they become due, and in the event the City incurs any expenses not immediately reimbursed by the association or corporation, then the City shall have the right to assess each property its pro rata share of the expenses. Such assessments, together with interest thereon and costs of collection, shall be a lien on each property against which such assessment is made.
    - e. Membership in the association must be mandatory for each owner and any successive buyer and the association must be responsible for liability insurance, taxes, and the maintenance of the open space facilities to be deeded to it.
    - f. The open space restrictions must be permanent and not for a given period of years.
    - g. Property owners must pay their pro rata share of the cost of the association by means of an assessment to be levied by the association which meets the requirements for becoming a lien on the property in accordance with state law and the association must be able to adjust the assessment to meet changing needs.
    - h. The by-laws and rules of the association and all covenants and restrictions to be recorded must be approved by the City Council prior to the approval of the final PUD plan.

3. Staging of common open space. The construction and provision of all of the common open space and public improvements and recreational facilities that are shown on the final development plan for a PUD must proceed at the same rate as the construction of dwelling units or other private facilities.
- C. Parking. Off-street parking and loading space shall be provided in each PUD in the same ratios for types of buildings and uses as required in the underlying zoning district. Requirements outlined in Section 1004.04, which require a garage with all single-family residential units, shall not apply to manufactured home dwelling units within the M-1 District.
  - D. Density. Site coverage regulations for the underlying district shall apply to the PUD overlay district
  - E. Street Width. Requirements outlined in the subdivision ordinance for street widths may be relaxed depending on the number of off-street parking locations and the anticipated density in the planned unit development. The Planning Commission, City Engineer and City's Emergency Services (Fire, Ambulance and Police) shall review each planned unit development to determine street width requirements.
  - F. Landscaping. In any PUD, the developer shall prepare and submit a landscaping plan as a part of the Final Plan, which shall include a detailed planting list with sizes and species indicated to be approved by the City Council. In assessing the landscaping plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structures and the overall scheme of the PUD plan.
  - G. Public services. The proposed project shall be served by the City water and sewer system and fire hydrants shall be installed at such locations as required by the City Engineer or the Fire Chief to provide fire protection.
  - H. Building height. Height limitations shall be the same as imposed in the respective zoning districts.
  - I. Site improvement agreement. Prior to the issuance of a building permit as part of the PUD, the permit applicant, builder, or developer shall execute and deliver to the City Council a Development Agreement.

**Subd. 4: Special Requirements and Standards.**

- A. Residential Planned Unit Development- Townhouses and condominiums.
  1. Minimum unit lot frontage for townhouses shall be not less than twenty (20) feet.
  2. Dwelling unit and accessory use requirements are in compliance with the district provisions in which the development is planned.
  3. No residential building shall have a single exterior wall longer than forty (40) feet without an offset in the exterior wall. Offsets between walls shall not exceed ten (10) feet.
- B. Increase in Allowable Density for units other than single-family. In proposed developments where uses other than single-family detached structures are proposed, the City will consider allowing an increase in the allowable density upon proof by the applicant that some of the following features are being provided as part of the proposed development:
  1. Preservation of natural site features, wetlands, lowlands, wooded areas, and the like, protected by the Minnesota Department of Natural Resources, by the City and/or Chisago County ordinances. The City may, but shall not be required to, provide concessions in

setbacks or density for areas, which would not normally be considered developable due to the presence of these features.

2. Creation of park/public areas for active and passive park use or other public purposes such as schools, public buildings, and the like which meet the intent of the Park and Recreation goals of the Rush City Comprehensive Plan and are consistent with the public dedication requirements for the proposed development.
3. Landscaping plan showing additional boulevard trees, rear yard treatments, buffering from the existing developments, and the like, beyond required standards.
4. Installation of public improvements designed to serve areas beyond the project boundary.

**Subd. 5: Procedure for Processing.**

- A. Informational Meeting. Upon filing of an application for a PUD, the applicant of the proposed PUD shall arrange for and attend an informational meeting with City staff. At such conference, the applicant shall be prepared to generally describe their proposal for a PUD. The primary purpose of the meeting shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the conformity to the provisions of this code before incurring substantial expense in the preparation of detailed plans, surveys, and other data.
- B. General concept plan.
  1. Purpose. The general concept plan provides an opportunity for the applicant to submit a plan to the City showing their basic intent and the general nature of the entire development without incurring substantial cost. This concept plan serves as the basis for the informational meeting so that the proposal may be considered at an early stage. The following elements of the proposed general concept plan represent the immediate significant elements which the City shall review and for which a decision shall be rendered:
    - a. Overall maximum PUD density range.
    - b. General location of major streets and pedestrian walkways.
    - c. General location and extent of public and/or common open space.
    - d. General location of residential and non-residential land uses with approximate intensities of development.
    - e. Staging and timetable of development.
    - f. Other special criteria for development.
  2. Process. The process for the filing and review of a PUD shall mirror the process for the filing of a sketch plan, preliminary and final plat, as outlined in the City's Subdivision Ordinance. A public hearing shall not be required for the General Concept Plan or the Final Plan. A hearing shall be conducted by the Planning Commission during the Development Stage Plan review, as outlined in this section.
  3. Optional submission of development stage plan. In cases of a single stage PUD or where the applicant wishes to begin the first stage of a multiple stage PUD more expeditiously, he or she may at his or her option submit development stage plans for the proposed PUD simultaneously with the submission of the general concept plan. In such case, the applicant shall comply with all the provisions of this Section applicable to submission of the development stage plan.

4. Limitation of general concept plan approval. Unless a development stage plan has been filed within nine (9) months from the date the City Council grants general concept plan approval or, in any case, where applicant fails to file development stage and final plans to proceed with development in accordance with the provisions of this code and of an approved general concept plan, the approval may be revoked by the City Council. The City Council, at its discretion, may extend the filing date for a development stage plan when cause is demonstrated. Approval of the general concept plan should be limited to the general acceptability of the land uses proposed and their relationships to the area. Such action shall in no way bind the City Council to subsequent action on more detailed plans.

C. Development stage plan.

1. Purpose. The purpose of the development stage plan is to provide a specific and particular plan upon which the Planning Commission will base its recommendation to the City Council and with which substantial compliance is necessary for the preparation of the final plan.
2. Submission of development stage plan. Upon approval of the general concept plan, the applicant shall file with the Zoning Administrator a development stage plan consisting of the information and submissions required under the development stage of the entire PUD, or for one (1) or more stages thereof in accordance with a staging plan approved as part of the general concept plan. The development stage plan shall refine, implement and be in substantial conformity with the approved general concept plan.
3. Review and action by City staff and Planning Commission. Upon receipt of a completed development stage plan, the Zoning Administrator shall refer such plan to the appropriate City staff, Planning Commission and other review agencies.
4. Process.
  - a. Developer makes application for subdivision (first phase of PUD, development stage plan) at least thirty (30) days prior to the Planning Commission meeting.
  - b. Following the submission of a complete application, the Planning Commission shall conduct a public hearing, following published notice and mailed notice to property owners within 350 feet of the proposed PUD. Notice shall occur not less than ten (10) or more than thirty (30) days prior to the hearing. Failure of a property owner to receive notice shall not invalidate the process. The Planning Commission shall review the development stage plan and submit a written report and recommendation to the City Council. If the Planning Commission fails to make a report within thirty (30) days after receipt of the application, the City Council may proceed without the report. Such report shall contain the findings and recommendations of the Planning Commission with respect to the conformity of the development stage plan to the approved general concept plan, with respect to the merit or lack of merit of any departure of the development stage plan from substantial conformity with the general concept plan, and with respect to the compliance of the development stage plan with the provisions of this code and all other applicable federal, state and local codes and ordinances.
  - c. Within sixty (60) days of the receipt of a complete application, the City Council will take action to grant approval, grant conditional approval, or deny approval of the plan.
  - d. Upon City Council approval, the City Attorney shall draft a PUD Development Agreement which stipulates the specific terms and conditions established and approved by the City Council and accepted by the applicant. This agreement shall be signed by the Mayor, City Administrator, and the applicant.
  - e. Where the development stage plan is denied approval, City Council action shall be by resolution setting forth the reasons for its actions. A certified copy of the document

evidencing said City Council action shall be delivered to the applicant. The applicant will have sixty (60) days to submit a revised development stage plan to the Planning Commission according to Section 1004.08, Subd. 5 C. After the sixty (60) day period, a revised general concept plan must be submitted to the Planning Commission unless otherwise arranged with the Zoning Administrator.

- f. If subsequent submittals of the development stage plan are denied approval two (2) times within one (1) year of the original submission date, the applicant will be required to submit a revised general concept plan according to Section 1004.08, Subd. 5 B.
  - g. Limitation on Development Stage Plan approval. Unless a final plan covering the area designated in the first stage of the development stage plan has been filed within six (6) months from the date the City Council grants development stage plan approval, or in any case where the applicant fails to file final plans and to proceed with development in accordance with the provisions of this section and/or an approved development stage plan, the approval shall expire. The City Council may, at its discretion, extend for not more than one (1) additional period of six months the filing deadline for any final plan when, for good cause, such extension is necessary. In any case where development plan approval expires, the City Council shall forthwith adopt a resolution repealing the general concept plan approval and the development stage plan approval for that portion of the PUD that has not received final plan approval, and re-establish the zoning and other ordinance provisions that would otherwise be applicable.
5. Review and evaluation criteria. The evaluation of the proposed development stage plan shall include, but not be limited to, the following criteria:
- a. Adequate property control is provided to protect the individual owner's rights and property values and the public responsibility for maintenance and upkeep.
  - b. The interior circulation plan plus access from and onto public rights-of-way does not create congestion or dangers and is adequate for the safety of the project resident and the general public.
  - c. A sufficient amount of usable open space is provided.
  - d. The arrangement of buildings, structures and accessory uses does not unreasonably disturb the privacy or property values of the surrounding residential uses.
  - e. The architectural design of the project is visually compatible with the surrounding area. Architectural style or type of buildings shall not solely be a basis for denial or approval of the development stage plan. However, the overall appearance and compatibility of individual buildings to other site elements of surrounding development will be given primary consideration in the review stages of the Planning Commission and City Council.
  - f. The drainage and utility system plans are submitted to the City Engineer and shall be subject to approval of the City Engineer.
  - g. The development schedule insures a logical development of the site which will protect the public interest and conserve land.
  - h. Proposed unit and accessory use requirements are in compliance with the district provisions in which the development is planned.
6. Final plan.
- a. Purpose. The final plan is to serve as a complete, thorough and permanent public record of the PUD and the manner in which it is to be developed. It shall incorporate all prior

approved plans and all approved modifications thereof resulting from the PUD process. It shall serve in conjunction with other City ordinances as the land use regulation applicable to the PUD.

- b. Submission of the final plan. Upon approval of the development stage plan, the applicant shall file with the Zoning Administrator a final plan consisting of the information and submissions required by the final plan stage, for the entire PUD or for one (1) or more stages. The final plan is intended only to add detail to, and to put in final form, the information contained in the general concept plan and the development stage plan which shall conform to the development stage plan in all respects.
- c. Review of final plan. The Zoning Administrator and City Engineer shall review the final plans to assure their compliance with the general concept and development stage plans. The Zoning Administrator and City Engineer shall require appropriate revisions by the applicant wherever they do not comply. The City Engineer shall report findings to the Zoning Administrator, who then shall notify the applicant in writing of their recommendations for approval, conditional approval or denial of the final plan.
- d. City Council action. The City Council may approve the PUD final plan with a majority vote.
- e. Recording of final plan. Within thirty (30) days of the Zoning Administrator's notice of approval, the applicant shall record the final plan, or such portions thereof as are appropriate, with the Office of the Chisago County Recorder.
- f. Building and other permits. No building permit shall be granted on land for which a plan for a PUD is in the process of review or which does not conform to the approved final plan. Upon receiving notice from the Zoning Administrator that the approved final plan has been recorded and upon appropriate application of the applicant, building and other permits may be issued to the applicant if the following conditions are met:
  - i. Public open space, if applicable, has been deeded to the City and officially recorded.
  - ii. A development agreement has been approved and executed by all parties.
  - iii. The homeowner's association (if applicable) by-laws, covenants and deed restrictions have been approved by the City Attorney and officially recorded.
  - iv. The construction plans for proposed structures have been approved by the Building Official.
  - v. All detailed site plans have been approved by the Zoning Administrator.
7. Limitation of final plan approval. Within one (1) year after the approval of a final plan for PUD, or such shorter time as may be established by the appropriate development schedule, construction shall commence in accordance with such approved plan. Failure to commence construction within such period shall, unless an extension has been granted as hereinafter provided, automatically renders void the PUD permit and all approvals of the PUD plan. The area encompassed within the PUD shall thereafter be subject to those provisions of the zoning ordinances and other ordinances applicable in the district in which it is located. In such case, the City Council shall forthwith adopt a resolution repealing the PUD permit and PUD approvals and re-establishing the zoning and other ordinance provisions that would otherwise be applicable.

**Subd. 6: Data Required.**

- A. Development Stage Plan. An application for approval of a development plan for a proposed PUD shall be filed with the Zoning Administrator by the owner(s) of title of property for which the PUD is proposed. A filing fee, as established from time to time by City Council Ordinance, shall accompany the Development Review Application. Eighteen (18) copies of the application and accompanying statements shall be submitted and shall include:
1. A vicinity map at a scale approved by the Zoning Administrator showing property lines, streets, easements, existing zoning, and such other items as the Planning Commission may require to show the relationship of the proposed PUD to the comprehensive plan of the City, to existing schools and other community facilities and services, and to the surrounding area;
  2. A preliminary plan of the entire area in such detail as to show the land uses being requested, the densities being proposed, the proposed lots and blocks and the off-street parking system;
  3. A written statement explaining in detail, and with supporting documentation, the specifics of the development plan as it relates to the type of dwelling units proposed and the resultant population, the extent and nature of non-residential development and the resulting traffic generated and parking demands created;
  4. The proposed schedule and/or phasing for the development of the site;
  5. The location, shape, size and character of public or private/common open space which is suitable for the PUD, in accordance with the Subdivision Ordinance requirements for park and open space dedication.
  6. The location and size of all utilities including telephone, electricity, gas, cable, water, sanitary sewer and storm sewer.
  7. Landscape Plan including a detailed planting list.
  8. Size and location of all street right-of-ways and proposed paved widths, in conformance with the City's Subdivision Ordinance.
  9. A statement setting forth the reasons why, in the opinion of the applicant, the PUD will be in the public interest and consistent with the objectives specified for PUD's .
- B. Final Plan Data Requirements. A final application and its supporting documentation shall give the same information as is required of plats under the subdivision control ordinance of the City in addition to such other information as required by this ordinance and by the Planning Commission as a condition for approval of the preliminary plan. In addition, the application shall be accompanied by such other documentation, such as:
1. The location, size, use and arrangement, including height in stories and feet, and total square feet of ground area coverage and floor area, for proposed building, and existing buildings which will remain, if any.
  2. The location, dimensions and number of all driveways, entrances, curb cuts, parking stalls, loading spaces, access alleys, and all other circulation elements including bicycle, pedestrian walkways, and the total site coverage of all circulation elements.
  3. Approximate area, and potential floor area, devoted to commercial or office uses.
  4. Approximate area, and potential floor area, devoted to industrial uses.
  5. Schedule of construction. When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for



each stage or unit and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed during each such stage, and the overall chronology of development to be followed from stage to stage.

6. Care and maintenance of open spaces or service facilities. When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities shall be submitted. If it is proposed that such open space be owned, operated and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted during the development stage.
7. A preliminary and final plat prepared by a land surveyor, duly registered in the state, in accordance with Minnesota Statutes Section 505 and the City's Subdivision Ordinance, as may be amended from time to time, which shall contain a notarized certification by such surveyor that the plat represents a survey made by the surveyor and that the monuments shown herein exist as located, and all dimensions are correct, and a notarized certification by the owner or owners of the adoption of the plat and the dedication of streets and other public areas as required.
8. Detailed utility and infrastructure construction plans, grading plan and drainage plan, approved by the City Engineer.
9. A statement summarizing all changes which have been made to any document, plan data, or information previously submitted, together with revised copies of any such document, plan or data.
10. Such other and further information as the Zoning Administrator, City Engineer, Planning Commission or City Council shall find necessary to a full consideration of the entire proposed PUD or any stage thereof.
11. Title opinion provided by the developer showing good and marketable title in the names of the owners of the property. This opinion, together with an updated abstract, should be submitted to the City Attorney for review.
12. The Planning Commission may, by a written order, excuse any applicant from submitting any specific item of information required herein which it finds to be unnecessary to the consideration of the specific proposal for PUD approval.

**Subd. 7: Amendments and Administration.**

- A. Generally. Amendments may be made in the approved final plan when they have shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the City.
  1. Minor changes in location, siting and height of buildings and structures may be authorized by the Zoning Administrator if requested, and if caused by unforeseen circumstances and if they are consistent with the intent and purpose of the final plan and do not increase the size of any building or structure any more than ten percent than originally proposed in the development stage plan.
  2. All other changes in use, rearrangement of lots, blocks and open space must be authorized by the Planning Commission and City Council under procedures outlined in Section 1004.08, Subd. 5 C. Development Stage Plan.
- B. Annual review. The Zoning Administrator shall review each PUD at least once each year and shall make a report through the Planning Commission to the City Council on the status of the

development in each PUD District. If development is not progressing reasonably well, according to schedule, the owner shall be required to submit a statement to the Zoning Administrator setting forth the reasons for the lack of progress. If the City Council finds that the development has not occurred according to the establishing development schedule or is not otherwise reasonable in the view of the City Council, the City Council may initiate rezonings to remove the PUD District in any event. It shall not be necessary for the City Council to find the rezoning to a PUD District was in error.

## **1004.09: WIND ENERGY CONVERSION SYSTEMS (WECS).**

### **Subd. 1: Purpose.**

*The purpose of this Section is to establish standards and procedures by which the installation and operation of wind energy conversion systems (WECS) shall be governed within the City while, promoting the use of renewable energy sources by allowing wind energy conversion systems in appropriate locations while, minimizing visual, safety and environmental impacts and promoting the safe effective and efficient use of such systems.*

### **Subd. 2: Application.**

- A. *Commercial WECS may be allowed only by the issuance of a conditional use permit, subject to the regulations and requirements of Section 1006.04 of this Chapter, provided the parcel upon which the system is to be located is at least five (5) acres in size and the property upon which the WECS is to be located is within the following zoning districts:*
  - 1. *A-1 Agricultural.*
  - 2. *B-1 Highway Business.*
  - 3. *I-1 Light Industrial.*
  - 4. *P-1 Public and Semi-Public.*
- B. *Freestanding non-commercial and roof-mounted WECS may be allowed only by the issuance of a conditional use permit subject to the regulations and requirements of Section 1006.04 of this Chapter, provided the property upon which the WECS is to be located is within the following zoning districts:*
  - 1. *A-1 Agricultural.*
  - 2. *B-1 Highway Business.*
  - 3. *I-1 Light Industrial.*
  - 4. *P-1 Public and Semi-Public.*
- C. *To provide for new and innovative approaches to the generation of energy for use by residents, businesses and industries in the City, exceptions may be made to height regulations, setback distances, lot coverage, accessory uses, number per lot, and all other applicable standards in the A-1 Agricultural, B-1 Highway Business District, I-1 Light Industrial or P-1 Public and Semi-Public districts, for proposed innovative energy systems, associated equipment and structures. All modifications will be made through a conditional use permit and/or the variance process.*
- D. *Declaration of Conditions: The Planning Commission may recommend and the City Council may impose such conditions on the granting of a WECS conditional use permit as may be necessary to carry out the purpose and provisions of this Section.*
- E. *Conditional Use Permit: All applications for a WECS conditional use permit shall be accompanied by a detailed site plan drawn to scale and dimensioned, displaying the information as follows:*
  - 1. *The names of project applicants and property owners.*
  - 2. *Project address and legal description.*

3. *A description of the project including: nameplate generating capacity, proposed tower height, proposed total height, proposed rotor diameter and means of interconnecting with the electrical grid.*
4. *Proposed site layout, including the location of property lines, the location and height of all existing and proposed buildings, structures, aboveground utilities, and trees on the lot, including both existing and proposed structures and wind turbines, electrical wires, interconnection points with the electrical grid, and all related accessory structures. The site layout shall include distances and be drawn to scale.*
5. *Location and height of all adjacent buildings, structures, aboveground utilities and trees located within three hundred fifty (350) feet of the exterior boundaries of the property in question.*
6. *An elevation drawing of the premises accurately depicting the proposed WECS and its relationship to structures on the subject site and adjacent lots.*
7. *Engineer's Minnesota State certification and project design specifications, electrical design, and fall zone.*
8. *Documentation of land ownership or legal control of the property.*
9. *In addition, applications for commercial WECS shall include:*
  - a. *The latitude and longitude of individual wind turbines.*
  - b. *A USGS topographical map, or map with similar data, of the property and surrounding area, including any other WECS within ten (10) rotor diameters of the proposed WECS.*
  - c. *Location of wetlands, scenic, and natural areas [including bluffs] within 1,320 feet of the proposed WECS.*
  - d. *An FAA permit application, if required*
  - e. *Location of all known Communications Towers within two (2) miles of the proposed WECS.*
  - f. *A decommissioning plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a competent party; such as a Professional Engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the WECS and accessory facilities.*
  - g. *Description of potential impacts on nearby WECS and wind resources on adjacent properties.*
  - h. *A shadow flicker model that demonstrates the impact of shadow flicker on adjacent properties.*
  - i. *Approval of a building permit subject to the regulations and requirements of this Section.*

*F. Building Permits: All applications for a WECS building permits shall meet the following requirements and shall be accompanied by a detailed site plan drawn to scale and dimensioned.*

1. *The WECS meets the required building or structure setbacks.*

2. *The WECS will not block, interfere or otherwise impair a scenic vista or corridor or the view of an adjoining residential building.*
3. *The primary purpose of the non-commercial WECS will be to provide power for the principal use of the property and shall not be for the generation of power for commercial purposes, although this provision shall not be interpreted to prohibit the sale of excess power generated from the system back to the public utility.*
4. *Approval of a building permit shall be required and such application shall be accompanied by a site plan drawing in sufficient detail to clearly describe the following:*
  - a. *Property lines and physical dimensions of the site.*
  - b. *Location, approximate dimensions and types of existing buildings and structures on site.*
  - c. *Proposed location and elevation of the proposed system.*
  - d. *Location of all aboveground utility lines on site or within one radius of the total height of the system.*
  - e. *Include the make, model, picture and manufacturer's specifications, including noise decibels.*
  - f. *Any conditional use permit requirements for WECS according to this Section, as deemed necessary by the Zoning Administrator,*

**Subd. 3: Performance Standards.**

- A. *Minnesota State Building Code: All WECS shall comply with the International Building Code as adopted by the State of Minnesota Building Code.*
- B. *Minnesota Public Utilities Commission: As required by Minnesota Rules Chapter 7854, WECS with a combined nameplate capacity of five megawatts or more require a site permit from the Minnesota Public Utilities Commission in addition to the requirements of this Section.*
- C. *Electrical codes and standards: All WECS and accessory equipment and facilities shall comply with the National Electrical Code and other applicable standards.*
- D. *Noise: All WECS shall comply with Minnesota Rules Chapter 7030 Noise Pollution control.*
- E. *Federal Aviation Administration: All WECS shall comply with FAA standards and permits.*
- F. *Interference: The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals by any WECS. The applicant shall notify all communication tower operators within two miles of the proposed WECS location upon application to the City for permits. No WECS shall be constructed so as to interfere with County of Minnesota Department of Transportation microwave transmissions.*

**Subd. 4: Design Standards.**

- A. *Number per lot: No more than one (1) WECS per lot shall be permitted.*
- B. *Safety Design Standards.*
  1. *Engineering Certification: For all WECS, the manufacture's engineer or another qualified engineer shall certify that the turbine, foundation and tower design of the WECS is within*

*accepted professional standards, given local soil and climate conditions.*

2. *Clearance: Rotor blades or airfoils must maintain at least 12 feet of clearance between their lowest point and the ground. No blades for commercial WECS may extend over parking areas, driveways (except driveways used exclusively for servicing the WECS) or sidewalks.*
3. *Warnings: For all Commercial WECS, a sign or signs shall be posted on the tower, transformer and substation warning of high voltage.*
4. *Unauthorized Climbing: The WECS shall be guarded against unauthorized climbing. The first twelve (12) feet of the tower shall be unclimbable by design with a locked anti-climb device installed on the tower or be enclosed by a six (6) foot high, unclimbable fence with a secured access.*
5. *Lightning Protection: Each WECS shall be grounded to protect against natural lightning strikes in conformance with the National Electrical Code as adopted by the City.*
6. *Rotor Safety: Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds (40 miles per hour or greater).*

*C. Height:*

1. *The permitted maximum height of a freestanding WECS shall be determined in one of two (2) ways. In determining the height of freestanding WECS the total height of the WECS shall be included. Total height shall be measured from the base of the tower to the highest possible extension of the rotor.*
  - a. *A ratio of one foot to one foot (1':1') between the distance of the closest property line to the base of the WECS to the total height.*
  - b. *A maximum total height of one hundred seventy five feet (175').*

*The shortest height of the two (2) above mentioned methods shall be used in determining the maximum allowable height of a WECS system. The height of a WECS must also comply with FAA regulation part 77 "Objects Affecting Navigable Air Space" and/or MNDOT Rule 14, MCAR 1.3015 "Criteria for Determining Obstruction to Air Navigation".*

2. *The permitted maximum height of a roof-mounted WECS shall not extend more than (10) feet above the roofline of the building or structure on which it is located.*

*D. Setbacks: The WECS shall be located to comply with the following minimum setback requirements:*

1. *No part of a WECS shall be located within or above any required front, side or rear yard setback, within or above drainage, utility or other established easements or within a wetland.*
2. *Freestanding WECS towers shall be setback from the closest property line one foot (1') for every one foot (1') of system height.*
3. *WECS shall not be located within thirty feet (30') of an aboveground utility line.*
4. *Freestanding Commercial WECS shall not be located within three hundred (300) feet from the nearest dwelling, business or other habitable structure.*

*E. Rotor Size: All WECS rotors shall not have rotor diameters greater than twenty six feet (26').*

- F. *Rotor Clearance: Blade arcs created by commercial WECS shall have a minimum of thirty feet (30') of clearance above any structure or tree within a two hundred foot (200') radius.*
- G. *Signs: All signage on site shall comply with Section 1004.05 of this Chapter. All WECS shall have one sign, not to exceed two (2) square feet posted at the base of the tower and said sign shall contain the following information.*
1. *Warning high voltage.*
  2. *Manufacturer's name.*
  3. *Emergency phone number.*
  4. *Emergency shutdown procedures.*
- H. *Lighting: WECS shall not have affixed or attached any lights, reflectors, flasher or any other illumination, except for illumination devices required by FAA regulations part 77 "Objects Affecting Navigable Air Space" and FAA Advisory circular 70/7460-1F, September 1978 "Obstruction Marking and Lighting".*
- I. *Color and Finish: All wind turbines and towers that are part of a WECS shall be white, grey or another non-obtrusive color. Finishes shall be matt or non-reflective.*
- J. *Tower Configuration: All wind turbines, which are part of a freestanding commercial WECS, shall be installed with a tubular, monopole type tower. All wind turbines that are freestanding Non-Commercial WECS shall be installed with monopole or lattice tower type; no guyed towers shall be permitted.*
- K. *Feeder Lines: All communications and feeder lines, equal to or less than 34.5 kV in capacity, installed as part of a WECS shall be buried where reasonably feasibly. Feeder lines installed as part of a WECS shall not be considered an essential service.*
- L. *Waste Disposal: Solid and Hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.*
- M. *Utility Company Interconnection: No WECS shall be interconnected with a local electrical utility company until the utility company has reviewed and commented upon it.*
- N. *Orderly Development: Upon issuance of a conditional use permit, all Commercial WECS shall notify the Environmental Quality Board Power Plant Siting Act program Staff of the project location and details on the survey form specified by the Environmental Quality Board.*

**Subd. 5: Manufacturer Warranty.**

*Applicant shall provide documentation or other evidence from the dealer or manufacturer that the WECS has been successfully operated in atmospheric conditions similar to the conditions within Rush City. The WECS shall be warranted against any system failures reasonably expected in severe weather operation conditions.*

**Subd. 6: Ornamental Wind Devices.**

*Ornamental wind devices that are not a WECS shall be exempt from the provisions of this Section and shall conform to other applicable provisions of this Chapter.*

**Subd. 7: Inspection.**

*The City hereby reserves the right upon issuing any WECS conditional use or building permit to inspect the premises on which the WECS is located. If a WECS is not maintained in operational condition and poses a potential safety hazard, the owner shall take expeditious action to correct the situation.*

**Subd. 8: Abandonment.**

*Any WECS or tower which is not used for six (6) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner, unless a plan is developed and submitted to the City outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed to four feet below ground level within ninety (90) days of the abandonment of use.*

*(Amended 02-07)*



**1004.10: ADULT ESTABLISHMENTS.**

**Subd. 1: Location of Adult Establishments.**

- A. *New establishments. Adult establishments as defined by Chapter 507 of the City Code shall be located only in the district zoned I-1 Light Industrial District and shall be located at least five hundred (500) radial feet from another adult use and:*
1. *At least five hundred (500) radial feet as measured in a straight line from the closest point of the principal building on the property upon which the adult establishment is located, to the property line of: residentially-zoned property; a licensed day care center; a public park; the B-2 General Business District; or a community center; and*
  2. *At least one thousand five hundred (1,500) radial feet as measured in a straight line from the closest point of the principal building on the property upon which the adult establishment is located, to the property line of: a public or private educational facility classified as an elementary, junior high, middle school or senior high or a religious institution.*
- B. *Existing Establishments. Adult establishments operating before the effective date of Chapter 507 of the City Code are not subject to the location requirements in this subdivision unless the establishment relocates to another site within the City.*  
*(Amended 06-13-11)*

## **1004.11: SOLAR ENERGY SYSTEMS.**

### **Subd. 1: Accessory Use.**

- A. *Solar energy systems shall be allowed as a permitted accessory use in all zoning districts in accordance with the standards in this section.*
- B. *The following systems shall be exempt from the requirements of this section and shall be regulated as any other building element:*
  - 1. *Building integrated solar energy systems that are an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural element or structural component including, but not limited to, photovoltaic or hot water solar energy systems contained within roofing materials, windows, skylights and awnings.*
  - 2. *Passive solar energy systems that capture solar light or heat without transforming it into another form of energy or transferring the heat via a heat exchanger.*

### **Subd. 2: System Standards.**

- A. *Electrical:*
  - 1. *All utilities shall be installed underground.*
  - 2. *An exterior utility disconnect switch shall be installed at the electric meter serving the property.*
  - 3. *Solar energy systems shall be grounded to protect against natural lightning strikes in conformance with the national electrical code as adopted by the City.*
  - 4. *No solar energy system shall be interconnected with a local electrical utility company until the utility company has reviewed and commented upon it. The interconnection of the solar energy system with the utility company shall adhere to the national electrical code as adopted by the City.*
- B. *Maximum Area: Ground mounted solar energy systems shall be limited to a maximum area of one hundred twenty (120) square feet.*
- C. *Color: All roof mounted solar energy systems shall use colors that are the same or similar with the color of the roof material of the building on which the system is mounted.*

### **Subd. 3: Location.**

- A. *Roof mounting:*
  - 1. *The solar energy system shall comply with the maximum height requirements of the applicable zoning district.*
  - 2. *The solar energy system shall not extend beyond the perimeter of the exterior walls of the building on which it is mounted.*
  - 3. *The solar energy system shall only be mounted on a roof that faces the rear of the lot as defined by this chapter and is screened or not visible from any public right-of-way adjacent to the property other than alleys.*

4. *Roof or building mounted solar energy systems, excluding building-integrated systems, shall not cover more than eighty percent (80%) of the roof upon which the panels are mounted, and shall be setback from the edge of the roof by a minimum of one (1) foot.*

**B. Ground mounting:**

1. *The solar energy system shall only be located in the rear yard as defined by this chapter.*
2. *The solar energy system shall comply with the maximum height requirements for accessory buildings for the applicable zoning district.*
3. *All components of the solar energy system shall be set back a minimum of five (5) feet from interior side lot lines and ten (10) feet from rear lot lines.*
4. *Solar energy systems shall not encroach upon drainage and utility easements.*

**Subd. 4: Screening.**

*Solar energy systems shall be screened from view from all public right-of-way in accordance with the requirements of section 1005.01, subd. 6, letter B of this chapter to the extent possible without affecting their function.*

**Subd. 5: Certification.**

*The solar energy system shall be certified by Underwriters Laboratories, Inc., and comply with the requirements of the international building code.*

**Subd. 6: Abandonment.**

*Any solar energy system which is inoperable for twelve (12) successive months shall be deemed to be abandoned and shall be deemed a public nuisance. The owner shall remove the abandoned system at their expense after obtaining a demolition permit.*

**Subd. 7: Building Permit.**

*A building permit shall be obtained for any solar energy system prior to installation.  
(Amended 12-10-12)*

## **1005.01: GENERAL REQUIREMENTS.**

### **Subd. 1: Encroachment of Easements.**

- A. The purpose of this section is to increase public safety by requiring that proposed structures, plantings, fences and similar items be set back from pipeline, drainage and utility easements.
- B. Applicability: This section applies to all developments or projects.
- C. Setback: Buildings and places of public assembly subject to this section shall not be constructed closer to the pipeline than the boundary of the pipeline easement. Structures shall not be placed or constructed in utility or drainage easements.

### **Subd. 2: Dwelling Unit Restrictions.**

- A. No cellar, basement, garage, tent or accessory building shall at any time be used as an independent residence or dwelling unit, temporarily or permanently, except when allowed as an interim use as set forth and regulated by this Chapter.
- B. Basements may be used as living quarters or rooms as a portion of residential dwellings. Rental unit(s) in basements shall be subject to provisions of the appropriate zoning district, the Uniform Building Code and related codes.
- C. Tents, play houses or similar structures may be used for play or recreational purposes, but shall not be independent living quarters.
- D. Existing cellars or basements used as an independent dwelling unit and not complying to this Chapter shall have the status of a non-conforming use, subject to the provisions of this Chapter.
- E. No dwelling shall hereafter be erected or altered unless it abuts a public street.

### **Subd. 3: Accessory Structures.**

- A. In cases where an accessory building is attached to the principal structure, it shall be made structurally a part of the principal structure and shall comply in all respects with the requirements of this Ordinance applicable to the principal structure. An accessory building, unless attached to and made a part of the principal structure shall not be closer than six (6) feet to the principal structure.
- B. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is an accessory.
- C. No accessory building shall be constructed in the front yard. *Accessory buildings are permitted in any rear or side yard. Such building shall not be erected within ten (10) feet of any side lot line, unless it is a legal non-conforming lot in the R-2 district, then a minimum five (5) foot setback applies. No accessory building shall be within ten (10) feet from any rear lot line. If direct access is provided to any alley, a minimum of twenty (20) feet shall be provided.*  
(Amended 05-05)
- D. The following shall not be considered as encroachments on yard setback requirements:
  - 1. Chimneys, flues, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters and the like provided they do not project more than two and one-half (2 1/2) feet into the required yard setback.

2. Terraces, steps, stoops or similar features provided they do not extend above the height of the ground floor level of the principal structure or to a distance less than ten (10) feet from any property line.
  3. Window or similar bays not to exceed a depth of two (2) feet nor to contain an area of more than twenty (20) square feet and fire escapes not to exceed a depth of three (3) feet.
  4. In rear yards: recreational and laundry drying equipment, arbors, and trellises, detached decks, gazebos, balconies, breezeways, and air conditioning or heating equipment, provided they are at a distance of ten (10) feet from the rear lot line.
  5. In all other cases, other than those noted within Section 1005.01, Subd. 3, C. above, accessory structures shall conform to setbacks which are imposed within the respective zoning district.
- E. Within the R-1 and R-2 districts, no detached accessory building or combination of detached accessory buildings shall exceed 1,000 square feet. In addition, lot coverage requirements within the respective districts shall be adhered to. A larger accessory structure(s) may be permitted in a R-1 or R-2 residential district, upon issuance of a conditional use permit, provided the following conditions are met:*
1. *The lot must be at least two and one-half (2.5) acres in size or larger.*
  2. *Maximum lot coverage requirements shall be met.*
  3. *The size of the accessory structure(s) shall not have a negative impact on the adjacent property values;*
  4. *The mass and quality of the structure(s) shall be compatible with adjacent properties and the site on which it will be constructed.*
  5. *The floor area of any individual accessory structure (attached or detached) shall not exceed 150% of the livable floor area of the principal structure.*
  6. *The Maximum Floor Area of the Accessory Structure, or combination of detached accessory structures, shall be 1,500 square feet if the parcel is 2.5 acres or larger.*
  7. *If an accessory structure is over 1,000 square feet in size, the side and rear yard setbacks shall be doubled.*
  8. *The property in which the accessory structure, over 1,000 square feet in size, is to be located shall not be subdivided, as a part of a plat or minor subdivision, which results in a lot size of less than two and one-half (2.5) acres in which the accessory structure is located, unless the accessory structure is removed or reduced in size to be brought into compliance with the 1,000 square foot maximum size limitation.*
  9. *The accessory structure shall not be placed in the vicinity of a proposed future roadway or utility extension.*
  10. *On lots ten (10) acres or larger, the maximum height of the accessory structure may be up to 17 feet in height or the height of the principal structure, whichever is less.*
  11. *All other requirements of the Zoning Ordinance relating to accessory structures shall be met.*
  12. *Procedures for the issuance of a Conditional Use Permit, as outlined in Section 1006.04 shall be followed.*  
*(Amended 09-07)*

- F. No lot shall have more than two (2) detached accessory buildings.
- G. The same or similar exterior building color shall be used on the accessory building and the principal building.
- H. No permanent sheet metal (painted or unpainted) may be used on an accessory building except small garden sheds not exceeding 120 square feet, shall be allowed on parcels of ten (10) acres or less in all residentially zoned districts. This shall not apply to painted and finished metal siding normally used on residential structures or galvanized steel with a twenty (20) year color-fast warranty or on accessory buildings where the principal structure contains an approved steel siding and the accessory building exterior is of a similar style and quality.
- I. Accessory buildings other than garages shall be limited to fourteen (14) feet in height to the top of the structure in the R-1 and R-2 districts.
- J. Detached garage side walls shall not exceed ten (10) feet and the height of the roof shall not be greater than that of the principal structure on the lot.

#### **Subd. 4: General Building and Yard Regulations.**

- A. Building Restrictions.
  - 1. Any person desiring to improve property shall submit to the Zoning Administrator information on the location and dimensions of existing and proposed buildings, location of easements crossing the property encroachments, and any other information which may be necessary to insure conformance to City Ordinances. Applicants shall be responsible for locating all property boundaries and providing certification of said property boundaries. If there is uncertainty as to actual location of property lines or if deemed necessary for the issuance of a building permit or zoning approval, the Zoning Administrator may require the applicant to provide a certificate of survey illustrating the property lines, existing buildings, proposed construction and the setbacks of both.
  - 2. All buildings shall be so placed that they will not obstruct future streets or alleys that may be constructed by the City in conformity with existing streets and according to the system and standards employed by the City. The apparent front of the building shall face the front of the lot, as determined by the Zoning Administrator.
  - 3. Except in the case of Planned Unit Developments, *or through the issuance of a conditional use permit in the I-1 District*, not more than one (1) principal building shall be located on a lot. The words "principal building" shall be given their common, ordinary meaning; in case of doubt or on any question or interpretation, the decision of the Zoning Administrator shall be final, subject to the right of appeal to the Planning Commission and City Council.  
*(Amended 05-08)*
  - 4. Mobile homes, buildings, tents or other structures temporarily maintained by an individual or company on the premises associated with a work project and used exclusively to house labor or other personnel occupied in such work project shall be exempt from the requirements of this Ordinance, upon approval of the Zoning Administrator. Such mobile homes, buildings, tents or other structures shall be removed within thirty (30) days from the completion of the work project.
  - 5. In all districts, all buildings and structures and remodeling of either existing or new buildings shall take into account compatibility related to architectural quality and mass of the structures to be constructed. Elements of compatibility include, but are not limited to: building form, mass, height and bulk; exterior materials and their appearance, color and durability; setbacks; landscaping; exterior lighting, and site improvements. No permit shall be issued for

significant structural alterations of the exterior of any residential building, or of any commercial/industrial building larger than 2,000 square feet, unless it meets the requirements of this Section and is approved by the Zoning Administrator.

B. Building Type and Construction.

1. All dwellings shall be placed on a complete, permanent perimeter foundation which complies with the Uniform Building Code as adopted by the state.
2. Rooflines of all dwellings must have at least a three-twelfths (3:12) pitch.
3. The minimum widths of all dwellings shall be at least twenty-four (24) feet, measured from the face of the exterior wall across the narrowest portion. This shall not include the projection of a porch, sunroom or similar room, which is constructed as a permanent part of the principal structure.
4. *All dwellings shall be constructed of conventional exterior dwelling type material. (Amended 12-10-12)*
5. Standards of Section 1005.01, Subd. 4 B, 1-5, above, shall have no application to manufactured dwellings placed in a licensed manufactured home park which was approved prior to the adoption of this ordinance.
6. No galvanized or unfinished steel, galvalum or unfinished aluminum buildings (walls or roofs), except those specifically intended to have a corrosive designed finish such as corten steel, shall be permitted in any residential zoning district except in association with farming operations. The use of galvanized or unfinished steel for an exterior wall or roof finish may be considered only when approved by the Zoning Administrator and found to be in compliance with Section 1005.01, Subd. 4. A. 5.
7. Buildings in all zoning districts shall maintain a high standard of architectural and aesthetic compatibility with surrounding properties to ensure that they will not adversely impact the property values of the abutting properties or adversely impact the public health, safety and general welfare, as determined by the Zoning Administrator.
8. *Buildings in all zoning districts shall maintain a high standard of architectural and aesthetic compatibility with surrounding properties to ensure that they will not adversely impact the property values of the abutting properties or adversely impact the public health, safety and general welfare. Multiple-family dwellings more than four (4) units, commercial, office, industrial and institutional buildings shall require a site plan review as regulated under section 1006.07 of this chapter.*
9. *General Provisions:*
  - a. *General Design Concept: Building and/or project designs shall utilize materials, colors, or details to meet the intent of these architectural standards.*
  - b. *Design Elements: Projects may be required to utilize building ornamentation features, including, but not limited to: columns, arches, parapets, cornices, friezes, canopies, moldings, dentils, corbels, quoins, rustication, vaults, domes, and cupolas.*
10. *Exterior building finishes shall consist of the following:*
  - a. *Brick.*
  - b. *Natural or artificial stone.*
  - c. *Glass.*
  - d. *Copper panels.*

- e. *Integral color specialty concrete block such as textured, burnished block or rock faced block.*
  - f. *Integral color architecturally precast concrete panels having an exposed aggregate, light sandblast, acid etch, form liner, tooled, natural stone veneer, brick face and/or cast stone type finish.*
  - g. *Masonry stucco.*
  - h. *Ceramic.*
  - i. *Exterior insulation and finish system (EIFS).*
  - j. *Opaque panels.*
  - k. *Ornamental metal.*
  - l. *Fiber-cement exterior siding.*
  - m. *Integral color smooth as cast concrete block.*
  - n. *Integral color smooth scored concrete block.*
  - o. *Integral color smooth as cast concrete panels.*
  - p. *Integral color architecturally precast concrete panels having a smooth as cast finish.*
  - q. *Glass block.*
  - r. *Wood provided that the surfaces are finished for exterior use or the wood is of proven durability for exterior use, such as cedar, redwood or cypress.*
  - s. *Steel, aluminum.*
  - t. *Vinyl.*
  - u. *Other materials as approved by the City Council.*
11. *Commercial, Office and Institutional Uses: The exterior of commercial, office and institutional buildings shall include a variation in building materials and forms to be distributed throughout the facade and coordinated into the design of the structure to create an architecturally balanced appearance and shall comply with the following requirements:*
- a. *The exterior building finish shall use at least three (3) materials on wall surfaces abutting public rights of way excluding alleys, adjacent buildings front entrances and public areas.*
  - b. *All sides of the principal and accessory structures are to have essentially the same or coordinated harmonious exterior finish treatment.*
12. *Industrial Uses:*
- a. *The exterior building finish may use one (1) material on wall surfaces abutting public rights of way excluding alleys, adjacent buildings front entrances and public areas.*
  - b. *Steel or aluminum curtain wall panels (nonstructural, nonload bearing) shall be allowed within industrial districts provided that:*
    - (1) *The panels are factory fabricated and finished with a durable nonfade surface and their fasteners are of a corrosion resistant design.*
13. *Other Requirements:*
- a. *One Material: Buildings may be constructed primarily of one specific material provided the design is obviously superior to the general intent of this subsection, provides variation in detailing, footprint of the structure or deviations in long wall sections to provide visual interest.*
  - b. *Color Variations: Minor blended color variations shall not be considered as a separate material.*
  - c. *Primary Material: To be counted as a primary material, the product shall comprise at least five percent (5%) of the exterior wall.*



- d. *Back of Parapets: The back of parapets that are visible shall be finished with materials and colors compatible with the front of the parapet.*
- e. *Exposed Roof Materials: Exposed roof materials shall be similar to, or an architectural equivalent of a three hundred (300) pound or better asphalt or fiberglass shingle, wooden shingle, standing seam metal roof or better.*
- f. *Definitions: For the purposes of this section, the allowed building materials or finishes shall be defined as:*

*ACID ETCH: A finish achieved by casting concrete against a smooth, hard surface. After removal from the form the element is allowed to harden to a uniform hardness. The element is then washed with an acid solution and scrubbed to remove the cement surface to a sand level resulting in a smooth, sand textured surface.*

*BRICK: The conventional molded rectangular block of baked clay, nominal four inch (4") width. Thin brick veneer, faux brick, or decorative brick shall not be permitted as a building material for nonresidential structures.*

*BRICK FACE: A precast panel with a cavity cast in, or a plate cast in if the brick runs to the bottom of the edge so that the brick can be set in the panel after its removal from the form.*

*CAST STONE: A finish achieved by ramming moist zero slump concrete against smooth rigid formwork until the product is densely compacted and ready for removal from the form. After curing, the panel may be hand rubbed or acid etched.*

*EXPOSED AGGREGATE: A finish achieved by:*

- (1) Casting against a form surface that has been painted with retarder that retards the set of the concrete at its surface.*
- (2) Application of a chemical retarder to the surface of the form. The retarder prevents the matrix from hardening at the surface of the panel to a specific depth, controlled by the strength of the retarder. After curing, the unhardened layer of matrix at the surface of the panel is removed by a high pressure water washing, thus, exposing the aggregate used in the concrete.*
- (3) Casting concrete against a smooth hard surface. After removal from the form, the finished surface is sandblasted to remove the matrix and expose, as well as etch, the coarse aggregate.*

*FORM LINERS: A finish achieved by the use of plaster, rubber, grained wood, rope or other material as a liner in the casting form to impart a particular finish to the face of the panel.*

*LIGHT SANDBLAST: A finish achieved by casting concrete against a smooth, hard surface. After removal from the form, the element is given a light sandblasting removing the cement skin from the surface resulting in a smooth, sand textured surface.*

*NATURAL STONE VENEER: A finish achieved by placing natural stone pieces into a form and casting concrete behind it resulting in a precast panel having a natural stone face.*

*SMOOTH AS CAST: Concrete placed against a hard, smooth formwork to achieve a smooth "as cast" finish on the precast element.*

*TOOLED: A finish achieved by casting concrete against a smooth or specifically textured or patterned formwork. After removal from the form, the hardened surface is treated mechanically to create the desired effect such as "fractured fin" or "bush hammered".*

- g. Painting Brick or Stone Prohibited: Brick or stone exteriors shall not be painted during the life of the exterior materials.*
  - h. Accessory Structures: Accessory buildings for nonresidential uses, including those allowed in the residential districts, shall be of a similar character, design, and facade as the principal structure.*
  - i. Expansions. Additions of less than fifty percent (50%) of the floor area of the existing building shall use the same or higher grade materials as the existing structure.*
  - j. Foundations: Building foundations not exceeding one foot (1') and other such portions of a building's facade below the elevation of the first floor need not comply with the requirements for the primary facade treatment or materials.*
  - k. Exceptions: Garage doors, window trim, flashing accent items and the like, shall not constitute required materials that make up the exterior finish of a building for the purposes of this section.  
(Amended 12-10-12)*
14. Storm Shelter: In cases where residential dwelling units are constructed slab on-grade, provisions shall be made to provide for storm protection either internally to the unit or in a separate storm shelter structure. Compliance with this requirement shall be based upon Federal Emergency Management Agency (FEMA) guidelines and standards which are on file with the City Building Official. External storm shelters shall be considered accessory structures and shall be subject to the provisions of Section 1005.01, Subd. 3 of this Chapter.

#### C. Building Height.

- 1. Building heights in excess of those standards contained in the district provisions may be considered for a variance, provided that:
  - a. The site is capable of accommodating the increased intensity of use.
  - b. The use does not negatively impact traffic flow or capacity of surrounding public rights-of-way.
  - c. The City is capable of providing service to the building.
  - d. The requirements outlined in Section 1006.03 for the granting of a variance, are met.
- 2. Applicants proposing structures constructed exclusively for or hosting telecommunications equipment shall provide written verification of approval from the Federal Communications Commission and the Federal Aviation Administration to the extent required by those agencies.
- 3. The City shall require an applicant who proposes the construction of any structure with a height equal to or greater than two hundred (200) feet above ground level; or the alteration of any structure to a height which is equal to or greater than two hundred (200) feet above ground level to notify the Minnesota Department of Transportation Commissioner and the Federal Aviation Administration Commissioner of said proposal at least thirty (30) days prior to the City Council's consideration of said request, if notice is required by those agencies. Should notice be required by those agencies the applicant shall submit evidence to the City

verifying the Minnesota Department of Transportation and the Federal Aviation Administration have been duly notified of said proposed structure prior to City Council approval.

4. Building height limits established for districts shall not apply to the following providing said structures do not exceed fifty (50) feet above ground level:
  - a. Cooling Towers.
  - b. Elevator penthouses.
  - c. Flag poles.
  - d. Monuments.
5. Building height limits established for districts shall not apply to the following provided a conditional use permit is issued, in accordance with Section 1006.04.
  - a. Belfries.
  - b. Chimneys or flues.
  - c. Church Spires.
  - d. Cupolas and domes which do not contain usable space.
  - e. Parapet walls extending not more than three (3) feet above the limiting height of the building.
  - f. Poles, towers, and other structures for essential services.
  - g. Necessary mechanical and electrical appurtenances.
  - h. Farming buildings.

**D. Yards.**

1. No lot, yard or other open space shall be reduced in area or dimension so as to make such lot, yard or open space less than the minimum required by this Ordinance, and if the existing yard or other open space as existing is less than the minimum required, it shall not be further reduced.
2. Where adjacent lots have principal structures with front yard setbacks different from those required, the minimum front yard setback shall be the average setback of such adjacent principal structures on that block. On corner lots where two front yard setbacks apply, both front yards shall be the average setback of such adjacent structures on that block. If only one (1) adjacent lot is occupied by a structure, the minimum front yard shall be the average of the required setbacks and the setbacks of such adjacent structure. In no case shall the setback requirement exceed the minimum established for the respective zoning district.
3. In all zoning districts, yards shall not be graded or fill installed to elevate the lot in a manner which will divert storm water to an adjacent property. Individual lot drainage shall be coordinated with the general drainage of the area.

**Subd. 5: Fences.**

- A. Permit Required.

1. It is unlawful for any person to construct or cause to be constructed or erected within the City, any fence without first making an application for and securing a building permit.
2. The permit shall include:
  - a. The address and/or legal description of the property on which the fence is to be constructed,
  - b. A sketch showing the location of the fence on the property, and
  - c. A description of the fence design and its dimensions.

**B. Fencing Requirements.**

1. Height: No fence in a front yard shall exceed three (3) feet in height. If the fence is constructed of chain link material and therefore see-through, it may be four (4) feet in height in the front yard. No fence in the side or rear yard shall exceed six (6) feet in height. The height of fences shall be measured from the average point between the highest and lowest grade.
2. No fence, screen or structure which obstructs view of traffic shall be located within thirty (30) feet of any front lot line, and twenty five (25) feet of any corner formed by the intersection of street or railroad right-of-ways as measured from the intersecting property lines.
3. Except as provided in Section 1005.01, Subd. 5 B. 1 and 2, fences may be erected to lot lines provided a boundary survey is provided to the City before construction and that the fence does not require maintenance. Fences without an accompanying boundary survey, or fences that require maintenance, must be setback 2 feet from the lot line.

**C. Construction and Maintenance.**

1. All wood fences, other than those constructed out of redwood or cedar, shall be stained or painted upon completion of construction. Chain link fences shall be made out of a non-rust material.
2. The following materials are prohibited for fences:
  - a. Barbed wire and electrical fences, except in agricultural districts;
  - b. Creosote lumber;
  - c. Chicken wire;
  - d. Woven or welded wire, except in the I-1 District;
  - e. Plastic webbing, except when used for police control. This shall not prohibit the use of plastic materials intended to resemble wood products;
  - f. Makeshift, flimsy materials, or material such as paper, twine, rope, tin and the like, except when used for traffic control or police security.
3. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance. Any such fence which is, or has become dangerous to the public safety, health, or welfare, is a public nuisance, and the Zoning Administrator shall commence proper proceedings for the abatement thereof.

4. That side of the any fence considered to be its evident finished side or face (i.e. the finished side having no structural supports) shall front abutting property. If the fence is located in a commercial or industrial district and visible to the public from both sides, as determined by the Zoning Administrator, it shall contain finished surfaces on both the interior and exterior of the fence.
5. Fence shall not obstruct natural drainage.
6. Fences exceeding six (6) feet in height, or a variation from the requirements of this Section, shall require a variance.

**Subd. 6: Screening and Landscaping.**

- A. In all zoning districts, all usable open space as defined by this Ordinance shall be planted and maintained in grass, sodding, shrubs or other suitable vegetation or treatment as specified unless devoted to drives, sidewalks or patios, within six (6) months of the issuance of the certificate of occupancy.
- B. All screening required by the provisions of this Ordinance shall consist of either:
  1. A green belt planting strip consisting of vegetative cover of sufficient width and density to provide an effective screen; or
  2. A fence constructed of masonry, brick, wood or steel, which is compatible with surrounding structures and buildings.

**Subd. 7: Satellite dishes and other dishes.**

- A. Conformance Required. Any satellite dish hereafter erected shall conform to the provisions of this Section and any other Ordinance or regulation of the City.
- B. General Requirements.
  1. All dish antennas over one (1) meter (39.4 inches) in diameter shall be prohibited from roof tops unless it is determined by the Zoning Administrator that placement within a side or rear yards is impractical.
  2. Satellite dishes and other dishes shall not be located in front yards. Dishes shall not be permitted on either side adjacent to a public right-of-way on corner lots. This shall not apply to dishes which are directly attached to the front or side of a structure.
  3. No satellite dish or other dish shall be located within ten (10) feet of any rear lot or side lot line in any residential district.
  4. A limit of two (2) such structures shall exist at any one (1) time on any residential zoned and used lot or parcel except that satellite dishes exceeding one (1) meter in width shall be limited to one (1) per residential lot or parcel.
  5. The applicant shall be responsible for any required license by any federal, state or local agency.

**Subd. 8: Residential Pools and Spas.**

- A. Definitions.
  1. Residential swimming pools shall be defined as any constructed pool, permanent or portable, which is intended for non-commercial use as a swimming pool by the owner's family and their

guests and which is over twenty-four (24) inches in depth and has a surface area exceeding two hundred (200) square feet.

2. Spa shall be defined as a unit primarily designed for therapeutic use which is not drained, cleaned or refilled for each individual. It may be included but not limited to hydrojet circulation, hot water, cold water mineral baths, air induction bubbles or any combination thereof. Industry terminology for a spa includes, but is not limited to, therapeutic pool, hydrotherapy pool, whirlpool, hot spa, etc.

**B. Construction.**

1. Utility Lines. Pools and spas shall not be located beneath utility lines or over underground utility lines of any type.
2. Setback. No person shall build, situate or install a pool or spa within ten (10) feet of any side or rear lot line, or within any required front yard.
3. Portable Fences. While being constructed, the pool or spa must be fenced with a portable fence, such as snow fence, of not less than four (4) feet in height.

**C. Fencing.**

1. Minimum Height. All outdoor pools hereafter constructed shall be completely enclosed by a fence or wall of the non-climbing type so as to be impenetrable by toddlers, shall not include external handholds and shall be a minimum of four (4) feet in height.
2. Self-Closing. All outdoor fence openings or outdoor points of entry into the pool area shall be equipped with self-closing and self-latching devices. The openings between the bottom of the fence and the ground or other surface shall not be more than three (3) inches.
3. Latchable Cover. All outdoor spas shall have either a fence as described in 3(a) and 3(b) or a latchable cover. The cover shall be constructed of a material impenetrable by toddlers.

- D. Permit Required.** No person shall construct, alter or renovate a pool or spa without a zoning permit.

**Subd. 9: Lighting Standards – Glare.**

**A. Definitions:**

1. Foot-candle: A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one-candle.
2. Glare: Direct light emitted from a light source which causes eye discomfort.
3. Light Pollution: The shining of light produced by a luminaire above the height of the luminaire and into the sky.
4. Luminaire: A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.

**B. Lighting Standards.**

1. Any lighting used to illuminate an off-street parking area, sign, or other structure(s), shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent

property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights which cast light on a public street shall not exceed one (1) foot candle (meter reading) as measured at the center line of said street. Any light or combination of lights which cast light on residential property shall not exceed two (2) foot candles (meter reading) as measured at the property line.

2. The use of exterior lighting for nonresidential uses shall observe the same hours of operation as the use itself, except that a minimum level of lighting for security purposes may be left on beyond the normal hours of operation.
3. Lighting for canopies covering fueling stations at automobile service stations and drive-thru facilities shall not illuminate abutting properties and the luminaires shall be designed so that the light source (bulb or lamp) is completely shielded from direct view as measured at a point five feet above grade.
4. Because of their unique requirement for nighttime visibility and their limited hours of operations, ball diamonds, playing fields and tennis courts are exempted from the general standards of this section. Lighting for these outdoor recreational uses shall be shielded to minimize light and glare from spilling over onto adjacent residential properties. The maximum permitted illumination at the property line shall not exceed two-foot candles.
5. The City Council may require conformance with the illumination levels contained in the Lighting Handbook, Illuminating Engineering Society of North America as part of the review and approval of a private or public development project.

C. Exemptions: The following are exempt from the standards contained in this ordinance:

1. Decorative seasonal lighting with a power rating of less than or equal to 75 watts.
2. Temporary emergency lighting used by police, fire fighters, or other emergency services, as well as all vehicular luminaires.
3. Hazard warning luminaires which are required by federal regulatory agencies.
4. As part of the approval of public street or sidewalk projects, the City Council may vary from the requirements of this Section.
5. Security lights at state correctional facilities.

## **1006.01: NON-CONFORMANCE.**

### **Subd. 1: Non-Conforming Uses and Structures.**

It is not the intent of this section to encourage the non-conforming use of land. Non-conformities are declared by this Ordinance to be incompatible with permitted uses in the districts in which the non-conformity occurs. Non-conforming use may relate to the non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land in combination.

### **Subd. 2: Standards.**

#### **A. Non-Conforming Uses of Land.**

1. Non-conforming uses of land shall not be extended or enlarged after passage of this Ordinance. Said uses of land may include, but are not limited to, the attachment on a building or erection on land of additional signs intended to be seen from off the premises or the addition or expansion of uses which would be generally prohibited in the zoning district.
2. Change of Non-Conforming Use of Land. A non-conforming use cannot be changed to a comparable non-conforming use. Whenever a non-conforming use has been changed to a conforming use, or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a non-conforming use of a less restricted district.
3. Discontinuance of Non-Conforming Use of Land. Subsequent use of a non-conforming building or land shall conform thereafter to the use permitted in the district in which it is located if:
  - a. The non-conforming use of land is discontinued or ceased for a period of one (1) year or more, or
  - b. If the use is involuntarily discontinued and ceased because of the revocation of a permit or the right to engage in the use, *unless the nonconforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its market value, and a building permit has been applied for within 180 days of when the property is damaged. In this case, the City may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property.*  
(Amended 01-07)

#### **B. Non-Conforming Use of Structures.**

1. Continuation of Non-Conforming Use of Structure. The lawful use of a building or structure existing at the time of the adoption of this Ordinance may be continued although such use does not conform with the district provisions herein, unless:
  - a. The use ceases for a period of one (1) year; or
  - b. *Any nonconforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its market value, and no building permit has been applied for within 180 days of when the property is damaged. In this case, the City may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property.*  
(Amended 01-07)
2. Extension or Expansion of Non-conforming Structure. *Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy. The City may, by ordinance, permit an expansion or impose upon nonconformities reasonable regulations to prevent and abate nuisances and to protect the public health, welfare, or safety. This subdivision does not*



*prohibit the City from enforcing ordinance regulations that applies to adults-only bookstores, adults-only theaters, or similar adults-only businesses, as defined by the ordinance.  
(Amended 01-07)*

3. Non-Conforming Structure, Structural Change. No existing structure devoted to a non-conforming use shall be enlarged, extended, reconstructed, moved, or structurally altered except in changing the use of the structure to a conforming use.
  4. Maintenance of Non-Conforming Structure. Maintenance of a building or other structure containing or used for a non-conforming use will be permitted when it includes necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming building or use.
  5. Residential Alterations. Alterations may be made to a residential building containing non-conforming residential units when they will improve the livability and safety of such units provided, however, that they do not increase the number of dwelling units in the building. Additions may be made to non-conforming residential buildings, limited to an increase in the living area of no more than twenty (20) percent of the existing main floor square footage. The construction and alteration of garages and accessory buildings is also permitted, as long as the improvements conform with the zoning requirements for both the zoned use of the property, and the non-conforming use.
  6. Restoration of Non-Conforming Structure After Destruction. Any non-conforming building or structure damaged greater than fifty (50) percent of its market value by fire, collapse, explosion or acts of God, or public enemy, shall not be restored or reconstructed and used as before such destruction; but, if less than fifty (50) percent of its market value is damaged it may be restored, reconstructed or used as before provided that it is done within twelve (12) months of the happening.
  7. Signs. Signs pertaining to or advertising products sold on the premises of a non-conforming building or use may be continued only when the non-conforming use is permitted to continue and such signs shall not be expanded in number, area, height, or illumination. New signs not to exceed the maximum allowed under Section 1004.05, 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 Section 1004.05 of this Ordinance, whichever is less. New signs may not be illuminated unless the previous sign was illuminated, but flashing intermittent or moving illumination shall not be permitted.
  8. Buildings Under Construction and Building Permits Granted Prior to Adoption of Ordinance. Any proposed structure which will, under this Ordinance, become non-conforming but for which a building permit has been lawfully granted prior to the effective date of this Ordinance, may be completed in accordance with the approved plans; provided construction is started within sixty (60) days of the effective date of this Ordinance, is not abandoned for a period of more than one hundred twenty (120) days, and continues to completion within two (2) years. Such structure and use shall thereafter be a legally non-conforming structure and/or use.
- C. Non-Conforming Lots of Record. A single-family dwelling and customary accessory building, notwithstanding limitations imposed by other provisions of this Ordinance, may be erected in any district in which single-family dwellings are permitted on any single lot of record at the effective date of adoption of or amendment to this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. The provisions shall apply even though such lot fails to meet the zoning requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. If, two (2) or more contiguous lots in any district are under the same ownership, and any individual lot does not meet the area and width requirements of this Ordinance, the lot must not

be considered as a separate parcel or land for the purpose of sale or development. The lot must be combined with the one (1) or more contiguous lots so they equal one (1) or more parcels of land, each meeting the area and width requirements of this Ordinance.

## **1006.02: BOARD OF ADJUSTMENT AND APPEALS.**

### **Subd. 1: Board of Adjustment Established.**

- A. A Board of Adjustments and Appeals is hereby established as specified below.
- B. The Planning Commission is hereby constituted and established as the Board of Adjustment and Appeals.

### **Subd. 2: Powers and Duties.**

- A. The Board of Adjustment and Appeals shall have the power and duties of hearing and deciding appeals or requests on the following cases:
  - 1. Appeals where it is alleged that there is an error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this Chapter.
  - 2. *Requests for variance from the literal provisions of this Chapter in instances where the applicant establishes that there are practical difficulties in complying with the zoning ordinance. (Amended 11-14-11)*
  - 3. Appeals from any action of the City Building Official in denying or granting a building permit.
- B. *When approving a variance, the Board of Adjustment and Appeals may impose conditions to insure compliance and to protect adjacent properties. The Board of Adjustment and Appeals shall not approve as a variance any use that is not permitted under this chapter for the property in the zone where the affected person's land is located. (Amended 11-14-11)*
- C. The Board of Adjustment and Appeals shall have such other additional powers as are given to Boards of Adjustment and Appeals by Minnesota law.
- D. The Board of Adjustment and Appeals shall provide a record of its proceedings, which shall include the minutes of its meetings, its findings, and the action taken on each matter heard by it, including its recommendation. The Zoning Administrator shall maintain these records.

### **Subd. 3: Further Appeal.**

Any person or persons jointly or severally aggrieved by any decision of the City Council may appeal to the District Court by filing a petition setting forth that such decision is illegal in whole or in part, specifying the grounds of such illegality. A copy of the notice of appeal, with evidence of filing, must be filed with the City Administrator within 30 days after the filing of appeal in District Court.

## **1006.03: VARIANCES.**

### **Subd. 1: Purpose.**

*A variance may be granted to allow for a modification or variation of the provisions of this zoning ordinance as applied to a specific piece of property. Variances shall not be issued for a use of property wherein said use is not provided for in the zoning district where the subject property is located.*

### **Subd. 2: Board of Adjustment and Appeals.**

*The Board of Adjustment and Appeals shall be the Planning Commission and shall act upon all questions as they may arise in the administration of this Ordinance, including the interpretation of zoning maps and it shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with enforcing this Ordinance. Such appeal may be taken by any person aggrieved or by any officer, department or board of commission of Rush City. The Board of Adjustment and Appeals shall have power to vary or adapt the strict case of exceptionally irregular, narrow or shallow lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty that would deprive the owner of the reasonable use of land or building involved. Any appeals on a Board of Adjustment and Appeals decision shall be made to the City Council, where its decision, in turn, may be appealed to the District Court. Board of Adjustment and Appeals decisions shall be final except upon their appeal to the City Council.*

### **Subd. 3: Criteria for Granting Variances.**

*The Board of Adjustment and Appeals shall not authorize a variance from the provisions or requirements of this Ordinance unless it finds evidence that all the following facts and conditions exist:*

- A. Evidence of ownership or enforceable option on the property.*
- B. The variance is consistent with the City of Rush City's Comprehensive Plan.*
- C. The variance is in harmony with the general purposes and intent of the ordinance.*
- D. The Applicant establishes that there are 'practical difficulties' in complying with the zoning ordinance. Practical difficulties as used in connection with the granting of a variance, means that:
  - 1. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;*
  - 2. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and*
  - 3. The variance, if granted, will not alter the essential character of the locality.**
- E. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.*

### **Subd. 4: Conditional Approval.**

*In granting a variance the Board of Adjustment and Appeals, or the Council in reviewing the Board's decision, may prescribe appropriate conditions in conformity with this Ordinance to protect properties and the health and safety of persons residing or working in the neighborhood. When such conditions are made part of the terms under which the variance is granted, violation of the conditions is a violation of this Ordinance.*

### **Subd. 5: Procedure.**

- A. Application for a variance or appeal under the provisions of this section shall be made to the Zoning Administrator in the form of a written application containing the following information:*

1. *Description of the site (legal and address).*
  2. *Site plan showing parcel and building dimensions.*
  3. *Location of all buildings and their square footage measurements.*
  4. *Curb cuts, driveways, sidewalks, parking spaces and off-street loading areas.*
  5. *Any additional information reasonably requested by the Zoning Administrator.*
  6. *If the work will not be completed in one (1) year, the applicant shall submit a time schedule for completion of the work.*
- B. The Zoning Administrator shall review the application and verify the application is complete and meets the requirements of the Ordinance. The Zoning Administrator shall complete the review process within fifteen (15) days of receipt of the Application. If the application is incomplete, a letter identifying information needed shall be sent to the applicant within the fifteen (15) days. If the application is complete, the Zoning Administrator shall schedule a public hearing. Notice of such hearing shall be published in accordance with State Law and notice shall be published at least once in the official paper of the City and mailed to individual properties within three hundred fifty (350) feet of the parcel included in the request not less than ten (10) days nor more than thirty (30) days prior to the date of said hearing. Failure of a property owner to receive said notice shall not invalidate any such proceedings.*
- C. The Board of Adjustment and Appeals shall hold the public hearing, consider the proposed request, and make a recommendation to the City Council. Notice of the Board of Adjustment and Appeals recommendation shall be forwarded to the petitioner by mail within ten (10) days after its decision.*
- D. Upon receipt of a recommendation from the Board of Adjustment and Appeals, or within sixty (60) days of receipt of a complete application, whichever occurs first, the City Council shall make its order deciding the matter. A copy of such order shall be sent to the petitioner within ten (10) days after the Council's decision.*
- E. If a variance is granted, a copy of the resolution or motion approving the variance, along with the property's legal description shall be filed with the County Recorder's Office, by the Zoning Administrator.*
- F. Lapse of Variance. If within one (1) year after granting a variance the work permitted is not started such a variance shall become null and void unless a petition for an extension has been approved by the City Council.  
(Amended 11-14-11)*

## **1006.04: CONDITIONAL USE PERMITS.**

### **Subd. 1: Purpose.**

The purpose of this Section of the Zoning Ordinance is to provide the Planning Commission and City Council with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare and public safety.

### **Subd. 2: Procedure.**

- A. Applications for Conditional Use Permits and required fees shall be submitted to the Zoning Administrator. The application shall be accompanied by a site plan containing such information as is necessary to show compliance with this Ordinance, including but not limited to:
1. Description of site (legal description).
  2. Site plan drawn at scale showing parcel and building dimensions.
  3. Location of all buildings and their square footage, and the location of easements.
  4. Curb cuts, driveways, access roads, parking spaces, off-street loading areas and sidewalks.
  5. Landscaping and screening plans.
  6. Drainage plan, if deemed necessary by the Zoning Administrator and/or City Engineer.
  7. Sanitary sewer and water plan with estimated use per day, if deemed necessary by the Zoning Administrator and/or City Engineer.
  8. Soil type, the location of wetlands as defined by Minnesota Statute 1036.005, Subd. 19, or absence thereof as verified by a statement from Chisago County, if deemed necessary by the Zoning Administrator and/or City Engineer.
  9. Any additional written or graphic data reasonably required by the Zoning Administrator or the Planning Commission.
  10. Proof that the Applicant is the owner of the parcel in question.
- B. The Zoning Administrator shall review the application to verify the application is complete and meets the requirements of the Ordinance, within fifteen (15) days of receipt of the application. If the application is not complete, written notice of information missing shall be sent to the applicant, within fifteen (15) days from submittal of the application. If the application is complete, notice of a public hearing, to be conducted by the Planning Commission, shall be published at least once in the official paper of the City and mailed to individual properties within three hundred fifty (350) feet of the parcel included in the request not less than ten (10) days nor more than thirty (30) days prior to the date of said hearing. Failure of a property owner to receive said notice shall not invalidate any such proceedings.
- C. The Planning Commission shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce any adverse effects, and shall make a recommendation to the City Council within the guidelines as mandated by State Law. At a minimum, the Planning Commission shall consider the following standards as it would apply to the particular use at the proposed location. The request:
1. Will not be detrimental to or endanger the public health, safety, morals, comfort, convenience or general welfare of the neighborhood or the City.

2. Will be harmonious with the applicable specific and general objectives of the Comprehensive Plan of the City and this Ordinance.
  3. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area.
  4. Will not be hazardous or disturbing to existing or future neighboring uses.
  5. Will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems, and schools.
  6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
  7. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
  8. Will have vehicular approaches to the property which are so designed as not to create traffic congestion or an interference with traffic or surrounding public thoroughfares.
  9. Will have adequate facilities to provide sufficient off-street parking and loading space to serve the proposed use.
  10. Will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance.
  11. Will conform to the type of uses that are generally permitted within the district.
- D. The Applicant shall be notified in writing within ten (10) days of the recommendation of the Planning Commission.
- E. Upon receiving a report and recommendation from the Planning Commission, the City Council shall act upon the request and may impose any conditions deemed necessary. Approval of a conditional use permit shall require passage by majority vote of the full City Council.
- F. Denial For Non-Compliance. If the Planning Commission recommends denial of a conditional use permit or the Council orders such denial, it shall include in its recommendations or determination findings the reasons the proposed use does not comply with the standards required by this Ordinance.
- G. Notification of Applicant. The applicant shall be notified in writing by the Zoning Administrator of the recommendation of the Planning Commission and again within ten (10) days of action by the City Council. The notification shall include information regarding findings of fact itemized in the adopted Resolution or motion (e.g. conditions for approval, basis for approval or basis for denial).

**Subd. 3: Conditional Approval.**

- A. In recommending or approving any conditional use permit, the Planning Commission and the Council may impose conditions which are considered necessary to meet the standards of this Ordinance and to protect the best interests of the surrounding area or the City as a whole. Violation of any such condition is a violation of this Ordinance. These conditions may include but are not limited to the following:

1. Ingress and egress to property and proposed structures thereon with particular reference to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe.
2. Off-street parking and loading areas, where required, the economic effect, noise, glare, or odor of the special use on nearby property.
3. Refuse and service areas.
4. Utilities with reference to location, availability and compatibility.
5. Diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district.
7. Required yards and other open space.
8. General compatibility with adjacent and other property in the district.

**Subd. 4: Filing.**

If a conditional use permit is granted, a copy of the resolution or motion approving the conditional use permit, along with the property's legal description and conditions for approval shall be filed with the County Recorder's Office, by the Zoning Administrator.

**Subd. 5: Expiration.**

If substantial construction has not taken place within one (1) year after the date of a conditional use permit, the permit is void except that, upon application, the Council, after receiving the recommendation of the Planning Commission, may extend the permit for an additional period not to exceed one (1) year. A conditional use permit authorizes only the conditional use specified in the permit and expires if, for any reason, the conditions of approval are not met and/or maintained.



## **1006.05: INTERIM USE PERMITS.**

### **Subd. 1: Purpose.**

- A. The purpose and intent of allowing interim uses is:
  - 1. To allow a use for a limited period of time that reasonably utilizes the property in the manner not permitted in the applicable zoning district.
  - 2. To allow a use that is presently acceptable, but not permitted within the zoning district and, with anticipated development, may not be acceptable in the future.

### **Subd. 2: Procedure.**

The application, public notice and procedure requirements for interim use permits shall be the same as those for Conditional Use Permits as provided in Section 1006.04 of this Ordinance.

### **Subd. 3: Standards.**

- A. The Planning Commission shall recommend an interim use permit and the Council shall issue such interim use permits only if it finds that such use at the proposed location:
  - 1. Meets the standards of a conditional use permit set forth in Section 1006.04 of this Ordinance.
  - 2. Conforms to the zoning regulations, performance standards and other requirements of this Ordinance.
  - 3. Will terminate upon a tangible date or event specified in the resolution approving said interim use permit.
  - 4. Will not impose, by agreement, additional costs on the public if it is necessary for the public to take the property in the future.
  - 5. Will be subjected to, by agreement with the owner, any conditions that the City Council has deemed appropriate for permission of the use, including a condition that the owner will provide an appropriate financial surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use permit.

### **Subd. 4: Termination.**

- A. An interim use permit shall terminate upon the occurrence of any of the following events; whichever first occurs:
  - 1. The date specified in the permit;
  - 2. A violation of the conditions under which the permit was issued; or
  - 3. A change in the City's zoning regulations.
- B. No more than three interim use permits shall be granted to a single property.

## **1006.06: AMENDMENTS AND REZONING.**

### **Subd. 1: Purpose.**

This Ordinance may be amended and the official map modified by following the procedure specified in this section.

### **Subd. 2: Procedure.**

- A. A text amendment to this chapter or rezoning of a parcel may be initiated by:
  1. The City Council,
  2. The Planning Commission, or
  3. By petition of affected property owners, contingent on the following requirements. If a property owner initiates a rezoning request the owner shall provide a boundary survey and preliminary building and site development plans prior to consideration of the request.
- B. A text amendment or rezoning petitioned by affected property owners shall be submitted to the Zoning Administrator on the application form specified by the Administrator. Any required fee shall accompany the application.
- C. The Zoning Administrator shall review all applications and upon verification that the application is complete and meets the requirements of the Ordinance, the Zoning Administrator shall schedule a public hearing. The Zoning Administrator shall complete the review process within fifteen (15) days of receipt of the Application and notify the applicant within this timeframe of any additional information required to complete application. If complete, notice of a public hearing shall be published at least once in the official paper of the City and mailed to individual properties within three hundred fifty (350) feet of the parcel included in the request not less than ten (10) days nor more than thirty (30) days prior to the date of said hearing. Failure of a property owner to receive said notice shall not invalidate any such proceedings.
- D. The Planning Commission shall hold public hearings on all proposed text amendments to this chapter. Following the hearing the Planning Commission shall act on the proposed amendment and make a recommendation to the City Council.
- E. Action by City Council. Upon the filing of such recommendation the City Council shall act on the request and may adopt the amendment or any part thereof in such form as it deems advisable. The amendment shall be effective only if a majority of all members of the Council concur in its passage. If an amendment to the zoning map is requested which includes the rezoning of residential land to commercial or industrial, a 2/3 majority of all members of the Council must concur in its passage.
- F. Notification of Applicant. If the amendment or rezoning is initiated by petition, the applicant shall be notified in writing by the Zoning Administrator of the recommendation of the Planning Commission and again within ten (10) days of action by the City Council. The notification shall include information regarding findings of fact itemized in the adopted Resolution or motion (e.g. conditions for approval, basis for approval or basis for denial).
- G. If the City Council approves a rezoning request, the City shall record the amendment at the Office of the County Recorder at the applicant's expense.
- H. The City Council shall amend its Official Zoning Map to reflect the rezoning.

## **1006.07: SITE PLAN REVIEW.**

### **Subd. 1: Purpose.**

*The purpose of this section is to establish a formal site plan review procedure and provide regulations pertaining to the enforcement of site design standards consistent with the requirements of this chapter.*

### **Subd. 2: Exceptions to Review.**

*Except in those cases specifically cited within this chapter, the following shall be exempt from the foregoing requirements of this chapter:*

- A. *Agricultural uses.*
- B. *Single-family detached dwellings.*
- C. *Two-family attached dwellings.*
- D. *Duplex, Triplex and Quads.*

### **Subd. 3: Sketch Plan.**

- A. *Prior to the formulation of a site plan, the applicant may present a sketch plan to the Zoning Administrator prior to filing of a formal application. The plan shall be conceptual but shall be drawn to scale and may include the following:*
  - 1. *The proposed site with reference to existing development, topography, and drainage conditions on adjacent properties, at least to within two hundred (200) feet.*
  - 2. *Natural features.*
  - 3. *General location of existing and proposed structures including signs.*
  - 4. *Tentative access, circulation and street arrangements, both public and private.*
  - 5. *Amenities to be provided such as recreational areas, open space, walkways, landscaping, etc.*
  - 6. *General location of parking areas.*
  - 7. *Proposed public sanitary sewer, water and storm drainage.*
  - 8. *A statement showing the proposed density of the project with the method of calculating said density also shown.*
  - 9. *Extent of and any proposed modifications to land within the environmental protection districts as established by this chapter.*
  - 10. *Other items as may be deemed necessary by the Zoning Administrator.*
- B. *Any opinions or comments provided to the applicant by the Zoning Administrator in relation to the sketch plan shall be considered advisory only and shall not constitute a binding decision on the request.*

### **Subd. 4: Procedure.**

*Pursuant to Minnesota Statutes 15.99, an application for site plan approval shall be approved or denied within sixty (60) days from the date of its official and complete submission unless extended by the City*

pursuant to statute or a time waiver is granted by the applicant. Additional City requirements are as follows:

- A. *Filing of Request.* Request for site plan approval, as provided within this section, shall be filed with the Zoning Administrator on an official application form. Such application shall be accompanied by a fee as established by City Council resolution. Such application shall also be accompanied by detailed written and graphic materials, the number and size as prescribed by the Zoning Administrator, fully explaining the proposed change, development, or use. The request shall be considered as being officially submitted and complete when the applicant has complied with all specified information requirements. In cases where an application is judged to be incomplete, the Zoning Administrator shall notify the applicant, in writing, within ten (10) days of the date of submission.
- B. *Proof of Ownership or Authorization.* The applicant shall supply proof of title and the legal description of the property for which the site plan approval is requested, consisting of an abstract of title and as applicable supply documented authorization from the owner(s) of the property in question to proceed with the requested site plan application.
- C. *Certificate of Taxes Paid.* Prior to approving an application for a site plan review, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the site plan review application relates.
- D. *Meeting with Zoning Administrator and/or Staff.* The applicant or a representative thereof shall meet with the Zoning Administrator and/or City staff in order to present information and answer questions concerning the proposed requests.
- E. *Reviewing the Request.* Upon receipt of said application, the Zoning Administrator shall have the option of forwarding the application to the Planning Commission and City Council for review and approval or approve the request administratively. If the request is forwarded, the Planning Commission shall review the request at a regular scheduled meeting and report its findings and make recommendations to the City Council.
- F. *Technical Reports.* The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in conducting an evaluation of the request.
- G. *Evaluation Criteria.* City staff and Planning Commission shall evaluate the proposed site and building plan based upon compliance with the City Comprehensive Plan, provisions of this chapter, and other applicable titles of the City Code.
- H. *Additional Information.* The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert assistance with the consent and at the expense of the applicant concerning operational factors. Said information is to be declared necessary to evaluate the request and/or to establish performance conditions in relation to all pertinent sections of this title. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.
- I. *City Council Review.* Upon receiving the report and recommendation of the Planning Commission and the City staff, the City Council shall make recorded findings of fact and may impose any condition it considers necessary to protect the public health, safety and welfare.

Subject to limitations of Minnesota Statutes 15.99, if, upon receiving said report and recommendations of the Planning Commission and City staff, the City Council finds that specific inconsistencies exist in the review process and thus the final recommendation of the City Council may differ from that of the Planning Commission, the City Council may, before taking final action, refer the matter back to the Planning Commission for further consideration. The City Council shall

*provide the Planning Commission with a written statement detailing the specific reasons for referral. This procedure shall be followed only one time on a singular action.*

*J. Approval. The approval of a site plan application shall be determined by one of the following:*

- 1. If forwarded by the Zoning Administrator to the Planning Commission and City Council for review and approval, the site plan application shall require approval by a simple majority vote of the City Council.*
- 2. If reviewed by the Zoning Administrator the Zoning Administrator shall reach a decision on the request within sixty (60) days after the site plan was officially submitted. In addition to other plan requirements outlined in this title, site plans will be required and shall be submitted to and approved by the City prior to the issuance of any building or administrative permit.*

*K. The Zoning Administrator shall keep a record of applications and site plan approvals.*

**Subd. 5: Information Requirement.**

*The following information shall be required for all site plan applications unless waived by the Zoning Administrator.*

*A. Site boundaries, buildings, structures and other improvements shall be identified on-site with a current certificate of survey, prepared and signed by a Minnesota licensed land surveyor, depicting the following:*

- 1. Scale of plan (engineering scale only, at one inch equals fifty feet (1" = 50') or less.*
- 2. North point indication.*
- 3. Existing boundaries with lot dimension and area.*
- 4. Existing site improvements.*
- 5. All encroachments.*
- 6. Easements of record.*
- 7. Legal description of the property.*
- 8. Ponds, lakes, springs, rivers, delineated wetlands or other waterways bordering on or running through the subject property.*

*B. A site plan utilizing a copy of the current certificate of survey as a base for the site in question, depicting the following:*

- 1. Name and address of developer/owner.*
- 2. Name and address of architect/designer.*
- 3. Date of plan preparation.*
- 4. Dates and description of all revisions.*
- 5. Name of project or development.*
- 6. All proposed improvements, including:*
  - a. Required and proposed setbacks.*

- b. *Location, setback and dimensions of all proposed buildings and structures.*
  - c. *Location of all adjacent buildings located within one hundred (100) feet of the exterior boundaries of the property in question.*
  - d. *Location, number, dimensions, and setbacks of proposed parking spaces and drive aisles.*
  - e. *Location, number, and dimensions of proposed loading spaces.*
  - f. *Location, width, and setbacks of all curb cuts and driveways.*
  - g. *Vehicular circulation.*
  - h. *Sidewalks, walkways, trails.*
  - i. *Location and type of all proposed lighting, including details of all proposed fixtures.*
  - j. *Location of recreation and service areas.*
  - k. *Location of rooftop equipment, exterior heating, ventilation and air conditioning equipment and proposed screening.*
  - l. *Provisions for outdoor storage and disposal of waste, garbage, and recyclables, including details for screening exterior trash/recycling enclosures.*
  - m. *Location, sizing, and type of water and sewer system mains and proposed service connections.*
  - n. *Location of proposed fire lanes and fire hydrants.*
- C. *Grading/stormwater drainage plan, utilizing a copy of the current certificate of survey as a base for the site in question, prepared and signed by a Minnesota licensed engineer, depicting the following:*
- 1. *Existing contours at two (2) foot intervals (may be prepared by a Minnesota licensed surveyor).*
  - 2. *Proposed grade elevations at two (2) foot maximum intervals.*
  - 3. *Drainage plan, including the configuration of drainage areas and calculations.*
  - 4. *Storm sewer, catch basins, invert elevations, type of castings, and type of materials.*
  - 5. *Spot elevations (may be prepared by a Minnesota licensed surveyor).*
  - 6. *Proposed driveway grades.*
  - 7. *Surface water ponding and treatment areas.*
  - 8. *Erosion control measures.*
- D. *Landscaping plan, utilizing a copy of the current certificate of survey as a base for the site in question, depicting the following:*
- 1. *Planting schedule (table) containing:*

- a. *Symbols.*
  - b. *Quantities.*
  - c. *Common names.*
  - d. *Botanical names.*
  - e. *Sizes of plant material.*
  - f. *Root specification (bare root, balled and burlapped, potted,etc.).*
  - g. *Special planting instructions.*
2. *Location, type and size of all existing significant trees to be removed or preserved.*
  3. *Planting detail (show all species to scale at normal mature crown diameter or spread for local hardiness zone).*
  4. *Typical sections with details of fences, tie walls, planter boxes, tot lots, picnic areas, berms and the like.*
  5. *Typical sections with details of landscape islands, planter beds, and foundation plantings with identification of materials used.*
  6. *Note indicating how disturbed soil areas will be restored through the use of sodding, seeding, or other techniques.*
  7. *Delineation of both sodded and seeded areas with respective areas in square feet.*
  8. *Coverage plan for underground irrigation system, if any.*
  9. *Where landscape or manmade materials are used to provide screening from adjacent and neighboring properties, a cross-through section shall be provided showing the perspective of the site from the neighboring property at the property line elevation.*
  10. *Other existing or proposed conditions which could be expected to affect landscaping.*
- E. *Other plans and information as required by the Zoning Administrator including, but not limited to:*
1. *Architectural elevations of all principal and accessory buildings (type, color, and materials used in all external surfaces).*
  2. *"Typical" floor plan and "typical" room plan drawn to scale with a summary of square footage for each use or activity.*
  3. *Fire protection plan.*
  4. *Type, location and size (area and height) of all signs to be erected upon the property in question.*
  5. *Vicinity map showing the subject property in reference to nearby highways or major street intersections.*
  6. *Sound source control plan.*

7. *Lighting plan.*
8. *When required, evidence of completion of National Pollutant Discharge Elimination System (NPDES) permitting program.*
9. *If applicable, evidence of compliance with federal, state and local pollution and nuisance laws and regulations, including, but not limited to glare, smoke, dust, odors and noise. The burden of proof for compliance with appropriate standards shall lie with the applicant.*

**Subd. 6: Plan Modifications.**

*An amended site plan involving major changes as determined by the Zoning Administrator shall be applied for and administered as required for a new site plan.*

**Subd. 7: Lapse of Approval.**

- A. *Unless otherwise specified by the Zoning Administrator, the site plan approval shall become null and void one year after the date of approval, unless the property owner or applicant has substantially started the construction of any building, structure, addition or alteration, or use requested as part of the approved plan. The property owner or applicant shall have the right to submit an application for time extension in accordance with this section.*
- B. *In making its determination on whether an applicant has made a good faith attempt to utilize the site plan approval, the Zoning Administrator shall consider such factors as the type, design, and size of the proposed construction, any applicable restrictions on financing, or special and/or unique circumstances beyond the control of the applicant which have caused the delay.*
- C. *The request for an extension of site plan approval shall be determined by the City within fifteen (15) days from the receipt of a complete request.*

**Subd. 8: Building Codes.**

*The review and approval of site improvements pursuant to the requirements of City adopted building and fire codes shall be in addition to the site plan review process established under this section. The site plan approval process does not imply compliance with the requirements of these building and fire codes.*

**Subd. 9: Plan Agreements.**

*All site and construction plans officially submitted to the City shall be treated as a formal agreement between the applicant and the City. Once approved, no changes, modifications or alterations shall be made to any plan detail, standard, or specifications without prior submission of a plan modification request to the Zoning Administrator for review and approval.*

*(Amended 12-10-12)*



## **1006.08: FEES.**

### **Subd. 1: Payment Required.**

Any person filing a petition requesting an amendment, appeal, adjustment, conditional use permit, interim use permit, variance or other permit described within this Chapter shall pay a fee according to the schedule established by the City Council.

### **Subd. 2: Amount.**

- A. Fees payable under this section, and adopted by Ordinance of the City Council, shall be payable at the time of filing a petition and is not refundable.
- B. In addition to the fees referenced above and in the event the City incurs professional fees, either legal, engineering or professional planners, or any other cost, including but not limited to, postage and publication expenses, the applicants may be required to reimburse the City for those fees, and the City officials may require a deposit for these fees prior to the final hearing on the application.

## **1006.09: BUILDING PERMIT REQUIRED.**

### **Subd. 1: Permit Required.**

- A. It shall be unlawful to proceed with the construction, alteration, repair, enlargement, demolition, or removal of any building or part thereof without first obtaining a building permit.
- B. Requests for a building permit shall be made to the Zoning Administrator on an application in accordance with adopted policies. Each application for a permit to construct or alter a building shall be accompanied by a plan drawn to scale showing the dimensions of the lot to be built upon and the size and location of the building and accessory buildings to be erected. Applications for any kind of building permit shall contain such other information as may be deemed necessary for the proper enforcement of this Chapter.
- C. No building or structure (or portion) for which a building permit was issued shall be inhabited or otherwise utilized without prior issuance of a certificate of occupancy from the City Building Official.

### **Subd. 2: Certificate of Survey.**

- A. *A Certificate of Survey shall be submitted with all application for building permits for new buildings or alterations in the location or exterior dimensions of existing buildings. The certificate of survey shall be signed and dated by a land surveyor registered with the state. The survey shall depict the following minimum information:*
  - 1. *Location of property corners;*
  - 2. *Location of lot lines and of offset stakes set on lot lines along the front and rear of building extensions;*
  - 3. *Location of all drainage and utility easements;*
  - 4. *Location of setbacks;*
  - 5. *Location of driveways and driveway grade;*
  - 6. *Distance from existing and proposed buildings to lot lines;*
  - 7. *Existing elevations of existing and proposed buildings, lot corners, and tops of curbs;*
  - 8. *Elevation of the crown of the adjacent street;*
  - 9. *Proposed house and floor elevations for the top of the foundation block, garage floor and lowest level floor;*
  - 10. *Locations and ground elevations for the corners of buildings, located on adjacent parcels, which are nearest to the building for which the application for the permit is being made;*
  - 11. *Legal description;*
  - 12. *Arrows showing direction of drainage;*
  - 13. *North directional arrow;*
  - 14. *Measurement scale; and*

*15. Such other information as may be required by the building official, Zoning Administrator and/or City Engineer to determine the effect of construction on drainage, easements, and lot lines and to determine compliance with city ordinances, codes, and regulations.*

- B. The building official may, at his/her discretion, waive any and all requirements of this section where the building official and Zoning Administrator can determine the effect of construction on drainage, easements and lot lines and compliance with city ordinances, codes, and regulations, through other reasonable means.  
(Amended 04-07)*

## **1006.10: ENFORCEMENT AND PENALTY.**

### **Subd. 1: Enforcement.**

- A. The Zoning Administrator is hereby authorized and directed to enforce all the provisions of this chapter and shall perform, or cause to be performed, the following duties:
1. Review and issue all applications pertaining to use of land, building, or structures, and forward requests for conditional use permits, interim use permits, home occupation licenses, variances, and rezoning to the Planning Commission, or approve same when the application conforms with the provisions of this chapter.
  2. Keep a record of all nonconforming uses.
  3. Periodically inspect, or cause to be inspected, buildings, structures, and uses of land to determine compliance with the terms of this chapter. In regard to performance standards, the Zoning Administrator may require the services of a testing laboratory to determine compliance. The cost of employing said laboratory shall be paid by the owner if a violation of this chapter is established.
  4. Notify, in writing, any person responsible for violating a provision of this chapter, indicating the nature of the violation and order the action necessary to correct it.
  5. Order discontinuance of illegal use of land, buildings or structures, or take any action authorized by this chapter to insure compliance with or to prevent violation of its provisions.
  6. Maintain permanent and current records of this chapter, including all maps, amendments, conditional uses, interim uses, home occupation licenses, and variances.
  7. Maintain a current file of all applications and all copies of notices of violation, discontinuance, or removal, for such time as necessary to insure a continuance, compliance with the provisions of this chapter and, on request, provide information to any person having a proprietary or tenancy interest in any specific property.

### **Subd. 2: Penalty.**

Any person who violates any provision of this chapter is guilty of a misdemeanor and upon conviction thereof shall be punished as provided for in Minnesota law, and each day that a violation is permitted to exist shall constitute a separate offense. The City, at its option, may also pay for injunctive relief up to and including physical removal of the violation.