

**Chapter 154**  
**Litchfield Zoning Ordinance**

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



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

### **3.0 PURPOSE**

- A. The intent of this Ordinance is to protect the public health, safety and general welfare of the community and its people through the establishment of minimum regulations in regard to location, erection, construction, alteration and use of structures and land.
- B. These regulations are established to assist the City in:
  - 1. Implementing its Comprehensive Plan,
  - 2. Protecting and enhancing the natural environment and resources that currently exist within the City,
  - 3. Ensuring orderly and quality development and redevelopment,
  - 4. Protecting the quality and diversity of the City's tax base,
  - 5. Protecting the quality of residential neighborhoods,
  - 6. Providing opportunities for an affordable and diverse housing supply,
  - 7. Managing traffic,
  - 8. Ensuring compatibility between different land uses, and
  - 9. Regulating businesses that may have adverse secondary effects on the quality of life of Litchfield residents. These regulations are also established to provide for administration of this Ordinance, to provide for amendments; to prescribe penalties for violation of such regulations; and to define powers and duties of the City staff, Planning Commission and City Council in relation to this Ordinance.

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

## 5.0 SCOPE

- A. **Jurisdiction.** This Ordinance shall apply to all the area inside the corporate limits of the City of Litchfield, Minnesota
- B. **Compliance.**
1. All buildings erected hereafter, all uses of land or buildings established hereafter, all structures, alterations or relocation of existing buildings occurring hereafter and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this Ordinance which are applicable to the zoning districts in which such buildings, uses or land shall be located.
  2. However, where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Ordinance, which has not by its terms expired prior to such effective date and provided that construction is begun before the permit's expiration and within one (1) year of its effective date and diligently pursued to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit was issued; and further, may upon completion be occupied under a certificate of zoning compliance by the use for which originally designated, subject thereafter to the provision of this Ordinance relating to nonconformities.
- C. **Conflict.** Where the conditions imposed by any provisions of this Ordinance are either more or less restrictive than comparable conditions imposed by other law, ordinance, rule, or regulation of the City, State or Federal government, the law, ordinance, rule or regulation which imposes the more restrictive condition, standard or requirement shall prevail.
- D. **Conflicts of Law.** All Ordinances or parts of Ordinances in conflict here with are hereby repealed.

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

## **7.0 INTERPRETATION AND APPLICATION**

**7.1 RULES.** For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

- A. The word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- B. Words used in the present tense shall include the future; words used in the singular number shall include the plural number and the plural the singular.
- C. The word “shall” is mandatory and not discretionary and the word “may” is permissive.
- D. Any words not defined herein shall be construed in their generally accepted meanings as defined in the most recent publication of Webster’s Dictionary.

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

## **7.3 VIOLATIONS**

- A. Any building or structure being erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or site hereafter erected or maintained, or land use made or permitted in violation of this Ordinance, is hereby declared unlawful. In the event of violation or threatened violation of this Ordinance or other official control adopted under *Minnesota Statutes 394.21 to 394.37*, in addition to other remedies, the City Council or any member thereof may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violation or threatened violations and it is the duty of the City Attorney to institute such actions.
- B. If it is found that any of the provisions of this Ordinance are being violated, it shall be the duty of the Zoning Administrator to take the following action:
  - 1. Document the violation in writing, with photographs, historical records and dates of information if necessary.
  - 2. Notify in writing the person responsible for such violations indicating the nature of the violation and outlining action necessary to correct it.
  - 3. Order the discontinuance of illegal use of land, buildings or structures.
  - 4. Order the removal of illegal buildings or structures or of illegal additions, alterations or structural changes.
  - 5. Order discontinuance of any illegal work being done.
  - 6. Take any other action authorized by this Ordinance to ensure compliance with or to prevent violations of its provisions.

- C. **Appeal.** It is the intent of this Ordinance that all questions of interpretation and enforcement shall first be presented to the Zoning Administrator, and that such questions shall be presented to the Planning Commission only on appeal from the decision of the Zoning Administrator.

#### **7.4 PENALTIES**

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

#### **7.5 ZONING ADMINISTRATOR**

- A. The City Administrator shall appoint the Zoning Administrator. It shall be the duty of the Zoning Administrator to:
1. Administer the requirements of this Ordinance for all permits and approve or deny each application in accordance with the provisions of this Ordinance.
  2. Conduct inspections of buildings and the use of land to determine compliance with the terms of this Ordinance.
  3. Publish and attend to the service of all notices required under the provisions of this Ordinance.
  4. Receive, file and forward applications for appeals, variances, conditional use permits, amendments or other action to the appropriate official bodies.
  5. Maintain permanent and current records pertaining to this Ordinance including, but not limited to, maps, amendments, conditional uses, variances, appeals and applications thereof.
  6. Provide technical assistance to the Planning Commission.
  7. Make recommendations to the City Council and the Planning Commission as necessitated by this Ordinance.
  8. Refer to the City Attorney all violations of this Ordinance which cannot be handled administratively.
  9. Maintain permanent and current records of this Ordinance, including maps, amendments, conditional uses and variances.
  10. Keep current records of all non-conforming uses.

11. Notify County Recorder of all variances and conditional use permits granted so they can be attached to the deed.

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

## 7.6 PLANNING COMMISSION

- A. **Membership and Organization.** The Planning Commission shall consist of six (6) citizens-at-large and one (1) City Council representative. Members shall be appointed by the City Council.
1. Terms shall be for staggered three (3) year periods. Vacancies for unexpired terms shall be filled by the City Council.
  2. Eligibility – members of the Commission shall reside within the incorporated limits of the City.
  3. Chairperson shall be chosen by the Commission and shall serve for a period of two (2) years. A Vice Chairperson shall also be chosen in the same manner and for the same term in the absence of the Chairperson.
  4. The Zoning Administrator or representative shall attend all meetings to provide technical assistance when requested and to record proceedings and serve as Secretary.
- B. **Powers and Duties.** It is the intent of this Ordinance that the duties of the City Planning Commission shall include the following:
1. Review or initiate applications for amendments and changes to this Ordinance and report the findings and recommendations to the City Council as provided in this Ordinance.
  2. Review, hear and make recommendations to the City Council of all applications for conditional use permits as provided in this Ordinance.
  3. Conduct appropriate public hearings as regards to this Zoning Ordinance.
  4. Prepare, in cooperation with the Zoning Administrator, an annual review related to the effectiveness of this Ordinance as provided in this Ordinance.
  5. Review and make recommendations on site plans as provided in this Ordinance.
  6. Variances. To authorize upon appeal in specific cases such variances from the terms of this Ordinance as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship.



**C. Records.**

1. Minutes shall be kept for all Planning Commission meetings.
2. The minutes shall include all important facts pertaining to each meeting which will include, but not be limited to,
  - a. Names and addresses of all persons appearing before the Commission
  - b. A record of all hearings and testimony, all exhibits presented to the Commission,
  - c. A copy of each resolution acted upon by the Commission
  - d. The vote of each member upon each question,
  - e. The reasons for the Commission's determination
  - f. The members absent or failing to vote
3. These records shall be immediately filed in the office of the Zoning Administrator and shall be a public record.

**D. Decisions.**

1. All actions and recommendations of the Planning Commission pertaining to this Ordinance shall require a simple majority of those members attending official Commission meetings
2. Record of all actions and recommendations shall be forwarded to the City Council for necessary formal action

**7.7 DEFINITIONS.** For the purpose of interpreting this Ordinance, the following definitions shall apply:

**A**

**Abutting.** Making direct contact with or immediately bordering.

**Accessory Building.** A building in which is conducted as an accessory use to a principal use on the lot on which the principal use is situated. Accessory buildings include: garages, carports, barns, tool sheds and the like.

**Accessory Use or Structure.** A use or structure subordinate to the principal use of a building or to the principal use of land and is located on the same lot and serving a purpose customarily incidental to the use of the principal building or land use. Accessory uses or structures to residential principal uses include: swimming pools, tennis courts, fences and the like.

**Administrative Review.** Administrative Review is a review of an application by the head of each City Department and / or other division of the City as determined by the Zoning Administrator and does not require review and / or approval by the Planning Commission or City Council.

**Agriculture.** The use of an area of land for agricultural purposes including farming, agriculture, horticulture, floriculture and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage to swine or other animals.

**Alley.** A public or private thoroughfare which affords only a secondary means of access to abutting property.

**Alteration.** Any change, addition, or modification in construction or type of occupancy or in the structural members of a building such as foundations, walls, partitions, columns, beams or girders, the completed nature of which may be referred to as 'altered' or 'reconstructed'.

**Animal, Domestic.** An animal, including, but not limited to a dog and cat, that is commonly referred to as a pet, and that can generally be kept inside a dwelling. This term does not include a horse, pig, or similar animal that is typically kept only on agricultural or rural properties, and is not typically kept inside a dwelling.

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

**Apartment.** One (1) or more rooms with private bath and kitchen facilities designed, intended or used as a residence for an individual, family, or group of individuals.

**Applicant.** A natural person completing the registration form prescribed herein.

**Appraised Valuation.** The market value of a structure or lot as determined by the current records of the Meeker County Assessor.

**Approved.** To give formal or official sanction to by the Building Inspector, Zoning Administrator, Planning Commission, City Council, or other responsible entity.

**Assembly Hall.** An establishment providing meeting space for social gatherings, including but not limited to wedding receptions, graduation parties, and business functions. This term includes, but is not limited to, a banquet hall, rental hall, meeting space for a club or membership organization. This term does not include a convention center.

**Attorney.** The City Attorney.

**Automobile Repair – Major.** Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers including collision service, body work, framework, welding and major painting service.

**Automobile Repair – Minor.** Incidental repairs, replacement of parts and motor service to automobiles not specified under ‘Auto Repair – Major’.

**Automobile Service Station or Gas Station.** A place where gasoline or any other automobile engine fuel, kerosene or motor oil and lubricants or grease are retailed directly to the public on the premises, including the sale of minor accessories and the servicing of minor automobile repairs.

**Automotive, Implement, and Recreational Vehicle Sales.** An open area, other than a street, used for the display, sale or rental of new or used motor vehicles, implements or trailers in operable condition and where no repair work is done.

**Awning.** A shelter, of canvas or other material, projecting from and supported by the exterior wall of a building, constructed on a supporting framework.

## B

**Bank or Other Financial Institution.** An establishment providing retail banking, credit, and mortgage services. This term does not include a currency exchange, a payday loan establishment, or a title loan agency.

**Barrier (Swimming Pool Barrier).** A fence, a wall, a building wall, or a combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.

**Basement.** Means any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

**Bathroom.** A room containing plumbing fixtures including a toilet and a sink, and in some cases a bathtub or shower.

**Best Management Practices (BMPs).** Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing the degradation of surface water, including construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies.

**Blight.** A deteriorated condition.

**Block.** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroads, rights-of-way, shorelines of waterways or boundary lines of the city.

**Board of Adjustment.** The City Council acting as the Board of Adjustments and Appeals of the City of Litchfield.

**Boathouse.** A structure designed and used solely for the storage of boats or boating equipment.

**Boulevard.** The portion of the street right-of-way between the curb line and the property line.

**Buffer.** A protective vegetated zone located adjacent to a natural resource, such as a water of the state, that is subject to direct or indirect human alteration. Such a buffer strip is an integral part of protecting an aquatic ecosystem through trapping sheet erosion, filtering pollutants, reducing channel erosion and providing adjacent habitat.

The buffer strip begins at the “ordinary high water mark” for wetlands and the top of the bank of the channel for rivers and streams. This start point corresponds to the Minnesota Department of Natural Resources’ definition of a “shoreline” in Minnesota Rules 6115.0030. Therefore a stream with a width of 30 feet between banks and 100 foot buffer strips has a total protected width of 230 feet.

Acceptable buffer vegetation includes preserving existing predevelopment vegetation and/or planting locally distributed native Minnesota trees, shrubs and grassy vegetation. Alteration of buffers is strictly limited. Buffer areas are designated with permanent markers.

**Buildable Area.** The space remaining on a lot after the minimum setback and open space requirements of this Ordinance have been met.

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

**Building Code.** The Minnesota State Building Code.

**Building Height.** Building height is the vertical distance measured from the average ground level at the front of the proposed structure, to the top cornice line of a flat and mansard roof, to the uppermost point on a round, or other arch-type roof, or to the midpoint of the tallest gable of a pitched or hipped roof.

**Building Official or Building Inspector.** The Building Official or Building Inspector shall be the Minnesota Certified Building Official designated by the City of Litchfield.

**Building Permit.** A permit required from the responsible governmental agency before any site work, construction, or alteration to any structures can be started.

**Business.** The purchase, sale, barter, or exchange of goods, wares or merchandise, or the maintenance or operation of offices, recreational or amusement enterprise, or the furnishing of services for compensation.

## C

**Carport.** An automobile shelter having one (1) or more sides open.

**Car Wash.** An establishment providing washing, waxing, or cleaning of light motor vehicles, including access and queuing lanes.

**Cemetery.** A lot or tract of land used or intended to be used for the burial of the dead including columbariums, crematories, mausoleums and mortuaries when operated with the boundaries of such cemetery.

**Certificate of Occupancy.** A certificate issued by the Building Official authorizing the use or occupancy of a building or structure.

**Chair.** The Chair of the Planning Commission or other body as the context requires.

**City.** The incorporated City of Litchfield, State of Minnesota.

**City Council.** The governing body of the City of Litchfield.

**Clinic.** An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one (1) or more of a group of physicians, medical specialists or dentists, or a combination thereof, practicing together.

**Club or Association.** A nonprofit association of persons who are bona fide members, paying regular dues, and are organized for some common purpose, but not including a group of organized solely or primarily to render a service customarily carried on as a commercial enterprise.

**College.** An educational institution authorized by the State of Minnesota to award baccalaureate or higher degrees, or any campus of the State of Minnesota vocational, technical, and adult education system. This term includes any classroom, sporting facility, music hall, office and related uses associated with such institution. This term does not include a dormitory.

**Co-location.** The location of wireless telecommunication equipment from more than one (1) provider on a common tower or structure.

**Commercial Historic District.** The land generally located along Sibley Avenue, between Depot Street and Fourth Street. (Shown in detail on the City of Litchfield Historic Districts map). The district is a designated Heritage Preservation Site and is under the jurisdiction of the Historic Preservation Commission.

**Commercial Wireless Telecommunication Services.** Licensed commercial wireless communication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

**Common Open Space.** Land held in common ownership used for natural habitat, pedestrian corridors, and / or recreational purposes that are protected from future development.

**Comprehensive Plan.** The Litchfield Comprehensive Plan including the policy statements, goals, standards, functional classes of land use, places and structures, and the general physical development of the City of Litchfield.

**Conditional Use.** Means a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:

- (A) Certain conditions as detailed in the zoning ordinance exist.

(B) The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood

**Conditional Use Permit.** A permit issued by the City Council in accordance with procedures specified in *Subdivision 9.6: Conditional Use Permit*.

**Condominium.** An apartment building in which the units are owned separately by the individual or family which occupies them and not by a corporation or cooperative. The term refers to the building as a whole or any unit within such building.

**Construction Site.** An area upon which one (1) or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing activities may be taking place at different times and on different schedules, but under one plan.

**Contiguous.** Parcels of land that share a common lot line or boundary.

**Contour Map.** A map on which irregularities of land surface are shown by lines connecting points of equal elevations. Contour interval is the vertical height between contour lines

**Conveyance.** As defined in *Minnesota State Statutes 272.12*.

**County.** Meeker County, Minnesota.

**Court.** An open, unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings.

**Cul-de-sac.** A minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of the traffic movement.

## D

**Day Care Facility.** Any facility, public or private, which for gain or otherwise regularly provides one (1) or more persons with care, training, supervisions, habitation, or developmental guidance on a regular basis, for periods less than twenty-four (24) hours per day, in a place other than the person's own home. Day care facilities include, but are not limited to: family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, daytime activity centers, day treatment programs, and day services.

**Day Care Facility, In-Home.** Any state licensed facility where childcare is provided to twelve (12) children or less in the principal residence.

**Deck.** A horizontal, unenclosed platform with or without attached railings, seats, trellises or other features, attached or functionally related to a principal use or site.

**Density.** The number of dwelling units permitted per acre of land.

**Development.** Any human made changes to improve or unimproved real estate, including, but not limited to the construction of buildings, structures, or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of manufactured homes or mobile homes; ditching, lagooning, dredging, filling, grading, paving, excavation, or drilling operations, and the deposition or extraction of earthen materials.

**District.** A section or sections of the City of Litchfield for which the provisions of this Ordinance are uniform.

**Dock.** A structure that extends past the ordinary high water level of a water body and is intended to provide access to the water.

**Dredging.** The process by which soils or other surface materials, normally transported by surface water erosion into a body of water, are removed for the purpose of deepening the body of water.

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

**Driveway.** A private drive leading from a public street or right-of-way to a garage, carport or any place of storage of a motor vehicle.

**Duplex, Triplex, and Quad.** A dwelling structure on a single lot, having 2, 3 and 4 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 thereof, designed or used predominantly for residential occupancy of a continued nature, including single-family, two-family and multiple-family dwelling units, either owner occupied or rental; but not including hotels, motels, boarding or lodging houses, nursing homes, house trailers or mobile homes.

**Dwelling, Single – Family.** A dwelling unit designed exclusively for occupancy by one (1) family.

**Dwelling, Single – Family Attached.** A dwelling unit which is joined to one another by a party wall.

**Dwelling, Single – Family Detached.** A dwelling unit which is not attached to another dwelling or structure.

**Dwelling Unit or Rental Unit.** A room or group of rooms located within a dwelling or apartment building which are used or intended to be used for living, sleeping, cooking and eating purposes.

## E

**Easement.** A grant by a property owner for the use of a strip of land by the general public, a corporation or a certain person or persons, for a specific purpose or purposes.

**Engineer.** The City Engineer.

**Environmental Impact Worksheet, Assessment or Statement.** A document that may be required under Minnesota Statutes or this Ordinance to determine the environmental effects resulting from a ground disturbing, development, or construction activity.

**Equipment.** The implements used in an operation or activity.

**Erosion.** The process by which the land's surface is worn by action of wind, water, ice, or gravity.

**Essential Services.** Overhead or underground electrical, gas, steam or water transmission or distribution systems and structures or collection, communication, supply or disposal systems and structures used by public utilities or governmental departments or commissions or as are required for the protection of the public health, safety or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes and accessories in connection therewith but not including buildings. For the purpose of this Ordinance, commercial telecommunication service facilities shall not be considered public utility uses, and are defined separately.

**Excavation, Land.** Any man-made cut, cavity, trench, or depression in the earth's surface formed by earth removal.

**Exterior Storage.** The storage of goods, materials, equipment, manufactured products, and similar items not fully enclosed by a building.

## F

**Façade.** Any side of a building facing a public way or space and finished accordingly.

**Federal Emergency Management Agency (FEMA).** The federal agency that administers the National Flood Insurance Program.

**Fence.** A partition structure, wall or gate erected as a dividing marker, visual or physical barrier, or enclosure.

**Fill.** Any act, by which soil, earth, sand, gravel, rock, or any-similar material is deposited, placed, pushed, or transported and shall include the conditions resulting thereupon.

**Final Stabilization.** Means that all soil disturbing activities at the site have been completed, and that a uniform (evenly distributed, e.g., without large bare areas) perennial vegetative cover with a density of seventy-five (75) percent of the cover for unpaved areas and areas not covered by permanent structures has been established, or equivalent permanent stabilization measures have been employed. Simply sowing grass seed is not considered final stabilization. Where agricultural land is involved, such as when pipelines are built on crop or range land, final stabilization constitutes returning the land to its preconstruction agricultural use.

**Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land area caused by one of the following conditions:

- The overflow or rise of inland waters;
- The rapid accumulation or runoff of surface waters from any source;
- The inundation caused by waves or currents of water exceeding anticipated cyclical levels;
- The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a sever storm, or by an unanticipated force of nature.

**Flood Frequency.** The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.



**Flood Insurance Rate Map (FIRM).** A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can be amended by the Federal Emergency Management Agency.

**Floodplain.** The beds proper and the area adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

**Floor Area, Gross (GFA).** The sum of the gross horizontal areas of the floors of a building or buildings measured from the exterior faces of exterior walls or from the centerline of party walls separating two (2) buildings.

**Floor Plan, General.** A graphic representation of the anticipated use of the floor area within a building or structure.

**Footing.** A footing is that portion of the foundation of a structure which spreads and transmits loads directly to the soil or the piles.

**Footprint.** The area of the land covered by a building's foundation.

**Front Setback Line.** A line parallel to the front lot line which establishes the minimum front depth of the lot. The location of the front setback line shall be determined by this Ordinance.

**Frontage.** The width of a lot or building site measured on the line separating it from a public street or way.

**Funeral Home.** An establishment providing services involving the care, preparation, or disposition of deceased humans. This term includes, but is not limited to, a crematorium or a mortuary. This term does not include cemetery.

## G

**Garage, Private.** A detached accessory building or portion of the principal building, including a carport, which is used primarily for storing passenger vehicles and other personal property.

**Gardening.** Plantings on a parcel that are intended for the production of food for the primary occupants of the parcel. The term is intended to include a typical vegetable garden associated with a dwelling. This term does not include agriculture.

**Governing Body.** The City Council.

**Grade, Street.** The elevation of the established street in front of the building measured at the center of such front. Where no street grade has been established, the City Engineer shall establish such street grade or its equivalent for the purpose of this Ordinance.

**Growth.** Any object of natural growth, including trees, shrubs, or foliage, except farm crops that are cut at least once a year.

## H

**Hazardous Material.** A chemical or substance, or a mixture of chemicals or substances, which:

- Is regulated by the Federal Occupational Safety and Health Administration regulations; or

- Is either toxic or highly toxic materials, an irritant, corrosive, a strong oxidizer, a strong sensitizer, combustible, either flammable or extremely flammable, dangerously reactive, reproductive toxic agent, or that otherwise, according to generally accepted documented medical or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable accidental or intentional exposure to the chemical or substance.

**Home Occupation.** Any occupation which is clearly incidental to the principal use of the premises, is conducted by a resident occupant, and does not change the character of the principal use.

**Hospital.** A state-licensed institution providing primary health services and medical, psychiatric, or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other physical or mental conditions, and as an integral part of the institution, related accessory uses or facilities, including, but not limited to, laboratories, central service facilities for inpatient or outpatient treatment, as well as training, research and administrative services for patients and employees. Also included are health services and care, which are shared with other hospitals or other health care providers.

**Hot Tub.** See ‘Swimming Pool’.

**Hotel.** A building in which there are more than eight (8) sleeping rooms offered with or without meals for compensation and open to transient or permanent guests where no provision is made for cooking in any individual room or apartment.

## I

**Impervious Surface.** A constructed hard surface that either prevents or retards the entry of water into the soil, and causes water to run off the surface in greater quantities and at an increased rate of flow than existed prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.

**Improvement.** Any building, structure, place, work of art, or other object constituting a physical betterment of real property, or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs and the like.

**Industry.** An enterprise which involves the production, processing or storage of materials, goods or products.

**Infestation.** The presence of insects, rodents, vermin or other pests within or contiguous to a structure or premises.

**Infiltration.** The entry of precipitation or runoff into or through the soil.

**Infiltration System.** A device or practice such as a basin, trench, rain garden, or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of roof downspouts onto lawns, or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.

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

**Inoperative.** Incapable of movement under its own power.

**Institution.** A nonprofit organization of a public character, or a building occupied by such organization.

## K

**Kennel.** The keeping of five (5) or more regulated animals, or any combination thereof, on the same premises, whether owned by the same person or not and for whatever purpose kept, shall constitute a kennel.

**Key Map.** A map drawn to comparatively small scale which definitely shows the area proposed to be platted and the areas surrounding it to a given distance.

## L

**Laboratory.** A place devoted to experimental study such as testing and analyzing materials, not including manufacturing or packaging of such materials, except incidentally.

**Land.** The earth, water, and air above, below, or on the surface, and includes any improvements or structures regarded as land.

**Land Alteration.** The reclaiming of land by depositing, removing or moving material so as to alter the grade or topography.

**Landscaping.** Plantings intended to enhance the aesthetic and / or environmental qualities of a parcel.

**Loading Space.** A dust-free and durable, hard surfaced area of adequate size for delivery vehicles expected to be used, logically and conveniently located for bulk pickup and delivery, readily accessible when required parking spaces are filled, which shall be located totally outside of any street or alley right-of-way.

**Lot.** A portion of a subdivision or other parcel of land intended for building development or for transfer of ownership.

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

**Lot, Buildable.** A lot which meets or exceeds all requirements of this Ordinance without the necessity of variances.

**Lot, Corner.** A lot or lots within a plat and situated at the corners thereof so that they are bounded on 2 sides by streets. This term applies to any lot within the plat at street intersections and bounded on 2 sides by streets.

**Lot, Depth.** The mean horizontal distance between the front and rear lot lines. In order to allow flexibility in determining lot depth for parcels of unusual configuration, lot depth can be measured by averaging side property lines or by measuring a straight line extending from the front lot line to the rear lot line and passing through the building, subject to determination by the Zoning Administrator. On a corner lot, the side with the largest frontage is its depth, and the side with the lesser frontage is its width.

**Lot, Double Frontage.** Lots which have a front line abutting on one street and a back or rear line abutting on another street.

**Lot, Lines.** A lot line is the property line bounding a lot, except that where any portion of a lot extends into a public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line.

**Lot, Lines Related.**

- a. **Front Lot Line.** That boundary of a lot which abuts an existing or dedicated public street or a private road.
- b. **Rear Lot Line.** That boundary of a lot which is opposite to the front lot line.
- c. **Side Lot Line.** Any boundary of a lot which is not a front lot line or a rear lot line.
- d. **Corner Side Lot Line.** That boundary of a corner lot which abuts the secondary existing or dedicated public street or private road.

**Lot, Width.** The shortest distance between lot lines measured at the front building line.

**Lot of Record.** A lot which is a part of a subdivision, the map of which has been recorded in the office of the Registrar of Deeds or County Recorder's office, or a lot described by metes and bounds, the deed to which has been recorded in the office of the Registrar of Deeds or the County Recorder's office at the time of this Ordinance is passed.

**Lowest Floor.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor.

**M**

**Machinery.** Machines in general or as a functioning unit; a mechanically, electrically, or electronically operated device for performing a task.

**Manufactured Home.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."

**Material, Durable and Dustless (pertaining to ground surfacing).** A hard-surfaced material such as concrete or asphalt but not including gravel or crushed rock.

**Metes and Bounds Description.** A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by described lines or portions thereof.

**Minor Street.** A street of limited continuity used primarily for access to the abutting properties and local needs of the neighborhood.

**Model Home.** A model home is a dwelling manufactured, prefabricated, or otherwise erected or installed upon a parcel for purposes of temporarily exhibiting the same as a sample, rather than for occupancy as a residence.

**Motel.** A building or group of buildings owned and used as a unit to furnish overnight, transient living accommodations.

**Motor Vehicle.** Every vehicle which is self-propelled not including a vehicle moved solely by human power.

**N**

**Natural Water Way.** Any natural passageway in the surface of the earth so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area. The term also means to include any and all drainage structures that have been constructed or placed for the purpose of conducting water from one place to another.

**Nonconforming Building or Structure.** Any building or structure lawfully existing at the time of the approval of this Ordinance or any amendment to it, rendering such nonconforming, which:

- a. does not comply with all of the regulations of this Ordinance, or any amendment hereto, governing building height and yard requirements for the zoning district in which such building or structure is located; or
- b. is designed or intended for a use neither permitted nor conditionally permitted in the zoning district in which it is located.

**Nonconforming Lot of Record.** An unimproved lot which was legally recorded on or before the effective date of this Ordinance which does not comply with the lot size requirements for any permitted use in the district in which it is located.

**Nonconforming Use.** Any building or land lawfully occupied by a use at the time of the approval of this Ordinance, or any amendment hereto, governing use for the zoning district in which such use is located.

**Non-Riparian Lot.** A lot of record that does not abut a public water.

**Nursing Home.** An establishment licensed by the State having accommodations for the continuous care of two (2) or more invalid, infirmed, aged, convalescent patients or physically disabled persons that are not related, excluding hospitals, clinics, sanitariums or similar institutions.

**O**

**Occupant.** Any person over one year of age, living, sleeping, cooking or eating in or having actual possession of a dwelling unit or rooming unit

**Office.** Use of a building for government, business, professional, or administrative office. A general office is characterized by a relatively low proportion of vehicles trips attributable to visitors or clients in relationship to employees. Examples include, but are not limited to, offices of firms or organizations providing professional services, such as accounting, insurance, architectural, and legal. This term does not include a bank or other financial institution or the office of a physician, dentist, optometrist, chiropractor, and similar professions.

**Official Zoning Map.** A map adopted in accordance with the provisions of *Minnesota State Statute 394.361*.

**Off-Street Parking.** The parking of vehicles on a parcel, as opposed to a street right-of-way.

**On-Street Parking.** The parking of vehicles on a street right-of-way, as opposed to a parcel.

**Open Space, Private or Public.** Private or public land or water, or a combination of land and water, that is free of development, including agriculture uses. This term includes wildlife areas and conservation areas, but it does not include public parks or commercial outdoor recreation facilities.

**Operator.** Any person having charge, care, management or control of any dwelling or part of it, in which dwelling units or rooming units are let.

**Outlot.** A portion of a platted subdivision or other parcel of land not intended by its owner for immediate building development or dedication or land for purposes other than development.

**Owner.** Owner or his or her duly authorized agent or attorney in fact, a purchaser, devisee, fiduciary and a person having vested interest in the property in question.

## P

**Parcel.** See 'Lot'.

**Park.** Public or private land, including accessory structures, used primarily for outdoor recreation or for the enjoyment of open space. This term does not include a community center, museum, commercial outdoor recreation facility, commercial indoor recreation facility, or similar use.

**Parking Lot.** A parcel of land containing five (5) or more unenclosed parking spaces.

**Parking Space.** An area of definite length and width designed for parking of motor vehicles exclusive of drives, aisles or entrances and readily accessible to a public street or alley.

**Patio.** An unenclosed, level, landscaped and/or surfaced area built at ground level and attached or functionally related to a dwelling unit.

**Pedestrian Way.** A public right-of-way across a block or providing access within a block, to be used by pedestrians and for the installation of utility lines

**Pedestrian Way.** A public or private right-of-way across or within a block or tract to be used by pedestrians.

**Performance Standards.** A minimum criterion established to control the environmental effects generated by or inherent in uses of land or buildings.

**Permit.** A written authorization made by the approval authority to the applicant to conduct an activity for which a permit is required.

**Person.** An individual, firm, partnership, association, corporation or joint venture or organization of any kind.

**Personal Wireless Service.** Licensed commercial wireless communication service, including cellular, personal communication services (PCS), enhanced specialized mobilized radio (EMR), paging, and similar services.

**Pervious Surface.** An area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests, or other similar vegetated areas are examples of surfaces that typically are pervious.

**Planned Unit Development.** A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels and conversions of structures and land uses to these uses.

**Planning Commission.** The duly appointed Planning Commission of the City of Litchfield.

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

**Pollutant.** As it relates to storm water and erosion control, any dredged soil, solid waste, incinerator, residue, sewage, garbage, refuse, oil, sludge, munitions, chemical wastes, biological materials, radioactive substances, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural wastes discharged into water.

**Pollution.** As it relates to storm water and erosion control, human made or human induced alteration of chemical, physical, and biological, or radiological integrity of water.

**Porch.** A structure that is designed for home occupancy that includes a floor and roof, and may include walls, but is not designed for winter use. A porch may be attached or detached. A detached porch (for example, a gazebo) is classified as an accessory structure.

**Practical Difficulties.** Practical difficulties as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.

**Pre-Development Condition.** The extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.

**Premises.** A platted lot or part thereof or unplatted parcel of land, either occupied or unoccupied by any dwelling or non-dwelling structure, including such building, accessory structure or other structure thereon.

**Principal Use.** The purpose for which land or a building or structure thereon is designed, arranged, intended or maintained, or for which it is or may be used or occupied.

**Principal Building.** A building in which the principal use is conducted.

**Private Club or Lodge.** A building and related facilities owned or operated by a corporation, association or group of persons for social education or recreational purposes of members regularly paying dues, but not primarily for profit or to render a service which is customarily carried on as a business.

**Private Street.** A street serving as vehicular access to two (2) or more parcels of land which is not dedicated to the public but is owned by one or more private parties.

**Professional Consultants.** The City's planning, engineering, inspection, legal and any other paid consultants retained by the City.

**Public Land.** Land owned and / or operated by a governmental unit, including school districts.

**Public Park.** Land owned or leased by a government entity for the purpose of providing public recreation and /or open space.

**Public Waters.** Any waters as defined in M.S. § 103G.005, subd. 15 and 18, as they may be amended from time to time.

**Public Way.** All or any part of a road, street, land, or paved alley.

## R

**Recreational Vehicle.** A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this Ordinance, the term recreational vehicle shall be synonymous with the term travel trailer/travel vehicle.

**Refuse.** All putrescible and nonputrescible waste, decomposed matter, and solids including garbage and rubbish.

**Regulation.** An authoritative rule dealing with details or procedure.

**Religious Institution.** A facility where people regularly assemble for religious worship and any incidental religious education, which is maintained and controlled by a religious body organized to sustain public worship. This term does not include an elementary or secondary school, a specialty or personal instruction school, or a college. This term is also known as a place of worship.

**Repair.** To restore to a sound and acceptable state of operation, serviceability, or appearance.

**Repair Shops.** Establishments engaged in miscellaneous repair of household items and smaller business equipment for the general public and business.

**Restaurant, Drive-In.** A retail outlet where food or beverages are sold to substantial extent for consumption in parked motor vehicles.

**Restaurant, Fast Food or Carry-Out.** A restaurant, other than a sit-down restaurant, where the establishment offers quick food, which is accomplished through limited menu of items already prepared and held for service, or prepared quickly. Orders are generally not taken at a



customer's table and food is generally served in disposable wrapping and containers. Food and beverages may be taken off premises for consumption. This term does not automatically include nor preclude the use of a drive-through window. Refer to the district provisions for information on drive-through windows.

**Restaurant, Sit Down.** A restaurant where food and beverage orders are generally taken at tables and food and beverages are consumed at tables located on the premises, where taking food or beverages from the premises is purely incidental, where food or beverages are normally served using non-disposable containers and utensils, and where the consumption of food or beverages in vehicles on the premises in which the building is located does not regularly occur. This term does not automatically include nor preclude the use of the drive-through window. Refer to the district provisions for information on drive-through windows. This term does not include a tavern.

**Retail.** Sale to the ultimate customer for direct consumption and not for resale.

**RFI.** Radio frequency interference.

**RFR.** Radio frequency radiation.

**Right-of-Way, Public.** An area owned and maintained by government jurisdiction, for public use.

**Riparian Lot.** A lot of record that abuts a public water that is subject to the City of Litchfield's Shoreland Management regulations.

**Roadway.** The paved portion of the street available for vehicular traffic.

**Rooming House.** Any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to 3 or more persons who are not husband and wife, son or daughter, mother or father, or sister or brother of the owner or operator.

**Rooming Unit.** A room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking purposes, along with private or shared sanitation facilities

**Runoff.** Storm water or precipitation, including rain, snow or ice melt, or similar water that moves on the land surface via sheet or channelized flow.

## S

**School – Elementary, Middle, High.** A public, parochial, or private school that provides an educational program for one (1) or more grades between kindergarten and grade twelve (12), inclusive, and which is commonly known as an elementary school, grade school, middle school, junior high school and senior high school.

**School, Specialty or Personal Instruction.** A business, professional, or other specialty school. This term includes, but is not limited to, a school offering instruction in music, art, dance, martial arts, computer use or programming, and cosmetology.

**Screening.** Includes earth mounds, berms, or ground forms, fences and walls, or landscaping (plant materials) or landscaped fixtures (such as timbers) used in combination or singularly so as to block direct visual access to an object throughout the year.

**Sediment.** Settleable solid materials that are transported by runoff, suspended within runoff or deposited by runoff away from its original location.

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

**Shoreland.** Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater.

**Sign.** A structure or device designed or intended to convey information to the public in written or pictorial form.

**Site.** The entire area included in the legal description of the land on which the activity is proposed or being conducted.

**Slope.** An incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude. (Example: 3:1 slope is 3 feet horizontal and 1 foot vertical.)

**Smoke.** Small gas-borne particles other than water that form a visible plume in the air.

**Standard.** Something set up and established by authority as a rule for the measure of quantity, weight, extent, value or quality.

**Standard, Performance.** A criterion established in the interest of protecting the public health and safety for the control of noise, odor, smoke, noxious gases, and other objectionable or dangerous elements generated by the inherent in or incidental to land use.

**State.** The State of Minnesota.

**Stop Work Order.** An order issued by the Building Inspector or other Authorized Agent that requires all construction activity on the site to be stopped.

**Storm Water Management Plan.** A comprehensive plan designed to reduce the discharge of pollutants from storm water after the site has undergone final stabilization following completion of the construction activity.

**Story.** That portion of a building included between the surface of any floor and the surface of the floor next above it or if there be no floor above it, the space between such floor and the ceiling next above it.

**Street.** A public or private right-of-way to abutting properties, whether designated as a street, avenue, highway, road, boulevard and/or however designated, which affords primary access by pedestrians and vehicles.

**Street Width.** The shortest distance between the lines delineating the right-of-way of a street.

**Structure.** Any building or appurtenance, including decks and patios, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles and other supporting facilities

**Structural Alteration.** Any change, other than incidental repairs, which would affect the supporting members of a building such as bearing walls or partitions, columns, beams or girders, foundations, or any substantial changes in the roof.

**Subdivider.** Any person, corporation, partnership, association, individual, firm, trust, or agent dividing or proposing to divide land.

**Subdivision.** Land that is divided for the purpose of sale, rent or lease, including planned unit developments.

**Supplied.** Installed, furnished or provided by the owner or operator at his or her expense.

**Surveyor.** A land surveyor registered under Minnesota State Laws.

**Swimming Pool.** A swimming pool is any basin or tank, above ground level or below ground level, containing an artificial body of water sufficiently deep for swimming.

## T

**Tavern.** An establishment providing alcohol beverages by the drink to the public, where food or packaged alcohol beverages may be served or sold only as accessory to the primary use. This term does not include an assembly hall or recreation facility.

**Terrace.** A level plane or surfaced patio, directly adjacent to the principal building on the surface of the land or on the roof of a building.

**Theater.** An establishment for presenting motion pictures or live performances for observation by patrons. This term includes a movie theater, an outdoor stage, band shell, or amphitheater, but does not include an adult entertainment establishment.

**Thoroughfare.** Shall be considered the same as an arterial street or highway.

**Tower.** Any ground or mounted pole, spire, steeple, structure, or combination thereof taller than fifteen (15') feet, including supporting lines, cables, wires, braces and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

**Tower, Multi-User.** A tower to which is attached the antennas of more than one commercial wireless telecommunication service provider or governmental entity.

**Tower, Single-User.** A tower to which is attached only the antennas of a single user, although the tower may be designed to accommodate the antennas of multiple users as required in this Ordinance.

**Townhouse.** A group of attached single-family dwelling units on a common lot.

## U

**Underlying Zone.** The zoning district classification within an overlay district determining requirements including, but not limited to permitted, conditional and prohibited uses.

**Use.** The purpose or activity, for which the land or building thereon is designated, arranged or intended, or for which it is occupied, utilized or maintained.

**Use, Accessory.** A use subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.

**Use, Permitted.** A use which conforms with the purpose and objectives of a particular District and conforms with all requirements, regulations and performance standards.

**Use, Principal.** The main use of land or buildings for an activity which is an allowable use of the Zoning District in which the land or buildings are located.

**V**

**Variance.** A variance is a modification or variation of the provisions of this Ordinance where it is determined that by reason of special and unusual circumstances relating to a specific lot, that strict application of the Ordinance would cause practical difficulties, or that strict conformity with the provisions of this Ordinance would be unreasonable, impractical or unfeasible under the circumstances.

**Vegetation, Natural.** Plant life which is native to the location and which would normally grow if the ground were left undisturbed.

**Vehicle.** A machine propelled by power, other than human power and designed to travel along the ground, air or water by use of wheels, treads, runners, or slides and used to transport persons or property or to pull machinery, including, without limitation because of enumeration, automobiles, trucks, trailers, motor homes, motorcycles, tractors, buggies, wagons, boats and aircraft.

**Ventilation.** The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, and space.

**Veterinary Clinic.** An establishment providing medical and surgical treatment of household animals including dogs, cats, birds, and similar animals. Large farm animals including cattle, horses, hogs, and similar animals shall not be treated at a small animal veterinary clinic. This term includes grooming and boarding for not more than thirty (30) days (if incidental to the medical care) and an animal crematorium.

**Visual Screen.** A permanent fence or wall that permits no view into the area to be screened; or plantings or vegetation that permit no view into the area to be screened and that admit a maximum penetration of light through no more than an evenly distributed twenty-five percent (25%) of their vertical surface during any season of the year.

**W**

**Warehouse, General.** A building used primarily for the storage of goods and materials. This term does not include Self-Storage Mini-Warehouses.

**Wetland.** Includes the following types of wetlands: fens, sedge meadows, bogs, low prairies, conifer swamps, shrub swamps, other forested wetlands, fresh wet meadows, shallow marshes, deep marshes, and seasonally flooded basins. Wetlands also includes degraded wetlands that are dominated by invasive species, such as reed canary grass.

**Y**

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

**Yard, Corner Side Yard.** The yard extending from the front yard to the rear yard and lying between an open public right-of-way and the principle structure.

**Yard, Front.** A yard extending across the entire front of the lot and measured between the front line of the lot and the front line of the building, or any projection thereof other than steps, balconies, paved terraces, porches or bay windows.

**Yard, Open.** A yard in addition to front, side, and rear setbacks, in which no structure, driveway, or parking space shall be located.

**Yard, Rear.** A yard extending across the entire rear of a lot and measured between the rear lot line and the rear of the building, or any projection thereof other than steps, balconies, paved terraces, porches or bay windows. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

**Yard, Side.** A yard between the building and the side line of the lot extending from the front yard to the rear yard and measured between the sideline of the lot and the side of the building, or any projection thereof other than steps, balconies, paved terraces, porches or bay windows.

## Z

**Zoning Administrator.** The person designated by the City Administrator to administer the requirements of the Zoning Code.

**Zoning District.** An area or areas for which the regulations and requirements governing land use are uniform.

**Zoning Map.** The map or maps incorporated into this Ordinance as a part thereof designating the City's Zoning Districts.

**Zoning Permit.** A permit indicating that a proposed development will meet the applicable provisions of the Litchfield Zoning Ordinance if the proposed development proceeds in accordance with the approved plan.

## **8.0 NONCONFORMITITES**

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

## **8.2 NONCONFORMING LOTS OF RECORD OR SUBSTANDARD LOTS**

- A. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of the adoption or amendment of this Ordinance, subject to the limitations imposed by other provisions of this Ordinance.
1. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership.
  2. This provision shall apply even though such lot fails to meet the requirements for area or width or both that are generally applicable in the district. However, yard dimensions and other requirements not involving area or width or both of the lot shall conform to the regulations for the district in which such lot is located.
  3. Variance of area, width and yard requirements shall be obtained only through action of the Planning Commission.
- B. If two or more lots or combination of lots and proportions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the land involved shall be considered to be an undivided parcel for the purpose of this Ordinance.
1. No portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves a remaining lot with width or area below the requirements stated in this Ordinance.

## **8.3 NONCONFORMING USES OF LAND**

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

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

#### **8.4 NONCONFORMING STRUCTURES**

- A. Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful subject to the following provisions:
  1. No such structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
  2. Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its current market value it shall not be reconstructed except in conformity with the provisions of this Ordinance. If less than fifty (50) percent is damaged, it may be restored, reconstructed or used as before, provided that it is done within twelve (12) months of such happening and that it be built of like or similar materials, or the architectural design and building materials are approved by the City Council after recommendations from the Planning Commission and appropriate officials.
  3. If the nonconforming structure is moved to another lot, it shall thereafter conform to the regulations for the district to which it is moved.
  4. Any nonconforming structure or portion of a structure containing a nonconforming use may be maintained and improved by ordinary repairs or by repair or replacement of non-bearing walls, fixtures, wiring or plumbing if the area when it became nonconforming is not increased. This Ordinance does not prevent the strengthening or restoring of any structure or part declared to be unsafe by order of an official charged with protecting the public safety.

## **8.5 NONCONFORMING USES OF STRUCTURES**

- A. If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:
1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it exists.
  2. Any nonconforming use may be extended throughout any part of the building which was originally arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
  3. If no structural alterations are made, any nonconforming use of a structure and/or premises in combination may be changed to another nonconforming use provided that the Planning Commission, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Planning Commission may require appropriate conditions and safeguards in accordance with the provisions of this Ordinance.
  4. Any structure or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall conform to the regulations for the district in which such structure is located and the nonconforming use may not be resumed.
  5. When a nonconforming use of a structure or structure and premises in combination is discontinued for twelve (12) months, the structure and/or structure and premises shall not be used except in conformity with the regulations of the district in which it is located.
  6. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage of any kind of more than sixty (60) percent, exclusive of the foundation, of its appraised value at the time of destruction.

**8.6 CONDITIONAL USES AND NONCONFORMITIES.** Any use for which a conditional use is permitted as provided in this Ordinance shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district. This statement does not apply to changes as allowed by City Council action from a nonconforming use to another use not generally permitted in the district.



**8.7 NONCONFORMITIES CREATED BY AMENDMENT**

- A. When a nonconformity in a structure or the use of land or a structure created by an amendment to this Ordinance, the rights granted by this section to continuance of nonconformities existing prior to the date of the amendment.
- B. The above provisions shall apply to buildings, land and uses which may become nonconforming due to classification or Reclassification of districts under this Ordinance.

## 9.0 APPLICATIONS

**A. Types of Development Reviews and Approvals.** There shall be the following three (3) types of reviews and approvals associated with development in the City of Litchfield.

1. **Public Hearing.** Development or actions that require special opportunities for broad public input require a public hearing pursuant to *Subdivision 9.0, C: Procedures for Public Hearing and Noticing Requirements*.
2. **Informational Meetings.** Development that requires action by an elected or appointed body, but does not require a public hearing, shall require a public information meeting, held at the Planning Commission and/or City Council.
3. **Administrative Review and Approval.** Development or action that does not require public review, but is administratively reviewed and approved by staff.

### **B. Development Review Elements and Procedures.**

1. **Pre-Application Meeting.** Prior to the submission of an application as required by this Ordinance, a pre-application meeting is encouraged by the Zoning Administrator or other Authorized Agent as follows:
  - a. **Purpose of the meeting.** A pre-application meeting is a meeting between a potential applicant and the Zoning Administrator or other Authorized Agent(s) of the City. Where beneficial / appropriate, other review bodies may also be included in a preapplication meeting. The meeting is an opportunity for the applicant(s) to describe what application is being considered, and for the Zoning Administrator, review body, or other Authorized Agent, to indicate which application is appropriate and what criteria will be used to determine whether the application should be approved.
  - b. **Meeting format.** Unless otherwise specified in this Ordinance, there is not a required format for a pre-application meeting.
  - c. **Combined meetings.** Pre-application meetings may be combined when an applicant anticipates making simultaneous applications for the same project.
  - d. **No approval action.** Participation in a pre-application meeting does not imply or assume subsequent approval, approval with conditions, or denial of an application.
2. **Application Forms and Fees.**
  - a. **Forms.** Applications shall be submitted on forms, with any requested information and attachments, and in such numbers as required by the City. The Zoning Administrator or other Authorized Agent of the City shall have the authority to request any other pertinent information required to ensure compliance with this Ordinance.
  - b. **Application fees.** Fees for those applications required by this Ordinance shall be in accordance with the City's current fee schedule, which the City Council may update from time to time. The fees are intended to cover the City's actual costs in processing the application, publishing notices, and

mailing notices regarding the application. The fee is payable at the time the applicant files a petition.

- c. **Escrow funds.** Escrow funds may be required to be used to pay any and all out-of-pocket expenses the City incurs in employing Professional Consultants who review and process the applicant's petition or petitions. The applicant must pay any and all outstanding out-of-pocket expenses in excess of deposits of the initial escrow funds and the additional escrow funds within thirty (30) days of the applicant's receipt of billings from the City. The applicant is responsible for all out-of-pocket expenses the City incurs. The City will return to the applicant any amount of initial escrow funds / additional escrow funds remaining after the City's final billing of its out-of-pocket expenses.
3. **Application Deadline.** All applications shall be completed and submitted to the Zoning Administrator or other Authorized Agent thirty (30) days prior to the next regular meeting of the Planning Commission, unless otherwise determined by the Zoning Administrator or other Authorized Agent.
4. **Application Completeness.**
  - a. **Completeness requirements.** An application shall be considered submitted only after the Zoning Administrator or other Authorized Agent has determined it is complete, it is in the required form, it includes all mandatory information, and it is accompanied by the applicable fee.
  - b. **Completeness review period.** A determination of application completeness shall be made by the Zoning Administrator or other Authorized Agent within fifteen (15) working days of the City's receipt of the application.
  - c. **Incomplete application.** If the application is determined to be incomplete, the Zoning Administrator or other Authorized Agent shall provide written notice to the applicant along with an explanation of the deficiencies associated with the application. No further processing of the application shall occur until the deficiencies are corrected.
5. **Limit of Time Relating to Final Action.** Upon the receipt of a complete application, the City and the applicable review authorities shall review the application and take final action on the application in a timely manner consistent with Minnesota Statutes. The allowable time to take final action on an application is specified in the review procedures of the application. However, the allowable time to take final action may be extended in writing by mutual acceptance of the approval authority and the applicant.
6. **Limit on Reapplication.** If any application is denied by the approval authority as specified in this Ordinance, another application or petition for the same permit, approval, or amendment for the same property (or any portion thereof) may not be filed within a period of ninety (90) days from the date of final denial, unless allowed by the appropriate approval body and based on the demonstration of any of the following conditions:

- a. **Change in circumstances.** There is substantial change in circumstances relevant to the issues and / or facts considered during the review of the application that might reasonably affect the approval body's application of the relevant standards to the development proposed in the application; or
  - b. **New information.** New or additional information is available that was not available at the time of the review that might reasonably affect the approval body's application of the relevant review standards to the development proposed; or
  - c. **Significant difference.** A new application is proposed to be submitted that is significantly different from the prior application; or
  - d. **Mistake made.** The final decision on the application was based on a mistake of fact.
7. **Review and Approval Criteria.** In reviewing and taking final action on an application or required permit, the review and approval authorities shall consider all approval criteria as specified in this Ordinance and shall consider all pertinent facts, public comments, and consistency with all applicable laws.
- C. **Procedures for Public Hearing and Noticing Requirements.** The procedures for holding a public hearing whenever such is required under the provisions of this Ordinance shall be as follows:
- 1. **Setting of Hearings.** For all requests brought before the Planning Commission for which a public hearing is required by this Ordinance, the Planning Commission shall select a reasonable time and place for the public hearing on the request.
  - 2. **Notice of Hearings.** After receipt of a completed application, a date must be set for a public hearing before the Planning Commission. Not less than ten (10) days before the public hearing, the city must publish notice in the official newspaper and send notice by mail to the applicant and to the owners of all properties located wholly or partially within three hundred – fifty (350) feet, as reflected in the certified records of the Meeker County auditor. Such notice shall be sent by the Office of the Zoning Administrator. Such notice shall include the date, time and place of the public hearing, a description of the contents of the request to be heard, and the address or location of the property to which the request applies.

A copy of the list of owners and addresses to which the notice was sent shall be attested to by the Zoning Administrator, and shall be made a part of the records of the proceedings. The failure to give written notice shall not invalidate the proceedings, provided a bonafide attempt to comply with the requirements has been made.

- 3. **Conduct of Hearings.** Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney.
- 4. **Administrative Procedures and Recordings at Public Hearings.** The body responsible for the hearing shall designate one (1) person to record all pertinent data and comments at the hearing for later preparation of a written public record. Such written record shall be filed with the Assistant City Administrator within a reasonable period of time, but in no event later than thirty (30) days from the date of the hearing.

The hearing shall be conducted in an orderly manner according to rules of procedure established or accepted by the City. The Chair or acting Chair of the responsible body shall conduct the hearing and shall require that all participants furnish name, address and position of interest prior to comment on the subject under consideration during such hearing.

5. **Continuance; Determination.** The responsible body may close the hearing or schedule a date, time and place for a continuance of the same, subject to the requirements of the matter under consideration. Following closure, the responsible body shall meet to make the appropriate determination which shall be prepared and filed as written public record in the office of the Assistant City Administrator.

## 9.1 ZONING PERMIT

Permits are required to ensure conformance with the Zoning Ordinance. A zoning permit is required for items such as fences, accessory structures up to two hundred (200) square feet, detached decks and the like. These permits are reviewed by the Zoning Administrator or other Authorized Agent.

- A. **Permit Required.** Unless and until a zoning permit shall first have been obtained from the Zoning Administrator, the construction, reconstruction, or moving of any structure requiring a zoning permit shall not be commenced.
- B. **Application for Zoning Permit.** Any application for a zoning permit where required by the City, which contains the information required by this Subdivision shall be deemed to be an application for a Zoning Permit.
  1. **Application.** Every application for a zoning permit shall contain at least the following information and shall be accompanied by at least the following documents, unless any specifically required information or document is waived in by the Zoning Administrator as not relevant or necessary to determine that all provision of this Ordinance have been met in a particular case:
    - a. Completed Zoning Permit application form
    - b. A site plan or survey indicating location, size and placement of proposed structures, parking and loading facilities, vehicular access and egress, or pedestrian walkways.
    - c. Exterior elevation drawings of the proposed structure which accurately indicate the height, size, design, and appearance of all elevations of the proposed structure, and a description of the construction and materials to be used.
- C. **Period of Validity.**
  1. The work for which a zoning permit is issued shall commence within one hundred – eighty (180) days after the date thereof unless an extension request has been submitted and approved by the Building Official or other Authorized Agent. The work shall be completed within twelve (12) months from the date of permit issuance, unless a request for an extension has been submitted and approved by the Zoning Administrator.
  2. A zoning permit shall become null and void twelve (12) months after the date on which it was issued unless within such period construction, reconstruction, remodeling or moving of a structure is commenced or a use is commenced, or unless an request for an extension has been submitted and approved by the Building Inspector or other Authorized Agent.
- D. **Zoning Permit Appealed.** In the event that the Zoning Administrator or other Authorized Agent denies a zoning permit application, the applicant may choose to appeal the denial decision to the City Council, acting as the Board of Adjustments and Appeals. Such appeal must be made in writing to the Zoning Administrator within ten (10) days of the denial and shall be subject to *Subdivision 9.10: Appeal of an Administrative Decision*.

## 9.2 BUILDING PERMIT

Permits are required to ensure conformance with the Zoning Ordinance and / or the Building Code. All building permits require review and approval of a permit from the Building Official and, if applicable, the Zoning Administrator. A building permit is required for items such as new residential dwellings, commercial, industrial, and public buildings, accessory buildings over two hundred (200) square feet, and the like.

**A. Permit Required.** Unless and until a building permit shall first have been obtained from the Building Official or other Authorized Agent:

1. The construction, reconstruction, major remodeling affecting use of the structure, or moving of any structure shall not be commenced;
2. The improvement of land preliminary to any use of such land shall not be commenced; and
3. Building or other permits pertaining to any use of such land shall not be commenced.

**B. Application for Building Permit.** Any application for a building permit where required by the City, which contains the information required by this Subdivision shall be deemed to be an application for a Building Permit.

1. **Application.** Every application for a building permit shall include the following information and shall be accompanied by at least the following documents unless any specifically required information or document is waived by the Zoning Administrator or other Authorized Agent as not necessary:
  - a. Boundary survey or site plan showing existing property lines and dimensions, platting and easements, buildings, street and railroad rights – of – way, utilities, topography, waterways, and ownership of all parcels.
  - b. A site plan indicating location, size, and placement of proposed structures and yards, parking and loading facilities, vehicular access and egress, pedestrian walkways, landscaping, free – standing signs, utilities, grading and drainage.
  - c. Exterior elevation drawings of the proposed structure which accurately indicates the height, size, design, and appearance of all elevations of the proposed structure and a description of the construction and materials to be used.
  - d. Complete construction plans prepared by a registered architect or engineer as required by State law, including footing plan, framing detail cross section, floor plans and elevations.
2. **Denial of a Building Permit.** The Building Official may refuse to issue a permit for any of the following:
  - a. The construction of any building which construction or necessary grading incidental thereto obstructs any natural waterway, unless provisions have been made to leave such natural waterway open in a manner satisfactory to the Building Inspector.

- b. The construction of a dwelling unit upon ground which, according to the information furnished, is too low for property drainage, or otherwise deemed unsuitable for building through provisions of this Ordinance.
- c. The construction of any residential dwelling located on a lot that does not have frontage on an improved public street, as improvement is defined by *Minnesota State Statute 429.021*.

**C. Period of Validity.**

1. The work for which a building permit is issued shall commence within one hundred – eighty (180) days after the date thereof unless a request for extension has been submitted and approved by the Building Official or other Authorized Agent. The work shall be completed within twelve (12) months from the date of permit issuance, unless a request for an extension has been submitted and approved by the Building Official or other Authorized Agent.
2. A building permit shall become null and void twelve (12) months after the date on which it was issued unless within such period construction, reconstruction, remodeling or moving of a structure is commenced or a use is commenced, or unless a request for an extension has been submitted and approved by the Building Inspector or other Authorized Agent.

**D. Building Permit Appealed.** In the event that the Zoning Administrator or other Authorized Agent denies a building permit application, the applicant may choose to appeal the denial decision to the City Council, acting as the Board of Adjustments and Appeals. Such appeal must be made in writing to the Zoning Administrator within ten (10) days of the denial and shall be subject to *Subdivision 9.10: Appeal of an Administrative Decision*.

**9.3 SIGN PERMIT**

**A. Applicability.** It shall be unlawful for any person to erect, construct, enlarge, relocate, or structurally modify a sign or cause the same to be done in the City of Litchfield without first obtaining a sign permit for each such sign pursuant to this Subdivision and *Subdivision 11.10 Signs*, unless otherwise stated in this Ordinance.

**B. Review Process.**

1. **Application Submittal.** A complete application shall be submitted to the Zoning Administrator or other Authorized Agent pursuant to *Subdivision 9.0, B (2): Application Forms and Fees*. The application shall contain the following information:
  - a. The name, address and telephone number of the applicant, the business name where the sign is or shall be located, and the location of the proposed sign.
  - b. The zoning district in which the sign will be installed.
  - c. Clear and legible sign drawing showing the construction, size, dimensions, materials to be used, and the location of the proposed sign and any existing signs on the premises.



- d. Type of sign (wall, pole, monument, etc.) If a wall sign, include a schematic of the frontage of the building on which wall signs will be installed including linear footage of the wall frontage.
- e. Signature of the applicant.
- f. Such other information as the Zoning Administrator other Authorized Agent may require to show full compliance with the provisions of this Ordinance.
- g. Payment of all required fees.

2. **Staff Review.** The Zoning Administrator or other Authorized Agent shall complete the following tasks:

- a. Determine if the application is complete pursuant to *Subdivision 9.0, B (4): Application Completeness*; and
- b. Review the application, considering the criteria for approval, and submit the application to other City Staff for their review and comment as necessary or desired.

C. **Approval Criteria.** The Zoning Administrator or other Authorized Agent shall issue a sign permit when the permit application is properly made, all appropriate fees have been paid and the sign complies with the application provisions of this Ordinance.

D. **Period of Validity.** Any sign for which a permit is issued shall be erected in place within six (6) months from the date of permit issuance, unless a request for an extension has been submitted and approved by the Zoning Administrator or other Authorized Agent. Failure to erect the approved sign within six (6) months or receive approval of a submitted request for extension will result in the permit automatically becoming void and a new permit must be applied for pursuant to the provisions of this Ordinance.

## 9.4 SITE PLAN REVIEW

**A. Applicability.** All planned buildings and/or structures or uses of land unless exempted, whether they be new, substantially changed, converted or reconstructed, must secure approval of a site plan from the Zoning Administrator and/or the Planning Commission and City Council. No permit shall be issued prior to approval of the site plan. The site plan may be required to be drawn by an architect or engineer.

1. **Exempt Uses** The following may, with approval from the Zoning Administrator, be determined to be an exempt use and shall not have to comply with the site plan requirements described herein:

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

2. **Review Body**

a. A site plan for minor projects shall be reviewed and approved administratively by the Zoning Administrator. A minor project shall be defined as:

- 1) Building projects that comprise of up to thirty percent (30%) building footprint expansion and / or up to fifty percent (50%) increase in the assessed value of the structure as determined by the Meeker County Assessor.
- 2) Plantings, landscaping or other site work that does not involve grading or require additional impervious surface coverage. (Example: the planting of trees, shrubs, sod and the like, or refinishing / resurfacing of an existing parking lot that does not involve grading or increased impervious surface coverage).

b. All other projects shall be considered major projects and shall be subject to review and approval by the Planning Commission and City Council.

**B. Submittal Requirements.** The following elements shall be submitted for site plan review. These items may be modified by the Zoning Administrator. Additional information may be required by the Planning Commission and/or City Council.

1. Name and address of the developer and property owner.
2. Certificate of Survey
3. Proof of ownership or authorization
4. Existing conditions: topography at two (2) foot contours, area of land in square feet, significant woodlands, wetlands and waterbodies, existing structures and easements
5. Proposed grading and drainage;
6. Proposed location and dimensions of all proposed structures, public and private streets or drives, and exterior parking and drive areas and walkways;
7. Location and use of all buildings and adjacent lands that are within fifty (50) feet of the property line in question.

8. Drainage design for roof areas, parking lots and driveways showing area for or method of disposal of surface run-off waters.
9. Existing and proposed street curb cut radii and curb cut width.
10. Limits and location of proposed or existing streets, cart ways, curbs, sidewalks, easements and rights-of-way.
11. Location, size and elevation of proposed or existing sanitary sewerage facilities, storm sewers, catch basins and drywells.
12. Location and approximate diameter of proposed or existing trees and other woody stemmed plantings together with the common names of the plantings.
13. Limits and location of plantings or physical structures designed for screening.
14. Limits, location and size of retaining walls and the type of material to be used in construction.
15. Limits and location of parking lots, driveways, parking bays, outside storage, garbage areas, loading and unloading areas and surfacing and screening thereof.
16. Directions of vehicular traffic flow to, from and within the area, together with traffic control signs and markings.
17. Locations, height, candle power and type of all outside lighting including street lighting and sign lighting.
18. Proposed signage.
19. Location of underground utilities, e.g. city water, natural gas, electrical, phone and cable.
20. Such other or different information as may be required by the design standards set forth hereinafter or as required elsewhere in this Ordinance.

**C. Criteria for Approval.** The review body shall approve the site plan if it finds that the plan meets the following standards.

1. Consistency with the City's adopted Comprehensive Plan;
2. Compliance with all applicable Ordinances including, but not limited to provisions for parking, landscaping and screening;
3. Reasonable accommodation of unique geologic, geographic or historically significant characteristics;
4. Consideration of adjacent and neighboring properties through adequate design and provision for such matters as surface water drainage, building location and orientation, parking and access drives, lighting, and trash storage;
5. Reasonable consideration for the safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.

**D. Performance.** To ensure performance that development proposed in the plan submitted abides by all conditions of the City, and that all tasks planned and all development proposed

are completed within the established time frame, the City may require a warranty, and be given security, through performance bond or other security means.

## 9.5 VARIANCES

**A. Applicability.** The City Council, acting as the Board of Adjustments and Appeals, may authorize variances from the provisions of this Ordinance, except as otherwise specified in this Ordinance. Under no circumstances shall a variance be granted to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district. The presence of nonconformities in the district or uses in an adjoining district shall not be considered as grounds for a variance.

### **B. Review Process.**

1. **Optional Pre-Application Meeting.** If a proposed development requires the approval of a variance, then the property owner or their designated agent is encouraged to request a pre-application meeting with the Zoning Administrator or other Authorized Agent pursuant to *Subdivision 9.0, B (1): Pre-Application Meeting*.
2. **Initiation.** Initiation of a variance may be made upon application of the property owner or their designated agent.
3. **Application Submittal.** A complete application shall be submitted to the Zoning Administrator or other Authorized Agent and should include:
  - a. A description of the proposed use and how it varies from the applicable provisions of the Zoning Code;
  - b. A legal description of the property, including plot and parcel number;
  - c. A site plan showing the location and extent of the proposed building, parking, loading, access drives, utilities, landscaping and any other improvements;
  - d. A statement of the applicant, referring to specific facts, describing the following:
    - i. The exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application, which do not apply generally to land, buildings, or uses in the same zone classification;
    - ii. The practical difficulty to the applicant if the variance is not granted;
  - e. Any other information required by the Zoning Administrator, Planning Commission, City Council, or other Authorized Agent.
  - f. An application fee as established from time to time by resolution of the City Council.
4. **Staff Review.** The Zoning Administrator or other Authorized Agent shall complete the following review tasks:
  - a. Determine if the application is complete pursuant to *Subdivision 9.0, B (4): Application Completeness*;
  - b. Notice a public hearing pursuant to *Subdivision 9.0, C: Procedures for Public Hearing and Noticing Requirements*; and
  - c. Review the application, considering the approval criteria, and prepare a report to the Planning Commission with a recommendation for final action.

5. **Planning Commissions Review.** The Planning Commission shall complete the following tasks:
  - a. The Planning Commission shall hold a public hearing pursuant to *Subdivision 9.0, C: Procedures for Public Hearing and Noticing Requirements*; and
  - b. The Planning Commission (considering the approval criteria) shall make a recommendation of approval, approval with conditions, or denial to the City Council. In the event the Planning Commission recommends denial of any application for a variance, the reasons for such denial shall be provided identifying the ways in which the proposed request fails to meet the standards and intent of this Ordinance and is otherwise injurious to the health, safety, and welfare.
  
6. **City Council Final Action.** The City Council, acting as the Board of Adjustments and Appeals, shall complete the following tasks:
  - a. Within sixty (60) days of the City's receipt of a complete application, the City Council shall review the request, the Planning Commission's recommendation, and the approval criteria and take action to approve, approve with conditions, or deny the request by a simple majority of the Council, unless extended pursuant to *Minnesota State Statute 15.99: Time Deadline for Agency Action*.
  - b. A variance may be approved by an affirmative vote of a simple majority of the City Council.
  - c. The City may extend the time limit of this Subdivision before the end of the initial sixty (60) day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) days unless approved by the applicant.
  - d. An applicant may, by written notice to the City, request an extension of the time limit under this Subdivision.
  - e. Denial. If an application for a variance is denied by the City Council, the denial shall be accompanied by written findings setting forth the reasons for the denial in terms of the ways in which the proposed request fails to meet the standards and intent of this Ordinance.
  - f. Limit on Reapplication. Limits on reapplication shall be as specified in *Subdivision 9.0, B (6): Limit on Reapplication*.
  - g. Expiration of Approval. Any variance granted by the city shall run with the land and shall be perpetual unless no building permit has been issued or substantial work performed on the project within one (1) year from the date of approval, in which case the variance shall be null and void. The Planning Commission may extend the period for construction upon finding that the interest of the owners of neighboring properties will not be adversely affected by such extension. An extension of a variance approval for up to one (1) year may be granted by providing a written request to the City Council for their review and approval. The City Council may decline to grant an extension if there has been a change

in circumstances affecting the property or if there are other reasons to justify the denial. A change in circumstances may be an approved modification to the Comprehensive Plan, substantial changes to the surrounding development pattern or other items as determined by the City. Three (3) consecutive one – year extensions shall be conclusive proof that the development has not made adequate progress toward completion, and no further extensions shall be granted, except upon a variance from this provision.

C. **Approval Criteria.** No variance from the terms of this Ordinance shall be authorized unless the City Council finds failure to grant the variance will result in practical difficulties on the applicant. The burden of proof is on the applicant to show that all of the following criteria have been met:

1. That the variance is in harmony with the general purposes and intent of the ordinance and consistent with the comprehensive plan.
2. That there are practical difficulties in complying with the zoning ordinance.

“Practical difficulties”, as used in connection with granting of a variance, means that

- a. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
- b. The plight of the landowner is due to circumstances unique to the property not created by the landowners; and
- c. The variance, if granted, will not alter the essential character of the locality and will not be detrimental to the public welfare or injurious to other land or improvements in the vicinity of the parcel of land

Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

3. The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of a parcel of land.

D. **Appeal.** Any person or persons, any private or public board, or taxpayer of the City aggrieved by any decision of the City Council acting as the Board of Adjustments and Appeals shall have the right to seek review of the decision with a court of record in the manner provided by the laws of the State of Minnesota, as such statutes may be from time to time amended, supplemented or replaced.

## 9.6 CONDITIONAL USE PERMIT

**A. Applicability.** A conditional use permit is required for development that generally would not be appropriate within a district but might be allowed within certain locations within the district if specific requirements are met. The compatibility must be judged on the basis of the particular circumstances and may require the imposing of conditions before development or occupancy is permitted. The intent is to allow a reasonable degree of discretion in determining the suitability of a particular development at a specific location.

### **B. Review Process.**

1. **Optional Pre-application Meeting.** If a proposed development requires the issuance of a conditional use permit, then the property owner or their designated agent is encouraged to request a pre-application meeting with the Zoning Administrator or other Authorized Agent pursuant to *Subdivision 9.0, B (1): Pre-Application Meeting*.
2. **Initiation.** Initiation of a conditional use permit may be made upon application of the property owner or their designated agent.
3. **Application Submittal.** A complete application shall be submitted to the Zoning Administrator or other Authorized Agent and should include:
  - a. A legal description of the property, including plot and parcel number;
  - b. Evidence that the applicant has sufficient control over the tract to effectuate the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed development;
  - c. Plans drawn to convenient scale, showing the current zoning classification and existing land use of the tract, and those tracts directly adjacent to it, and any significant topographical or physical features of the tract;
  - d. A site plan showing the location and extent of the proposed building, parking, loading, access drives, utilities, landscaping and any other improvements;
  - e. A statement as to how the proposed development is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable district regulations;
  - f. Any other information required by the Zoning Administrator, Planning Commission, City Council, or other Authorized Agent;
  - g. An application fee as established from time to time by resolution of the City Council.
4. **Staff Review.** The Zoning Administrator or other Authorized Agent shall complete the following review tasks:
  - a. Determine if the application is complete pursuant to *Subdivision 9.0, B (4): Application Completeness*;
  - b. Notice a public hearing pursuant to *Subdivision 9.0, C: Public Hearing and Noticing Requirements*; and
  - c. Review the application, considering the approval criteria, and prepare a report to the Planning Commission with a recommendation for final action.



5. **Planning Commissions Review.** The Planning Commission shall complete the following tasks:
  - a. The Planning Commission shall hold a public hearing pursuant to *Subdivision 9.0, C: Public Hearing and Noticing Requirements*; and
  - b. The Planning Commission (considering the approval criteria) shall make a recommendation of approval, approval with conditions, or denial to the City Council. In the event the Planning Commission recommends denial of any application for a conditional use, the reasons for such denial shall be provided identifying the ways in which the proposed request fails to meet the standards and intent of this Ordinance and is otherwise injurious to the health, safety, and welfare.
6. **City Council Final Action.**
  - a. Within sixty (60) days of the City's receipt of a complete application, the City Council shall review the request, the Planning Commission's recommendation, and the approval criteria and take action to approve, approve with conditions, or deny the request by a simple majority of the Council, unless extended pursuant to *Minnesota State Statute 15.99: Time Deadline for Agency Action*.
  - b. A conditional use permit may be approved by an affirmative vote of a simple majority of the City Council.
  - c. The City may extend the time limit of this Subdivision before the end of the initial sixty (60) day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) days unless approved by the applicant.
  - d. An applicant may, by written notice to the City, request an extension of the time limit under this Subdivision.
  - e. Denial. If an application for a conditional use permit is denied by the City Council, the denial shall be accompanied by written findings setting forth the reasons for the denial in terms of the ways in which the proposed request fails to meet the standards and intent of this Ordinance and is otherwise injurious to the public health, safety and welfare.
  - f. Limit on Reapplication. Limits on reapplication shall be as specified in *Subdivision 9.0, B (6): Limit on Reapplication*.
  - g. Expiration of Approval. Approval of a conditional use permit shall remain valid for one (1) year. Failure to commence development in accordance with an approved conditional use permit within one (1) year after the date of approval shall result in revocation of approval. An extension of conditional use permit approval for up to one (1) year may be granted by providing a written request to the City Council for their review and approval. The City Council may decline to grant an extension if there has been a change in circumstances affecting the property or if there are other reasons to justify the denial. A change in circumstances may be an approved modification to the Comprehensive Plan, substantial changes to the surrounding development pattern or other items as determined by the City. Three (3) consecutive one – year extensions shall be conclusive proof that the development has not made

adequate progress toward completion, and no further extensions shall be granted, except upon a variance from this provision.

**C. Approval Criteria.** In determining whether to approve, approve with conditions, or deny a request for issuance of a conditional use permit, the Planning Commission and the City Council shall consider all relevant factors specified in other applicable subdivisions of this Ordinance, including standards for specific requirements for certain land uses and activities. In addition, the following approval criteria shall apply:

**1. Criteria**

- a. Conforms to the District and conditional use provisions and all general regulations of this Ordinance.
- b. Does not involve any element or cause any conditions that may be dangerous, injurious or noxious to any other property or persons and shall comply with the performance standards in *Provision D: Performance Standards* herein.
- c. Is sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
- d. Produced a total visual impression and environment which is consistent with the environment of the District and neighborhood in which it is located.
- e. Organized vehicular access and parking to minimize traffic congestion in the District.
- f. Promotes the objectives of this Ordinance and the overall Comprehensive Land Use Plan of the City.

**D. Performance Standards.** Conditional uses shall comply with the requirements of this Subdivision. In order to determine whether a proposed use will so conform, the City Council may obtain a qualified consultant to testify. The costs for said consultant's services shall be borne by the applicant. The following performance standards shall apply:

1. **Fire Protection.** Fire prevention and fighting equipment required by the Fire and Building Code shall be readily available when any activity involving the handling or storage of flammable, hazardous or explosive materials is carried on.
2. **Electrical Disturbance.** The activity shall not cause electrical disturbance adversely affecting radio or other electronic equipment in the vicinity of the use.
3. **Noise.** Noise which is determined to be objectionable because of volume, frequency, or beat shall be muffled or otherwise controlled in accordance with generally acceptable noise level standards. Fire sirens and related apparatus used solely for public purposes shall be exempt from this requirement.
4. **Vibrations.** Vibrations detectable without instruments on neighboring property in any District is prohibited.
5. **Odors.** No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property. State standards on odor emissions may be used in measuring such odors.

6. **Air Pollution.** Air pollution shall be subject to the standards established by the Minnesota Pollution Control Agency.
7. **Glare.** Lighting devices which produce directly reflected glare on adjoining properties or thoroughfares shall not be permitted.
8. **Erosion.** No offensive erosion by wind or water shall be permitted onto adjacent properties.
9. **Water Pollutions.** Water pollution shall be subject to the standards established by the Minnesota Pollution Control Agency.
10. **Drainage.** No land shall be developed and no use shall be permitted that results in water run-off causing flooding, erosion, or deposit of minerals on adjacent properties. Such runoff shall be properly channeled into a storm drain, water course, ponding area, or other public facilities.
11. **Pollution Control.** All performance standards shall be subject to the Minnesota Pollution Control Agency rules and regulations.

**E. Conditions That May be Attached to a Conditional Use Permit.** The City Council may attach any conditions to the approval of a conditional use permit that deems necessary to address any of the following conditions or other applicable conditions not here listed:

1. Minimize any adverse impact of the development upon other land, including the hours of use and operation and the type of intensity of activities that may be conducted;
2. Control the sequence of development, include when it must be commenced and completed;
3. Control the duration of the use of development and the time within which any structures must be removed;
4. Ensure that development is maintained properly in the future;
5. Designate the exact location and nature of development; and
6. Establish more detailed records by submission of drawings, maps, plats or specifications.

**F. Additional Information.**

1. A conditional use permit, once issued, shall be transferable in the event of change of property ownership or control providing, however, that those conditions attached to the original permit shall be applicable to the responsible agent following such change. It shall be the duty of the original permit holder to advise the party assuming control regarding the conditions of such permit.

## 9.7 INTERIM USES

- A. **Applicability.** An Interim Use Permit may be issued rather than a Conditional Use Permit for time limited temporary uses. All requirements of *Subdivision 9.6: Conditional Use Permit* apply to the Interim Use, including the application and review process. In addition, the following provisions apply:
1. **Additional Provisions.**
    - a. The date or event that will terminate the use need to be identified with certainty.
    - b. Permission of the use will not impose additional public costs.
    - c. The applicant needs to demonstrate a need for such a use.
  2. **Permit Duration.**
    - a. An interim use permit shall terminate upon the occurrence of any of the following events; whichever first occurs:
      - 1) The date stated in the permit; or
      - 2) A violation of conditions under which the permit was issued; or
      - 3) A change in the City's Zoning Ordinance render the use nonconforming.
    - b. Nothing in this section shall prevent the City Council from enacting or amending official controls to change the status of interim uses, including new regulations that are designed to protect the public's safety, health and general welfare.
  3. **Permit Review.**
    - a. If a periodic review is imposed as a condition in the granting of an interim use permit, the interim use permit shall be reviewed by the Planning Commission at a public meeting at least thirty (30) days prior to the expiration of the permit. It shall be the responsibility of the Zoning Administrator to schedule such public meeting and the owner of the land having an interim use permit shall not be required to pay a fee for said review. If the required review does not occur as provided herein, the interim use permit shall remain in effect until such time as the Zoning Administrator schedules a public meeting before the Planning Commission on the issue.
    - b. The Planning Commission shall recommend to the City Council whether or not the interim use permit should be renewed and what, if any, additional conditions may be necessary to comply with the provisions of this Ordinance.

## 9.8 ZONING MAP AMENDMENT (REZONING)

**A. Applicability.** The Zoning Map may be amended whenever the public necessity, convenience, general welfare, or good zoning practice require. Amendments may also be made to correct errors in the Zoning Map or to address changed or changing conditions in a specific area or within the city generally. All Zoning Map Amendments must be consistent with the Comprehensive Plan and the provisions of this Subdivision.

### **B. Review Process.**

1. **Optional Pre-application Meeting.** If a proposed development requires the issuance of a conditional use permit, then the property owner or their designated agent is encouraged to request a pre-application meeting with the Zoning Administrator or other Authorized Agent pursuant to *Subdivision 9.0, B (1): Pre-Application Meeting*.
2. **Initiation.** A Zoning Map Amendment may be initiated by any of the following:
  - a. The property owner or their designated agent;
  - b. The Planning Commission;
  - c. The City Council;
  - d. The Zoning Administrator or other Authorized agent.
3. **Application Submittal.** A complete application shall be submitted to the Zoning Administrator or other Authorized Agent and shall include the following information:
  - a. A legal description and street address of the property proposed to be reclassified;
  - b. The name and address of the owner or owners of the said property;
  - c. The present zoning classification and existing uses of the property proposed to be reclassified;
  - d. The area of the property proposed to be reclassified, stated in square feet or acres, or fraction thereof;
  - e. A map, drawn to scale, clearly showing the property proposed to be reclassified and its present zoning classification and existing uses, together with an abstractor's certificate with the names and addresses of the owners of land within three hundred and fifty (350) feet of the area proposed to be rezoned;
  - f. A written statement of how the rezoning would fit in with the general zoning pattern of the neighborhood, and the zoning plan of the entire City;
  - g. Proof of ownership of the property consisting of an Abstract of Title currently certified or a current Certificate of Title; and
  - h. Such other information as the Zoning Administrator or other Authorized Agent may require.
4. **Staff Review.** The Zoning Administrator or other Authorized Agent shall complete the following review tasks:

- a. Determine if the application is complete pursuant to *Subdivision 9.0, B (4): Application Completeness*;
  - b. Notice a public hearing pursuant to *Subdivision 9.0, C: Procedures for Public Hearing and Noticing Requirements*;
  - c. Review the application, considering the approval criteria and prepare a report to the Planning Commission with a recommendation for final action.
5. **Planning Commission Recommendation.** The Planning Commission shall complete the following tasks:
- a. The Planning Commission shall hold a public hearing pursuant to *Subdivision 9.0, C: Public Hearing and Noticing Requirements*; and
  - b. The Planning Commission (considering the approval criteria) shall make a recommendation of approval or denial of the proposed amendment to the City Council.
6. **City Council Final Action.**
- a. Within sixty (60) days of the City’s receipt of a complete application, the City Council (considering the approval criteria) shall approve, approve with conditions, or deny the requested Ordinance amending the Zoning Map, unless extended pursuant to *Minnesota State Statute 15.99: Time Deadline for Agency Action*.
  - b. Approval, or approval with conditions, shall require a majority vote of the entire City Council, unless otherwise required by State Law.
  - c. Failure to deny a request within sixty (60) days of the receipt of a petition is approval of the request, unless extended pursuant to *Minnesota State Statute 15.99: Time Deadline for Agency Action*.
  - d. The City may extend the time limit of this Subdivision before the end of the initial sixty (60) day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) days unless approved by the applicant.
  - e. An applicant may by written notice to the City, request an extension of the time limit under this subdivision.
  - f. Denial. If an application for a zoning map amendment (rezoning) is denied by the City Council, the denial shall be accompanied by written findings setting forth the reasons for the denial in terms of the ways in which the proposed request fails to meet the standards and intent of this Ordinance.
  - g. Limit on Reapplication. Limits on reapplication as specified in *Subdivision 9.0, B, (6): Limit on Reapplication*.

C. **Approval Criteria.** In determining whether to approve or deny an application for a Zoning Map Amendment (rezoning), the following criteria shall be considered:

1. The Zoning Map Amendment is consistent with the Comprehensive Plan;
2. The Zoning Map Amendment promotes public health, safety, morals and the general welfare, as well as efficiency and economy in the process of development;
3. The Zoning Map Amendment is compatible with the present zoning and conforming uses of nearby property and with the character of the neighborhood; and
4. The property to be amended (rezoned) is suitable for the uses permitted by the Zoning District that would be applied by the proposed Zoning Map Amendment.

## 9.9 ZONING ORDINANCE TEXT AMENDMENT

**A. Applicability.** The text of the Zoning Ordinance may be amended whenever the public necessity, convenience, general health, safety or welfare, or good zoning practice require. Amendments may also be made to correct errors in the text of the Zoning Ordinance or to address changed or changing conditions affecting the City. All text amendments shall be consistent with the Comprehensive Plan.

### **B. Review Process.**

1. **Pre-Application Meeting.** If a proposed development requires a text amendment to the Zoning Ordinance, the property owner or their designated agent is encouraged to request a pre-application meeting pursuant to *Subdivision 9.0, B (1): Pre-Application Meeting*.
2. **Initiation.** A text amendment may be initiated by any of the following:
  - a. The Planning Commission;
  - b. The City Council;
  - c. The Zoning Administrator or other Authorized Agent; or
  - d. A property owner or their Authorized Agent
3. **Application Submittal.** A complete application shall be submitted to the Zoning Administrator or other Authorized Agent and shall include the following:
  - a. The Applicant's name and address;
  - b. The precise wording of any proposed amendment to the text of this Ordinance; and
  - c. In the event that the proposed amendment would change the zoning classification of any property, the submittal requirements of *Subdivision 9.8, B (3) Application Submittal* shall apply.
4. **Staff Review.** The Zoning Administrator or other Authorized Agent shall complete the following review tasks:
  - a. Determine if the application is complete pursuant to *Subdivision 9.0, B (4): Application Completeness*.
  - b. Notice a public hearing pursuant to *Subdivision 9.0, C: Public Hearing and Noticing Requirements*; and
  - c. Review the application, considering the approval criteria, and prepare a report to the Planning Commission with a recommendation for final action.
5. **Planning Commission Recommendation.** The Planning Commission shall complete the following tasks:
  - a. The Planning Commission shall hold a public hearing pursuant to *Subdivision 9.0, C: Public Hearing and Noticing Requirements*; and



- b. The Planning Commission (considering the approval criteria) shall make a recommendation of approval or denial of the proposed amendment to the City Council.

**6. City Council Final Action.**

- a. Within sixty (60) days of the City's receipt of a complete application, the City Council (considering the approval criteria) shall approve, approve with conditions, or deny the requested Ordinance amending the Ordinance Text, unless extended pursuant to *Minnesota State Statute 15.99: Time Deadline for Agency Action*.
- b. Approval, or approval with conditions, shall require a majority vote of the entire City Council.
- c. Failure to deny a request within sixty (60) days of the receipt of a petition is approval of the request, unless extended pursuant to *Minnesota State Statute 15.99: Time Deadline for Agency Action*.
- d. The City may extend the time limit of this Subdivision before the end of the initial sixty (60) day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) days unless approved by the applicant.
- e. An applicant may, by written notice to the City, request an extension of the time limit under this Subdivision.
- f. Denial. If an application for a zoning ordinance text amendment is denied by the City Council, the denial shall be accompanied by written findings setting forth the reasons for the denial in terms of the ways the proposed request fails to meet the standards and intent of this Ordinance.
- g. Limit o Reapplication. Limits on reapplication shall be as specified in *Subdivision 9.0, B (6): Limit on Reapplication*.

**C. Approval Criteria.** In determining whether to approve, approve with conditions, or deny an application for a text amendment to the Zoning Ordinance, the following criteria shall be considered:

1. The text amendment is consistent with the Comprehensive Plan;
2. The text amendment promotes public health, safety, morals, and the general welfare, as well as efficiency and economy in the process of development;
3. The text amendment is compatible with the present zoning and conforming use of the property and the character of the neighborhoods, existing conditions and the conservation of property values, as well as the direction of building development to the best advantage of the entire City and for the uses to which the property affected is being devoted at the time.

## 9.10 APPEAL OF AN ADMINISTRATIVE DECISION

A. **Applicability.** The City Council, acting as the Board of Adjustments and Appeals, shall hear and decide appeals from the review and any order, requirement, decision or determination made by the Zoning Administrator or other Authorized Agent in the enforcement of this Ordinance, or where it is alleged that there is an error.

### B. Review Process.

1. **Initiation.** Any appeal may be taken to the City Council by any person or by any officer, department, board or commission of the City affected by a decision of the Zoning Administrator or other Authorized Agent. An appeal from the ruling of an administrative officer of the City shall be filed with the Zoning Administrator within fifteen (15) days after the making of the order being appealed. The Administrative Officer shall forthwith transmit to the City Council all of the papers constituting the record upon which the action appealed from was taken.
2. **Application Submittal.** A request for an appeal of an administrative decision shall be made in writing to the Zoning Administrator or other Authorized Agent. The request shall provide sufficient information for the City Council to make an informed and just decision.
3. **Staff Review.** The Zoning Administrator or other Authorized Agent shall complete the following tasks:
  - a. The Zoning Administrator shall instruct the appropriate staff person to prepare technical reports when appropriate and shall provide general assistance in preparing a recommendation of the action to the City Council acting as the Board of Adjustment and Appeals; and
  - b. Notice a public hearing pursuant to *Subdivision 9.0, C: Public Hearing and Noticing Requirements*.
4. **Planning Commission Recommendation.** The Planning Commission shall complete the following tasks:
  - a. The Planning Commission shall hold an informational meeting and make a recommendation to the City Council.
5. **City Council Final Action.** The City Council acting as the Board of Adjustments and Appeals shall complete the following tasks:
  - a. The City Council shall hold a public hearing pursuant to *Subdivision 9.0, C: Public Hearing and Noticing Requirements*; and
  - b. The City Council may reverse the decision by a majority vote of the City Council.
  - c. Denial. If an application for an appeal of an administrative decision is denied by the City Council, the denial shall be accompanied by written findings setting forth the reasons for the denial in terms of the ways in which the proposed request fails to meet the standards and intent of this Ordinance. Denial by the City Council shall be the final decision and ruling of the City Council acting as the Board of Adjustments and Appeals.

- d. The Zoning Administrator shall serve a copy of the final order of the City Council upon the petitioner by certified mail.
- C. **Appeals.** Any person or persons, any private or public board aggrieved by any decision of the City Council, acting as the Board of Adjustment and Appeals, shall have the right to seek review of the decision with a court of record in the manner provided by the laws of the State of Minnesota, as such statutes may be from time to time amended, supplemented, or replaced.
- D. **Approval Criteria.** In determining whether an administrative official's actions were appropriate, the City Council, acting as the Board of Adjustment and Appeals, shall consider the details of the case presented by the applicant and the administrative officials, and the City Council shall consider the requirements of this Ordinance. All findings and conclusions shall be based on reliable evidence.

## 9.11 CREATION OF A PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

- A. **Applicability.** A tract of land proposed to be developed as a Planned Unit Development (PUD) shall be under the control of a single owner, partnership, or corporation, where each owner agrees in advance to be bound by the conditions and regulations that will be effective within the district and to record such covenants, easements, and other provisions with the County. The provisions of this Subdivision are generally intended for application to larger and / or unique sites where a flexible approach to zoning regulations would facilitate more efficient use of the site and protection of natural resources achieved through clustering development and other innovative site planning and design techniques.
- B. **General Review Process.** The creation of a PUD Overlay District requires a zoning map amendment pursuant to *Subdivision 9.8: Zoning Map Amendment (Rezoning)*, and a text amendment pursuant to *Subdivision 9.8: Zoning Ordinance Text Amendment*. In addition, the review process for the creation of a PUD Overlay District involves two phases: review of a PUD – Preliminary Development Plan and review of a PUD- Final Development Plan.
- C. **PUD – Preliminary Development Plan Review Process.**
1. **Pre-application Meeting.** The property owner of a proposed development that is intended to proceed as a PUD is encouraged to request a pre-application meeting pursuant to *Subdivision 9.0, B (1): Pre-Application Meeting*
  2. **Initiation.** Application for a PUD – Preliminary Development Plan shall be initiated by the property owner or their designated agent.
  3. **Application Submittal.** A complete application shall be submitted to the Zoning Administrator or other Authorized Agent for approval of a PUD – Preliminary Development Plan and shall include the following information as applicable or as directed by the Zoning Administrator or other Authorized Agent:
    - a. **Context map.** A map of the project prepared by a Registered Civil Engineer or Registered Land Surveyor covering the entire tract proposed for development. Such map shall be drawn at a scale of 1"=50' and shall include its relationship to surrounding properties, topography at a two (2) foot contour interval, and other prominent site features such as existing buildings, land features and trees;
    - b. **Statement.** A statement as to why the Planned Unit Development (PUD) zoning is proposed. The statement shall identify reasons why Planned Unit Development (PUD) zoning is preferable to development under standard zoning districts and a narrative explanation of the general character of the Planned Unit Development, its integration with the surrounding land uses and justification of any requested density bonuses. The written statement must also include a statement identifying the final ownership and describing maintenance of all parts of the development including streets, structures and useable open space. It is also required that such statement include the total anticipated population of the Planned Unit Development, with breakdowns as to the estimated number of school age children, adults and families;

- c. **Site Plan.** A site plan of the Planned Unit Development (PUD) at a scale of not less than one inch equals one hundred feet (1"=100') showing the following:
1. Land use and development densities;
  2. The size, arrangement, and location of parcels;
  3. The proposed use, height, bulk, and approximate location of buildings and other structures;
  4. The location of public and private streets, parking of vehicles and location and width of proposed streets, curb and gutter;
  5. The location and size of recreational areas and open space, and description about who will own and maintain;
  6. A landscaping plan;
  7. A grading plan, indicating onsite storm water management facilities and indicating the amount and location of off-site drainage distribution of sanitary wastes, and the provisions of other utilities;
  8. Identification of mature vegetation on the site and a proposal to preserve such vegetation worthy of protection;
  9. Identification and / or delineation of wetlands and floodplains within the site and a proposal to protect such areas from encroachment or degradation;
  10. Statistical data on the size of the development, density / intensity of various sub-areas, and expected phasing or staging;
  11. A description of the intended organizational structure for a property owner's association, if any; and
  12. A description of the deed restrictions or restrictive covenants, if any.
  13. A schedule showing the proposed times within which application for final approval of all sections of the Planned Unit Development are intended to be filed.
  14. A topographical map prepared by a Registered Civil Engineer or Registered Land Surveyor covering the entire tract proposed for development indicating topography at a two (2) foot contour interval. It shall show in accurate detail the topography, existing buildings, land features and trees.
- d. **Written Statement.** A written statement is required at the time of submittal, and shall include the following information:

1. A narrative explanation of the general character of the Planned Unit Development (PUD), its integration with the surrounding land uses and justification of any requested density bonuses.
  2. A statement identifying the final ownership and describing maintenance of all parts of the development including streets, structures and useable open space.
  3. The total anticipated population of the Planned Unit Development, with breakdowns as to the estimated number of school age children, adults and families.
- e. **Additional Plans.** The Planning Commission or City Council may require other special studies, plans or additional information that would aid in consideration of the proposed development.
4. **Staff Review.** The Zoning Administrator or other Authorized Agent shall complete the following tasks:
- a. Determine if the application is complete pursuant to *Subdivision 9.0, B (4): Application Completeness*;
  - b. Notice a public hearing pursuant to *Subdivision 9.0, C: Public Hearing and Noticing Requirements*;
  - c. Review the application, considering the approval criteria, and prepare a report to the Planning Commission with a recommendation for final action.
5. **Planning Commission Recommendation.** The Planning Commission shall complete the following tasks:
- a. The Planning Commission shall hold a public hearing pursuant to *Subdivision 9.0, C: Public Hearing and Noticing Requirements*; and
  - b. The Planning Commission (considering the approval criteria) shall make a recommendation of approval or denial of the proposed amendment to the City Council.
6. **City Council Final Action.**
- a. Within sixty (60) days of the City's receipt of a complete application, the City Council (considering the approval criteria) shall approve, approve with conditions, or deny the requested ordinance amending the Zoning Map and the PUD – Preliminary Development Plan, unless extended pursuant to *Minnesota State Statute 15.99: Time Deadline for Agency Action*. The ordinance associated with the PUD – Preliminary Development Plan is an interim zoning classification that does not enable any development until the PUD – Final Development Plan is approved.
  - b. Failure to deny a request within sixty (60) days of the receipt of a petition is approval of the request, unless extended pursuant to *Minnesota State Statute 15.99: Time Deadline for Agency Action*.

- c. The City may extend the time limit of this Subdivision before the end of the initial sixty (60) day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) days unless approved by the applicant.
- d. An applicant may, by written notice to the City, request an extension of the time limit under this Subdivision.
- e. Denial. If an application for a zoning ordinance text amendment is denied by the City Council, the denial shall be accompanied by written findings setting forth the reasons for the denial in terms of the ways the proposed request fails to meet the standards and intent of this Ordinance.
- f. Limit on Reapplication. Limits on reapplication shall be as specified in *Subdivision 9.0, B (6): Limit on Reapplication*.

**D. PUD – Final Development Plan Review Process.**

**1. Initiation.** Application for PUD – Final Development Plan shall be initiated by a property owner or their designated agent.

**2. Application Submittal.**

- a. A complete application shall be submitted to the Zoning Administrator or other Authorized Agent for approval of the PUD – Final Development Plan pursuant to *Subdivision 9.0, B: Development Review Elements and Procedures*. The application shall contain all the information required for the Preliminary Development Plan review specified in this Subdivision, except that the information shall be in final and detailed form. In addition, the applicant shall submit all other required plans for review and action.
- b. The application shall be submitted within six (6) months of approval of the PUD- Preliminary Development Plan. Failure to provide the PUD- Final Development Plan within six (6) months of approval of the PUD – Preliminary Development Plan shall result in the automatic repeal of the previously approved PUD – Preliminary Development Plan. The City Council at its discretion may extend the period for filing of the Final Development Plan by six (6) months upon written request by the Applicant.

**3. Staff Review.**

- a. Determine if the application is complete pursuant to *Subdivision 9.0, B (4): Application Completeness*;
- b. Review the PUD – Final Development Plan. If the PUD – Final Development Plan is consistent with the PUD- Preliminary Development Plan, then the Zoning Administrator or other Authorized Agent shall prepare a report and a recommendation to the Planning Commission that directs the Planning Commission to hold an informational meeting to take their final action on the plan.

- c. If the PUD – Final Development Plan is not consistent with the PUD – Preliminary Development Plan, then the Zoning Administrator or other Authorized Agent shall prepare a report to the Planning Commission that identifies the discrepancies and directs the Planning Commission to hold a public hearing pursuant to the public hearing requirements for the PUD – Preliminary Development Plan.
4. **Planning Commission Recommendation.** The Planning Commission shall complete the following tasks:
- a. If the Zoning Administrator or other Authorized Agent’s report identifies that the PUD – Final Development Plan is substantially consistent with the approved PUD- Preliminary Development Plan, then the Planning Commission (considering the approval criteria) shall hold an informational meeting and make a recommendation to the City Council to approve, approve with conditions, or deny the PUD – Final Development Plan.
  - b. If the Zoning Administrator or other Authorized Agent’s report identifies that the PUD – Final Development Plan is substantially inconsistent with the approved PUD – Preliminary Development Plan, then the Planning Commission shall hold a public hearing pursuant to the public hearing requirements for the PUD – Preliminary Development Plan. Following the public hearing, the Planning Commission (considering the approval criteria) shall make a recommendation to the City Council to approve, approve with conditions, or deny the PUD – Final Development Plan.

**5. City Council Final Action.**

- a. After reviewing the recommendation of the Planning Commission, the City Council may order another public hearing before the City Council pursuant to *Subdivision 9.0, C: Public Hearing and Noticing Requirements*.
- b. Within sixty (60) days of the City’s receipt of a complete application, the City Council (considering the approval criteria) shall approve, approve with conditions, or deny the requested ordinance amending the Zoning Map and approving the PUD – Final Development Plan, unless extended pursuant to *Minnesota State Statute 15.99: Timeline Deadline for Agency Action*. The ordinance associated with the PUD – Final Development Plan shall incorporate the Final Development / Implementation Plan, including any conditions or restrictions that may be imposed by the City Council.
- c. Failure to deny a request within sixty (60) days of the receipt of a petition is approval of the request, unless extended pursuant to *Minnesota State Statute 15.99: Time Deadline for Agency Action*.
- d. Denial. If an application for a zoning ordinance text amendment is denied by the City Council, the denial shall be accompanied by written findings setting



forth the reasons for the denial in terms of the ways the proposed request fails to meet the standards and intent of this Ordinance.

- e. Limit on Reapplication. Limits on reapplication shall be as specified in *Subdivision 9.0, B (6): Limit on Reapplication.*
- f. Expiration of Approval. Approval of a PUD – Final Development Plans shall remain valid for one (1) year. Failure to commence development in accordance with an approved PUD – Final Development Plans within one (1) year after the date of approval shall result in revocation of approval. An extension of PUD- Final Development Plans approval for up to one (1) year may be granted by providing a written request to the City Council for their review and approval. The City Council may decline to grant an extension if there has been a change in circumstances affecting the property or if there are other reasons to justify the denial. A change in circumstances may be an approved modification to the Comprehensive Plan, substantial changes to the surrounding development pattern or other items as determined by the City. Three (3) consecutive one – year extensions shall be conclusive proof that the development has not made adequate progress toward completion, and no further extensions shall be granted, except upon a variance from this provision. Denial of an extension by the City Council will result in the revocation of the PUD – Preliminary Development Plan and the PUD – Final Development Plan approval and will revert the site zoning to its previous zoning district classification.

E. **Approval Criteria.** In determining whether to approve, approve with conditions, or deny a PUD – Preliminary Development Plan or a PUD – Final Development Plan, the Planning Commission and City Council shall consider the approval criteria for a zoning map amendment as specified in *Subdivision 9.8: Zoning Map Amendment (Rezoning)* as well as the following approval criteria with special consideration given to whether the plan would or would not be in the public interest:

**1. Criteria.**

- a. The plan is consistent with Litchfield’s Comprehensive Plan.
- b. The plan is designed to form a desirable and unified development within its own boundaries.
- c. The proposed uses will not be detrimental to present and future land uses in the surrounding area.
- d. Any exceptions to the standard requirements of the Zoning and Subdivision Codes are justified by the design of the development.
- e. The plan will not create an excessive burden on parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the Planned Unit Development.

- f. The Planned Unit Development (PUD) will not have an undue and adverse impact on the reasonable enjoyment of neighboring property.
- F. **Conditions.** The City Council may attach any conditions to the approval of a PUD – Preliminary Development Plan and / or the approval of a PUD – Final Development Plan that it deems necessary to address any of the following conditions or other applicable conditions not herein listed:
  - 1. Minimize any adverse impact of the development upon other land, including the hours of use and operation and the type and intensity of activities that may be conducted;
  - 2. Control and sequence of development, including when it must be commenced and completed;
  - 3. Control the duration of the use of development and time within which any structures must be removed;
  - 4. Ensure that development is maintained property in the future;
  - 5. Designate the exact location and nature of development; and
  - 6. Establish more detailed records by submission of drawings, maps, plats, or specification.
- G. **Effect of the PUD – Final Development Plan Approval.** The approved PUD – Final Development Plan, together with the conditions and restrictions imposed by the City Council, shall constitute the final zoning for the subject property. The zoning provisions applicable to the underlying zoning districts shall continue to be applicable where consistent with the PUD – Final Development Plan.
- H. **Zoning.** When the Planned Unit Development plan has been approved, it shall be appropriately identified on the Zoning Map as an overlay district.

## 10.0 SPECIFIC USE STANDARDS

### 10.1 ACCESSORY USES

#### A. General Accessory Uses

1. Accessory uses and structures are permitted in any district, but not until such time as the principal structure is present or under construction.
2. Accessory uses shall be customarily incidental to the principal use of the property and shall occupy less than 50% of the area of the building or property.
3. Uses accessory to residential district developments shall not involve the conduct of any business, trade or industry except for home and professional occupations as defined herein.

#### B. Accessory Buildings

1. Accessory Building without a Principal Building. Accessory buildings shall not be constructed prior to the time of construction of the principal structure to which it is accessory, unless a conditional use permit is obtained.
2. Size of Accessory Buildings on Residential Parcels.
  - a. An attached garage shall be considered to be part of the principal structure and shall meet the space requirements thereof. An attached garage may not exceed one-thousand-two-hundred (1,200) square feet.
  - b. Each property shall have no more than two accessory buildings (including detached garage), with a maximum combined area of 1,200 square feet.
3. Separation from Principal Buildings. Detached accessory buildings shall be at least six (6) feet from the principal building situated on the same parcel.
4. Accessory Buildings in Front Yards Limited.
  - a. An accessory building shall meet the minimum front yard setback requirement of the zoning district in which it is located.
  - b. On all lots, accessory buildings other than detached garages may not be located closer to a front lot line than the principal building. A detached garage may be nearer the front lot line than the principal building but not nearer the minimum required setback from the front lot line for a principal building
5. Accessory Building Side and Rear Setback. Detached accessory buildings shall not be located less than three (3) feet from the side parcel lines, and must be located outside of any drainage and utility easements.
6. Accessory Building Setback from Alley. Detached accessory buildings shall not be located less than seven (7) feet from a property line abutting an alley.
7. Accessory Building Setback on Corner Parcels. Detached accessory buildings shall not be located less than twenty (20) feet from corner side parcel lines.

8. Industrial Districts. Accessory buildings, such as buildings for parking attendants, guard shelters, gate houses, and transformer buildings, may be located in the required front yard.
  9. Accessory Building Height. No accessory building shall have more than one (1) level nor shall it exceed the height of the principal building in all zones. The City Council may allow accessory structures with more than one level pursuant to *Subdivision 9.6: Conditional Use Permit* procedures of this Legislative Code. Detached weather protective canopies, such as those used for covering gas pump areas, shall be exempt from the foregoing height provision in recognition of the minimum clearance requirement of 14'6", but shall be limited to twenty (20) feet overall height.
  10. Appearance. Any accessory building exceeding two hundred (200) square feet in area shall be constructed of materials that are the same or similar to the principal building. All accessory structures shall be visually compatible with the principal structure (similar or coordinating color, does not drastically contrast).
  11. Garage Door Openings. No accessory building shall contain more than thirty (30) feet of vehicle door openings as measured horizontally.
  12. Accessory Building Use.
    - a. No accessory building shall be used for dwelling purposes.
    - b. Accessory buildings in residential districts are permitted only for the purpose of personal use and the storage of personal belongings.
    - c. No accessory building shall be principally used for the storage of agricultural commodities.
  13. Permit Requirements. A zoning permit shall be required for all accessory buildings up to two hundred twenty (200) square feet in area. All accessory buildings over two hundred (200) square feet shall require a building permit. Exteriors shall be fully finished within forty-five (45) days from commencement of construction / the date the structure is placed on the property.
  14. Non-Permanent Sheds. Temporary, canvas, hoop and similar structures shall be permitted subject to the following requirements:
    - a. One such structure shall be permitted per residential parcel.
    - b. The maximum size of such structures shall be four hundred (400) square feet.
    - c. Such structures shall be maintained in a state of good repair, and shall be immediately repaired, removed or replaced if damaged.
    - d. Such structure shall be subject to all setback requirements for accessory buildings.
- C. **Dwelling Unit Restriction**. Excluding the City's camping facilities that has its own rules and regulations for short term camping, the following dwelling unit restrictions shall apply:
1. No model home, garage, tent, accessory building, or recreational camping vehicle shall at any time be used as living quarters, temporarily or permanently, except as may be approved in emergency cases by the Zoning Administrator as an administrative permit.

During the time of City celebrations, the City will allow the temporary use of tents and recreational camping vehicles.

2. Tents, play houses or similar structures may be used for play or recreational purposes. When adult supervision is present on the property, children are allowed to camp over night.
3. Basements may be used as living quarters or rooms as a portion of the principal residential dwelling. Living quarters and bedrooms in basements must follow the regulations of the Minnesota State Building Code for adequate sized windows for emergency egress.
4. Energy conservation designs in housing, including earth sheltered residential dwellings, are not prohibited by this provision of the Section, provided that a conditional use permit is approved by the City Council and the structure complies with standards imposed by the State and the Minnesota State Building Code.

#### **D. Patio, Deck, Terrace and Similar Use**

1. Patio. A patio shall be no closer than five (5) feet to any side, side corner, or rear property line, and shall be located outside of all easements.
2. Deck and / or Terrace. Decks and terraces shall comply with the minimum required setback of the principal building from the front, and side parcel lines, except as stated below for corner lots. Decks shall be set back twenty –five (25) feet from the rear parcel line in R-1, and twenty (20) feet from the rear parcel line in the R-2 and R-3 Districts. On corner lots, decks shall be set back twenty (20) feet from the corner side parcel lines in all residential districts.
3. Porch. A porch shall meet the required setback of the principal building.

#### **E. Solar Equipment and Solar Rights.**

1. Solar equipment shall be consistent with the setback and height requirements of the principal or accessory building, whichever is applicable. Solar equipment that is not consistent with the setback and height requirements may be considered pursuant to the conditional use permit procedures as specified in *Subdivision 9.6: Conditional Use Permit*.
2. No person in control of property shall allow a tree or shrub to be placed or grow as to cast a shadow between the hours of 9:00 a.m. and 3:00 p.m. upon a solar collector energy system capable of generating more than one million (1,000,000) British thermal units (BTUs) per year, and that supplies a part of energy requirements for improvements on the property where the solar energy system is permanently located.

#### **F. Swimming Pool.**

1. **Intent**. The intent of this Subpart is to ensure that swimming pools, as defined by this Ordinance, are constructed and maintained in a manner that protects the health, safety, and welfare of the intended users of the swimming pool. It is also the intent of this Subpart to ensure swimming pools have adequate barriers to deter children and other unauthorized persons from gaining unsupervised access to the swimming pool.

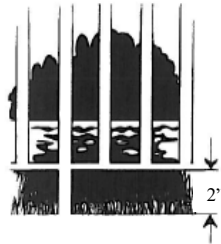
For the purpose of this Ordinance, a swimming pool shall mean any pool, hot tub, or similar device as defined by this Ordinance.

2. **Required Permits.** All swimming pools as defined by this Ordinance shall be consistent with the swimming pool barrier requirements of this Ordinance. In addition, any swimming pool with a capacity of over three thousand (3,000) gallons or with a depth of over three (3) feet of water shall require the issuance of a building permit.
3. **Required Plans.** An application for a development permit and building permit shall include the following information
  - a. The type and size of pool; and
  - b. A site plan indicating the location of the pool; the location of the dwelling and /or other buildings on the subject parcel; other improvements on the parcel; location of the filter unit; pump heating unit, and wiring indicating the type of such units (if applicable); location of back flush and drainage outlets; grading and / or surface drainage plan; location of existing overhead or underground utilities; drainage and utility easements, final treatment (decking, landscaping, etc.) around pool; trees over eight (8) inches in diameter; and any other existing features as may be necessary to determine whether the proposed pool is consistent with this Ordinance.
4. **Setbacks.** The setback shall be measured at the edge of the waterline closest to the property line. Swimming pools shall comply with the following setbacks:
  - a. Swimming pools shall not be located less than five (5) feet from any side or rear property line.
  - b. Swimming pools shall not be located with the front yard.
  - c. Swimming pools shall not be located less than six (6) feet from any principal structure.
  - d. Swimming pools shall not be located less than ten (10) feet from any overhead utility lines or less than five (5) feet from any underground utility lines.
  - e. Swimming pools shall not be located within any existing private utility, walkway, drainage, or other easement.
5. **In – Ground Pools.** In the case of in – ground swimming pools, necessary precautions shall be taken during construction to avoid damage, hazards, or inconvenience to adjacent or nearby property and to avoid erosion, dust, or other infringements on adjacent property from the stockpiling of excavated material.
6. **Back Flush Water or Pool Drainage Water.** Back flush water or water from pool drainage shall be directed into the street storm water system or onto the owner’s property unless otherwise authorized by the Building Official or other Authorized Agent.
7. **Mechanical Equipment.** The filter unit, pump, heating unit, and any other noisemaking mechanical equipment shall be located at least thirty (30) feet from any adjacent residential structure and at least five (5) feet from any parcel line.

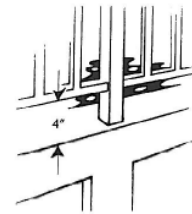
8. **Swimming Pool Barrier.** An outdoor swimming pool shall be provided with a barrier that shall be installed, inspected, and approved prior to plastering or filling the swimming pool with water. The barrier shall comply with the following:



- a. Height of Barrier. The top of the barrier shall be at least forty-eight (48) inches above grade measured on the side of the barrier that faces away from the swimming pool.
- b. Maximum Vertical Clearance. The maximum vertical clearance between grade and the bottom of the barrier shall be two (2) inches measure on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance at the bottom of the barrier may be increased to four (4) inches when grade is a solid surface such as a concrete deck, or when the barrier is mounted on the top of the above ground pool structure.



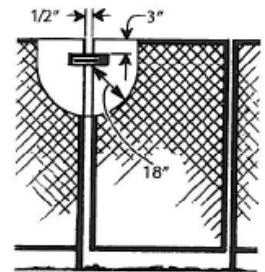
The maximum vertical clearance between grade and the bottom of the barrier shall be two (2) inches on the side of the barrier that faces away from the swimming pool.



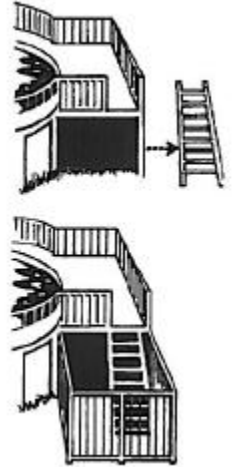
The maximum vertical clearance between grade and the bottom of the barrier may be increased to four (4) inches when grade is a solid surface such as a concrete deck or when the barrier is mounted on the top of the above ground pool structure.

- c. Openings in Barrier. Openings in the barrier shall not allow passage of a four (4) inch diameter sphere.
- d. Chain Link Fences. Chain link fences used as barriers shall not be less than eleven (11) gauge. The mesh size should not exceed 1 $\frac{3}{4}$  inches square.
- e. Access Gates. Access gates shall be self – closing and have a self – latching device.

- 1) For all access gates with a latching device located less than fifty-four (54) inches in height above grade, the latching device shall be located on the pool side of the access gate at least three (3) inches below the top of the gate; and



- 2) For all access gates with a latching device located fifty-four (54) inches or more in height above grade, the latching device may be located on either the inside or outside face of the access gate; and
- 3) When the latching device is located less than 54 inches in height above grade, the gate and barrier shall have no opening greater than one – half (½) inch within eighteen (18) inches of the latching device.



f. Above Ground Pool. Where an above ground pool structure is used as a barrier, or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then:

- (1) The ladder or steps shall be capable of being secured, locked or removed to prevent access; or
- (2) The ladder or steps shall be surrounded by a barrier that meets the requirements of *Subprovisions a through e* above.

When the ladder steps are secured, locked or removed, any openings created shall be protected by a barrier complying with *Subprovisions a through e* above.

9. **Water Safety.** Water in the pool shall be maintained in a suitable manner to avoid health hazards of any type.
10. **Inspection.** All wiring, installation of heating units, grading, installations and construction shall be subject to inspection.
11. **Lighting.** Lighting for the pool shall be arranged and shaded to reflect light away from adjacent property.
12. **Structures Covering the Pool.** Any structure covering an outdoor pool shall require a conditional use permit pursuant to *Subdivision 9.6: Conditional Use Permit*.
13. **Access During Construction.** All access for construction shall be over the owner's land and due care shall be taken to avoid damage to public streets and adjacent private or public property.



## **10.2 STORAGE STANDARDS**

### **A. Exterior Storage in Residential Districts**

1. All materials and equipment shall be stored within a building or fully screened from view.
2. Exceptions, when stored in an orderly fashion:
  - a. Laundry drying facilities.
  - b. Play structures and play equipment.
  - c. Construction and landscaping materials currently being used on the premises.
  - d. Garden equipment and materials if they are used or intended for use on the premises.
  - e. Recreational equipment or furniture used and constructed explicitly for outdoor use.
  - f. Firewood may be stored in the rear or interior side yard, at least three (3) feet from any property line. Firewood shall be neatly stacked.
  - g. Between collection days, containers for the storage of trash, recycling and yard waste may be stored within the rear or interior side yards, beyond the front line of the principal structure.
  - h. Not more than three (3) licensed and operable recreational vehicles and equipment, including trailers, may be parked or stored outside a building, as follows:
    1. In the front yard, provided they are kept on an established driveway, entirely on the equipment or vehicle owner's own property. Recreational vehicles may not be parked or stored on public property or street right-of-way.
    2. In the interior side or rear yard, provided they are stored at least five (5) feet from any property line.
    3. In the side yard of a corner lot abutting public right-of-way, provided they are stored abutting a principal or accessory structure, and are at least twenty (20) feet from the corner side property line.

### **B. Exterior Storage in Commercial and Industrial Districts**

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

unenclosed areas and temporary, outdoor promotional events. The following merchandise shall not be given an exception under this section, and therefore must meet the exterior storage requirements described above:

1. Automobiles, trucks, tractors and other motorized vehicles which are incapable of movement under their own power due to mechanical deficiency.
2. Parts for vehicles and machinery.
4. All exterior storage areas must be on a durable and dustless surface and include storm drainage management facilities as required by the City. The one exception to this section is for storage areas in industrial districts may have a gravel surface, provided the storage area is used only to store heavy machinery and the access to the storage area is not less than one hundred (100) feet from a public right-of-way.
5. Temporary, Promotional or Seasonal Displays. The sale and display of items shall be permitted as an accessory use so long as it is conducted in connection with an existing business and all other setback and ordinance provisions are followed. Any such use shall not be permitted if it poses a threat to the health, safety and general welfare of the public, including but not limited to traffic, signage, lighting and parking.

#### **C. Bulk Storage (Liquid)**

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

#### **D. Shipping Containers/Moving Pods**

1. A shipping container or similar is not considered an “accessory structure”.
2. A shipping container or similar may not be placed in any residential or commercial district for the purpose of long-term storage or to function as an accessory building.
3. Pods or similar structures designed for the storage or transport of property may be utilized in any district on a short-term basis for the purpose of moving, interior remodel or construction, or if damage has occurred to the home due to water damage or natural disaster.
4. A shipping container or similar may be stored outdoors on industrially zoned properties, subject to all exterior storage standards.

### 10.3 TEMPORARY FAMILY HEALTH CARE DWELLINGS

- A. **Purpose and Intent.** On May 12, 2016, Governor Dayton signed into law the creation and regulation of temporary family health care dwellings, codified at *Minn. Stat. §462.3593*, which permit and regulate temporary health care dwellings and cities are allowed to “opt out” of those regulations. The City of Litchfield has chosen to opt out of the requirements of *Minnesota Statutes, Section 462.3593*.
- B. **Authority.** This ordinance is enacted pursuant to authority granted by *Minnesota Statutes, Section 462.3593, subdivision 9*, the City of Litchfield opts-out of the requirements of *Minn. Stat. §462.3593*, which defines and regulates Temporary Family Health Care Dwellings.
- C. **Effective Date.** This Ordinance shall be effective on October 4, 2016.

## 10.4 HOME OCCUPATIONS.

- A. **Applicability.** A home occupation is defined as an accessory use of a dwelling carried on for gainful employment which is clearly incidental and subordinate to the use of the dwelling as a residence. A home occupation is allowed as an accessory uses within all residential Districts.
- B. **Intent.** It is the intent of this Subpart to provide for those customary home occupations of a primarily service character which will not be detrimental to the desired low intensity residential environment of Litchfield's neighborhoods. The basic philosophy underlying the following regulations is that preservation of a quiet residential environment and the use of dwelling for living purposes is primary, and the conduct of home occupations is secondary.
- C. **Permitted Home Occupations.** A home occupation may include such uses as professional offices, small service establishments or offices, and home crafts which are typically considered accessory to a dwelling unit. Examples of home occupations include, but are not limited to, the following: architects, artists, writers, manufactures representatives, music teachers, beauticians and seamstresses. A home occupation shall be allowed in those zoning districts where they are a permitted accessory use provided that the home occupation use obtains a home occupation permit made upon a form furnished by the City Administrator or other Authorized Agent of the City. Such permit shall be issued for as long as the home occupation is being conducted, shall be personal to the applicant, and shall be consistent with all the following standards:
1. A state licensed day care or residential facility as defined and regulated by state law is considered a permitted single family use, and shall not be subject to home occupation regulations set forth herein.
  2. It is intended that retail sales of goods and products shall not be permitted with the following exceptions:
    - a. Articles made or originating on the premises such as home crafts;
    - b. Articles incidental to a permitted commercial service such as shampoo sold by a beautician or barber;
    - c. Sales conducted by mail.
  3. It is intended that manufacturing, defined as the conversion of raw materials to finished products, shall not be permitted except for minor, unobtrusive activities such as home crafts and clothes making;
  4. There shall be no exterior evidence of the occupation including:
    - a. No exterior display of articles for sale
    - b. No sign, except as permitted or a dwelling in the district pursuant to *Subdivision 11.10: Signs*.
    - c. No exterior storage of equipment or materials used in the occupation.

5. Home occupations shall be carried on wholly within the principal building. No home occupation shall be allowed in attached or detached garages or accessory buildings;
6. No more than four hundred (400) square feet of the principal building shall be devoted to the home occupation;
7. There shall be no structural alterations, enlargements, or construction to the dwelling for the primary purpose of conducting the home occupation;
8. There shall be no repair or construction of vehicles, motors, equipment, or machinery;
9. There shall be no detriments to the residential character of the neighborhood due to the emission of noise, odor, dust, smoke, gas, heat, vibration, toxic or noxious emissions, electrical interference, customer traffic, number of deliveries, hours of operation or any other annoyance resulting from the home occupation. Home occupations shall be subject to the performance standards set forth in this Ordinance.
10. Classes held on the premises shall have no more than four (4) students at any given time and shall be given within the principal structure only;
11. Only persons residing in the dwelling and a maximum of one (1) non – resident equivalent shall be engaged in the home occupation. A non – resident equivalent is defined as one (1) or more persons who work a combined total of forty (40) hours per week in the residence; and
12. The home occupation shall not result in the need for more than two (2) parking spaces at any given time, in addition to the off – street parking spaces required for the primary dwelling pursuant to Subdivision 11.5: Parking and Loading.
13. The following activities or similar shall be prohibited:
  - a. Motor vehicle service or repair of any vehicles other than those registered to residents of the property;
  - b. A commercial food service requiring a license;
  - c. Activities that generate significant amounts of customer traffic to the premises, in excess of ten (10) vehicles per day;
  - d. Activities that generate significant amounts of truck traffic to the premises in excess of five (5) deliveries or pick – ups per week. Deliveries and pick – ups by semi – truck / trailer shall be prohibited.

**D. Home Occupation Permitted with the Issuance of a Conditional Use Permit.** No home occupation use shall exceed any of the standards specified in Provision B of this Subpart unless a conditional use permit has been issued pursuant to *Subdivision 9.6: Conditional Use Permit*.

**E. Non-Compliant Home Occupations.** In the event a permitted home occupation becomes non – compliant with the standards and criteria established above, the City shall have the authority to require the non – conforming feature to desist or be removed.

F. **Home Occupations for Handicapped Persons.** Home occupations for handicapped persons that do not meet the conditions listed above may be reviewed by the City Council, acting as the Board of Adjustments and Appeals, which may modify or waive the above requirements.

## 10.5 BED AND BREAKFAST INN

### A. Bed and Breakfast Inn Standards.

1. Bed and breakfast inns shall only be allowed through the granting of a conditional use permit, pursuant to *Subdivision 9.6 Conditional Use Permit*, for those meeting at least the minimum criteria outlined herein, and only after it is determined that the single-family character of the property and the quality of the neighborhood will be preserved. A bed and breakfast inn must be an existing residential building and have no greater impact than, or be perceived to be other than, a private home with house guests. The intent is not to permit or allow yards to be destroyed, landscaping to be removed or the integrity of the neighborhood to be altered in order to convert the property to a bed and breakfast inn.
2. **Obligation to Comply.** The bed and breakfast owner shall at all times be subject to all lawful exercise of the police power of the City and to such reasonable regulations as the City hereafter by Ordinance provides.
3. An application for this conditional use permit shall include the following:
  - a. A site plan.
  - b. A landscape plan.  
A set of floor plans indicating the traditional uses of all rooms and the intended uses in the bed and breakfast operation.
  - c. Sign drawings showing location, dimensions and detail.
4. Bed and breakfast inns may be granted permits in zones subject to the following standards and conditions:
  - a. The main residential building must contain a minimum of one thousand five hundred (1,500) square feet of area.
  - b. The proprietor shall be the owner or manager of the property and no dwelling unit other than that of the proprietor, no home occupation, roomers or boarders shall be permitted.
  - c. Two (2) off street parking spaces for the home occupants plus one (1) for each guest room shall be provided.
  - d. Parking layouts and construction shall be considered on a case-by-case basis prior to approval.
  - e. Only breakfast or light refreshments shall be provided to guests. Dining and other facilities shall not be open to the public, but shall be used exclusively by the registered guests and residents, unless allowed by a separate permit.
  - f. There shall be a limitation of no more than six (6) on the number of guest rooms permitted based on the character and size of the building, and guest rooms shall have traditionally been bedrooms.
  - g. One sign may be erected on the property, not to exceed four (4) square feet in size. Such signage shall not be illuminated and shall complement the architecture of the structure.

- h. Guests stays shall be limited to fourteen (14) consecutive days.
- i. The bed and breakfast shall be a subordinate use to the single-family use of the structure.
- j. Employee Restriction. The bed and breakfast shall employ not more than the equivalent of two full-time persons who are not domicile in the principal structure.
- k. The inn shall comply with all applicable laws, rules and regulations governing its existence and operation, including the State Fire Code and Health Code.
- l. Such other conditions deemed necessary by the Planning Commission and/or City Council to ensure the use complies with the purpose of this subsection.



## 10.6 MANUFACTURED HOMES/MOBILE HOME PARKS

### A. Park Permit Required.

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

### B. Procedure. The following procedure shall be followed for a park permit application:

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

2. The park shall be located on a well-drained site suitable for the purpose, and so the drainage of the park area will not endanger any water supply. All plans for the disposal of surface storm water must be approved by the City.
  3. The park shall be located on a minimum lot size of fifty thousand (50,000) square feet.
  4. Each park shall have frontage to and access to a public street which is deemed adequate to serve the anticipated traffic needs of the park. Access to parks shall be as approved by the City.
- b. Roads and parking.
1. Each park shall contain all-weather hard surfaced interior roadways free from dust and mud and include adequate provisions for surface drainage. This requirement shall be applicable no later than one (1) year following the initial construction of said interior private roadways. Such streets shall be private streets. Curbing is required on all streets/roadways per City Engineer's specifications.
  2. An adequate entrance road of forty-four (44) foot pavement width shall be constructed to the municipality's street or road specifications capable of handling heavy service vehicles such as fire and garbage trucks without injury to surface or base.
  3. Interior roads shall be not less than thirty-six (36) feet in width for two (2) lane roads, measured from back of curb to back of curb.
  4. Off-street parking for the park shall be provided in the ratio of two (2) all-weather, permanent, hard surfaced spaces per unit. The combined width of these spaces shall be a minimum of ten (10) feet, with a minimum area of four hundred (400) square feet.
  5. Provisions shall be made for each home site to have access on an approved roadway.
  6. Streets approved for dedication to the City shall be constructed in accordance with applicable City standards.
- c. Bulk and space requirements.
1. Each home space shall have a minimum area of forty-eight hundred (4,800) square feet exclusive of roadways and common space.
  2. Each home space shall have a minimum width of not less than fifty (50) feet.
  3. No home shall be placed closer than thirty (30) feet to any adjacent mobile home, except that when awnings, porches or cabanas are attached, the minimum distance between each mobile home shall be twenty (20) feet.
  4. No home shall be located closer than twenty (20) feet to the traveled portion of an interior street.
  5. No home shall be placed closer than fifteen (15) feet from the side lot line, closer than fifteen (15) feet from the rear lot line.

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

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

**C. Processing.**

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

**D. Permit Issuance.**

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

**E. Compliance Required.**

1. It shall be the duty of the Zoning Administrator to ensure that the approved conditional use permit is followed by the owner and/or developer.
2. No departure from the approved conditional use permit shall be made without the express written permission of the City. The procedure for review and approval or disapproval of changes shall be the same as for the initial application.
3. No building or site shall be used or occupied until all requirements and provisions of this Ordinance and any special conditions as provided by this Section have been complied with.
4. The City may require performance bonds or other forms of security for reasons and in amounts as specified in the City's special assessment policies.

**F. Additional Regulation.** The following additional regulations shall apply to manufactured homes/mobile homes and manufactured homes/mobile home parks:

1. Other than what is allowed under the "Home Occupations" section of this Ordinance, no commercial operation shall be conducted within the park other than those

necessary to the operation thereof. Commercial sales lots for homes are prohibited within the home park.

2. Any enlargement or extension to any existing park shall require application for a conditional use permit as if it were a new establishment.
3. A request for transfer of the permit shall be treated in the same manner as an original application for a permit.
4. No additions, building or other structure shall be attached to a home without a City permit and approval of the park operator. Such additions shall not encroach upon the set backs herein provided.
5. All manufactured homes as defined by *M.S. 327.31-327.35* shall be anchored in accordance with the MINNESOTA CODE OF AGENCY RULES - BUILDING CODE DIVISION -SECTION 2 MCAR - 1.904.50 "Stabilizing System for Mobile Homes".
6. Skirting for homes is required and shall be in accordance with the decor of the home and in good repair. Each home shall be parked upon a jack or block approved by the park operator.
7. One accessory building not to exceed one hundred (100) square feet in floor area shall be allowed for each home space. Accessory buildings shall be located within the rear yard five (5) feet from lot lines.
8. In addition to the foregoing, the Planning Commission may impose such other conditions, requirements or limitations concerning the design, development and operation of each park as it may deem necessary for the protection of adjacent properties and the public interest.
9. The park grounds shall be lighted as approved by the City from sunset to sunrise. Artificial light shall be maintained during all hours of darkness in all buildings containing public toilets, laundry equipment and the like.
10. Advertising the home park shall be limited to one sign not to exceed six (6) square feet, with lighting, height and location as approved by the City.
11. There shall be no outdoor camping anywhere in the park.
12. No public address or loudspeaker shall be permitted.
13. The operator of every park shall maintain a registry of the park showing both the name and address of the residents and the make, type and license number of each home.
14. All dwellings within the park shall contain a minimum gross area of 800 square feet.
15. The park must meet all licensing, rules, and regulations from the Minnesota Department of Health. See Minnesota Statutes Chapter 327, "Hotels, Motels, Resorts and Manufactured Homes" for details.

## **10.7 LIVESTOCK**

- A. No livestock shall be permitted, including but not limited to those normally associated with feedlots. Such as but not limited to cows, swine, horses, chickens, etc.

## **10.8 TELLECOMMUNICATION TOWERS AND ANTENNAE PERFORMANCE STANDARDS**

- A. **Purpose.** To meet the communication needs of residents and businesses while protecting the public health, safety and general welfare of the community, the City of Litchfield finds that the following Section is necessary in order to:
1. Facilitate the provisions of the wireless telecommunications services to the residents and businesses of the community.
  2. Through setback requirements and structural standards, avoid potential damage to adjacent properties from tower failure.
  3. Minimize adverse visual effects of towers through careful design and siting standards.
  4. Reduce the number of towers necessary to serve the area by maximizing the use of existing and approved towers and buildings that can accommodate new wireless telecommunication antennas.
- B. **Consistency with Federal Law.** In addition to other findings required by this section, the City of Litchfield shall find that its decision regarding an application is intended to be consistent with Federal law, particularly the Telecommunications Act of 1996. This section does not:
1. Prohibit or have the effect of prohibiting the provision of personal wireless services.
  2. Unreasonably discriminate among providers of functionally equivalent wireless services.
  3. Regulate personal wireless services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated services and facilities comply with the Federal Communications Commission (FCC) regulations concerning such emissions.
- C. **Required Permits.**
1. Prior to any construction activities, the following permits must be secured from the City:
    - a. A Conditional Use Permit
    - b. A Building Permit
  2. An applicant for a telecommunications tower or facility permit must be a telecommunications provider or must provide a copy of its executed contract to provide land or facilities to an existing telecommunications provider to the City at the time that an application is submitted. A permit shall not be granted for a tower or facility to be built on speculation.
  3. No construction, alteration, modification (including the installation of antennas for new uses) or installation of any telecommunications tower or facility shall commence without a conditional use permit first being obtained from the City.
- D. **Zoning District Use.**

1. Telecommunication towers and antennae shall only be allowed in the Business, Commercial and Industrial Zoning Districts in the City upon the approval of the two permits required above.
2. The City may, by conditional use permit, authorize the use of City property for towers in accordance with the procedures of this code. The City has no obligation to allow the use of City property for this purpose.

**E. Area, Setback and Height Restrictions.**

1. Lot Area. The minimum lot area requirements are determined by the Zoning District in which the tower development site is located and as determined by any additional area needed to meet all setback requirements of this Ordinance.
2. Tower Setbacks. The minimum setback from all property lines and public rights of way for telecommunications towers, exclusive of attached antennae, shall be equal to its height.
3. Height Restrictions. A maximum height for telecommunications towers is one hundred fifty (150') feet, excluding attached antennae. Measurement of tower height must include the tower structure itself, the base pad and any other telecommunications facilities attached thereto. Tower height is measured from grade.
4. Notwithstanding the above, additional height may be approved upon a finding by the City that additional height is necessary in order to provide coverage in the City of Litchfield or to accomplish collocation of facilities and that the additional height will not cause an undue visual impact on the scenic character or appearance of the area.

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

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



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

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

1. Towers and antennae shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by Federal or State authorities.
2. Commercial wireless telecommunication service towers shall be of a monopole design unless the City Council determines that an alternative design would better blend in to the surrounding environment.
3. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights when overall permitted height allows. Towers shall be designed structurally, electrically and in all respects to accommodate both the applicant's antennas and additional antennas when overall permitted height allows.

**H. Construction Requirements.**

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

7. Tower locations should provide the maximum amount of screening possible for off-site views of the facility. Existing on-site vegetation shall be preserved to the maximum extent practicable. The area around the base of the tower and any accessory structures shall be landscaped and/or screened.

**I. Site Plan Requirements.** In addition to site plan requirements found elsewhere in this Zoning Ordinance or within Litchfield's Subdivision Ordinance and permit requirements, site plans for telecommunications facilities shall include the following supplemental information:

1. Location Map. A copy of a portion of the most recent USGS Quadrangle map showing the area within at least a two-mile radius of the proposed tower site.
2. Vicinity map showing the entire vicinity within a 2500-foot radius of the tower site, including the telecommunications facility or tower, topography, public and private roads and driveways, buildings and structures, water bodies, wetlands, landscape features, historic site and habitats for endangered species. It shall indicate the property lines of the proposed tower site parcel and all easements or rights of way needed for access from a public way to the tower.
3. Proposed site plans of the entire development indicating all improvements including landscaping, utility lines, guy wires, screening and roads.
4. Elevations showing all facades and indicating all exterior materials and color of towers, buildings and associated facilities.
5. Construction sequences and time schedule for completion of each phase of the entire project.
6. Plans shall be drawn at a minimum at the scale of one (1) inch equals fifty (50) feet.

**J. Lights and Other Attachments.**

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

**K. Accessory Utility Buildings.**

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

**L. Screening Standards.**

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

**M. Security.**

1. Towers must be reasonably secured to protect against trespass.
2. Appropriate signage shall be posted indicating that trespassing and/or vandalism to the property may be punishable under local, State, or Federal laws.

**N. Access.**

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

**O. Maintenance Requirements.**

1. The yard area in front of fences and walls shall be trimmed and maintained in a neat and attractive manner.
2. Repairs to damaged areas of walls or fences shall be made within thirty (30) days of sustaining said damage.
3. Areas left in a natural state and vegetative screening areas shall be properly maintained in a slightly and well kept condition.
4. Diseased, dying or dead vegetative screening elements shall be removed and then replaced, at a minimum, with healthy plants of the same size required when first planted.
5. The telecommunications facility owner shall maintain adequate insurance on all telecommunications facilities.

**P. Abandoned or Unused Towers or Portions of Towers.**

1. All abandoned or unused towers and associated facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the City Council. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and any associated facilities upon the cessation of their operations shall be submitted at the time of application. In the event that a tower is not removed within six (6) months of cessation of operations at a site, the tower and associated facilities may be removed by the City and the cost of removal assessed against the property.

2. Unused portions of towers above manufactured connection shall be removed within six (6) months of the time of antenna relocations. The replacement of portions of a tower previously removed requires the issuance of a new building/conditional use permit.

**Q. Antennas Mounted on Roof, Walls and Existing Towers.**

1. The placement of wireless telecommunication antennae on roofs, walls and existing towers may be approved by the City Council, provided the antennae meet the requirements of this Ordinance, after submittal of:
  - a. A site and building plan.
  - b. A report prepared by a qualified and licensed professional engineer indicting the existing structure or tower's suitability to accept the antenna and the proposed method of affixing the antenna to the structure. A complete detailing of all fixtures and couplings needed and the precise point of attachment shall be indicated.

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

1. Documentation of the area to be served by the tower including a narrative describing why the site chosen is the most appropriate site for the tower location, the results of any environmental review conducted on the chosen site and a discussion of why existing structures within the search area would not be suitable as locations or co-locations for the purpose of antennae.
2. A copy of an agreement between the applicant and property owner that the site and tower will be designed for not less than three (3) users. The agreement shall also include a statement that any unused or obsolete tower shall be removed by the property owner or applicant. This agreement shall be signed by the applicant and property owner and shall be attached to and become part of the permit.
3. A report from a qualified and licensed professional engineer which:
  - a. Describes the tower height and design including a cross section and elevation.
  - b. Documents the height above grade for all potential mounting positions for co-locating antennae and the minimum separation distances between antennae.
  - c. Provides written evidence from the engineer that at the proposed site the applicant will be in compliance with all FCC regulations, standards and requirements, and includes a statement that the applicant commits to continue to maintain compliance with all FCC regulations, standards and requirements regarding both radio frequency interference (RFI) and radio frequency radiation (RFR). The City may hire independent engineers to perform evaluations of compliance with the FCC regulations, standards and requirements on an annual basis at unannounced times.
  - d. Includes an engineer's stamp and registration number.
  - e. Includes other information necessary to evaluate the request.

4. Before the issuance of a conditional use permit, the following supplemental information shall be submitted:
  - a. Proof that the proposed tower complies with regulations administered by the FAA.
  - b. A report from a qualified and licensed professional engineer that demonstrates the tower's compliance with the aforementioned structural and electrical standards.
5. Additional liability insurance equivalent to the minimum City requirements and proof of insurance be provided with all other information contained with the submittal materials.

**S. Existing Antennas and Towers.**

1. Antennas and towers in existence before the adoption of this Ordinance, that do not conform to or comply with this Ordinance are subject to the following provisions:
  - a. Towers and antennas may continue in use for the purpose now used and as now existing but may not be replaced or materially altered without complying in all respects with this Ordinance.
  - b. If such towers or antennas are hereafter damaged or destroyed due to any reason or cause whatsoever, the tower or antenna may be repaired and restored to its former use, location, and physical dimensions upon obtaining a building permit therefore, but without otherwise complying with this Ordinance, provided, however, that if the cost of repairing the tower to the former use, physical dimensions and location would exceed the cost of a new tower of like kind and quality, then the tower may not be repaired or restored except in full compliance with this Ordinance.

**T. Temporary Wireless Communications.** Any telecommunications facility designed for temporary use is subject to the following:

1. Use of a temporary facility is permitted only if the owner has received a temporary use permit from the City of Litchfield.
2. Temporary telecommunications facilities are permitted for no longer than five days-use during a special event.
3. The maximum height of a temporary facility is 50 feet from grade.
4. Temporary facilities must comply with all applicable portions of these regulations.

**U. Evaluation and Monitoring.**

1. As a condition of approval for telecommunication facilities the applicant shall reimburse the City for its costs to retain outside expert technical assistance to evaluate any aspect of the proposed siting of telecommunications facilities.
2. The owner of a telecommunications facility shall provide the City with current, technical evidence of compliance with FCC radiation emission requirements, annually or more frequently at the City's reasonable request. If the owner does not promptly provide the City with satisfactory technical evidence of FCC radiation

compliance, the City may carry out tests to ensure FCC radiation compliance using a qualified expert.

3. The owner shall reimburse the City for its reasonable costs in carrying out such compliance testing.

**V. Interference With Public Safety Telecommunications.**

1. No new telecommunications facility shall be placed or constructed in such a way as to interfere with public safety telecommunications.
2. All applications for new telecommunications facilities shall be accompanied by an intermodulation study that predicts no likely interference problems and certification that the study has been provided to the appropriate public safety agencies.
3. Before testing or operating new service or changes in existing service, telecommunications providers shall notify the City at least ten calendar days in advance of such changes and allow the City to monitor interference levels during the testing process.

**W. Variances.** The City Council may grant a variance to the setback, separation or buffer requirements, and maximum height provision of this section by the criteria set forth under this Ordinance, including the following additional variance criteria for telecommunication towers and antennae:

1. The location, shape, appearance or nature of use of the proposed tower will not substantially detract from the aesthetics of the area, not change the character of the neighborhood in which the tower is proposed to be located.
2. The variance will not create a threat to the public health, safety or welfare.
3. In the case of a requested modification to the setback requirement, that the size of the plat upon which the tower is proposed to be located makes compliance impossible, the only alternative for the applicant is to locate the tower at another site but poses a greater threat to the public health, safety or welfare or is closer in proximity to a residentially zoned land.
4. In the case of a request for modification of separation requirements, if the person provides written technical evidence from an engineer that the proposed tower and telecommunications facilities must be located at the proposed site in order to meet the coverage needs of the applicant's wireless communications system and if the person agrees to create approved landscaping and other buffers to screen the tower from being visible to the residential area.
5. In the case of a request for modification of the maximum height limit, that the modification is necessary to (1) facilities co-location of telecommunications facilities in order to avoid construction of a new tower; or (2) to meet the coverage requirements of the applicant's wireless communications system, which requirements must be documented with written, technical evidence from an engineer.

**X. Penalties.** Any person, corporation or other entity that constructs, erects, places, reconstructs, enlarges, expands or repairs a tower or antenna in violation of this

Ordinance shall be guilty of a misdemeanor and shall be subject to any additional legal or equitable remedies available to the City.

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

## **11.0 GENERAL DEVELOPMENT STANDARDS**

- A. The following general regulations and performance standards of this Section shall apply equally to all districts within this Ordinance except where special provisions provide otherwise. It is not intended by this Ordinance to repeal, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.
- B. The general regulations and performance standards established in this Section are designed to encourage high quality residential and business development by providing assurance that neighboring land uses will be compatible. The general regulations and performance standards are also designed to prevent and eliminate those conditions that cause blight.
- C. All future development in the City shall be required to meet these standards. The standards shall also apply to existing development where so stated. The Zoning Administrator shall be responsible for enforcing these standards and may require the submission of information showing compliance or noncompliance with the standards.
- D. Before any building permit or site plan is approved, the Zoning Administrator shall determine whether the proposed use will conform to the general regulations and performance standards. The developer shall supply additional data about the proposed use (such as equipment to be used, hours of operation, method of refuse disposal, type and location of exterior storage, etc.), where required to do so by the Zoning Administrator. It may occasionally be necessary for a developer or business to employ specialized consultants to demonstrate that a given use will conform with any general regulation and/or performance standard.



## 11.1 LOTS

### A. Lot Area Requirement.

1. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum required by this Ordinance.
2. The number or area of dwelling units shall not be increased in any manner except in conformity with the area regulations described herein.
3. No part of a yard or other open space, or off-street parking or loading space provided about any building, structure or use for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard, open space or off-street parking or loading space required under this Ordinance for another building, structure or use.

**B. Double Frontage Lot.** Double frontage lots shall maintain a yard on both streets conforming to the requirements for front yards on those streets.

**C. Corner Lot.** Corner lots shall maintain a yard on both streets conforming to the requirements for front yards on those streets.

### D. Lot of Record.

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

**E. Adjacent Lots and Lots of Continuous Frontage in Single Ownership.** If two (2) or more lots or combination of lots and portions of lots with continuous frontage or common property line are in single ownership, the following provisions shall apply:

- a. Each individual lot of record shall be dealt with as an individual lot in all cases, even though in common ownership with adjacent lots of record.
- b. No building, structure or use shall be constructed, altered, expanded or developed on an adjacent lot under single ownership, unless a conditional use permit is obtained.
- c. Nothing shall prohibit the legal joining together of separately described lots or parcels.

**F. Approval of Plats.** No proposed plat of a new subdivision shall be approved unless the lots within such plats equal or exceed the minimum requirements as delineated for the district in which the property is located. The plat shall further conform to all other statutes of the State of Minnesota and Ordinances and regulations of the City.

## 11.2 SETBACKS

**A. Setback Measurements.** All setbacks shall be measured from property lines.

### **B. Front Yard Exceptions.**

1. When the majority of residential or commercial buildings have been built in a block at the time of adoption of this Ordinance, no building or structure hereafter erected or altered, shall project beyond the average setback line established by existing structures, provided no building will be required to set back more than forty-five (45) feet from the property line.
2. In the following circumstances, a new residential structure may not be required to conform to the minimum setback requirements of the Zoning District:
  - a. Where fifty percent (50%) or more of the residential lots on the same linear block (see definition) as the lot in question are developed with less than the required front yard setbacks, the average setback of the developed residential lots on the block with less than the required front yard setback shall be observed as the minimum setback for a new residential structure.
  - b. Where the lot on which the new residential structure is proposed is between two adjacent existing developed residential lots with less than the required setback front yard setback, the average setback of both adjacent residential lots shall be observed as the minimum front yard setback.

### **C. Corner Lot Setbacks.**

1. Where a structure fronts on two (2) streets, the determination as to which is the front yard shall be made by the Building Inspector on the basis of prevailing setbacks in the immediate vicinity.

**D. Minimum Requirements.** Please refer to *Table 12.11: Minimum Requirements by Zoning District* for setback requirements for each zoning district.

### 11.3 BUILDING AND SITE DESIGN

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

**B. Temporary Buildings.** Temporary buildings including mobile homes or travel coaches used as an office, temporary residence or storage for security purposes shall be permitted at construction sites for other than one-or-two family residences.

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

**D. Building Area.**

1. Outside stairways, fire escapes, porches, platforms, balconies, and other similar and attached projections shall be considered as part of the principal structure and subject to the space requirements thereof. This provision shall not apply to:

- a. One (1) fireplace or one (1) chimney not more than eight (8) feet in length and projecting not more than thirty (30) inches into the allowable yard space.
- b. Cornices not exceeding sixteen (16) inches in width.
- c. Platforms, terraces and steps below the first floor level.

**E. Building Lot/Principal Structures.** Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one permitted principal building on one lot except that in commercial and industrial districts more than one permitted principal building may be located on one lot providing that all buildings shall meet all other requirements as set forth in this Ordinance as though it were on an individual lot.

**F. Residential Garage Space Requirement.**

1. Each newly created single and two-family dwelling unit shall be required to have use of an attached or detached garage space, at a minimum size of twelve (12) feet by twenty-four (24) feet.
2. A property owner may request a conditional use permit, pursuant to *Subdivision 9.6: Conditional Use Permit*, if compliance with this requirement is not possible.
3. This requirement shall not apply to multifamily/apartment housing.

**G. Buildings Under Construction.** Any building or structure for which a building permit has been issued and the construction of the whole or a part of which has been started, prior to the effective date of this Ordinance may be completed and used in accordance with the plans and application on which said permit was granted.

**H. Building Height.**

1. **Measuring Building Height.** Building height is the vertical distance measured from the average ground level at the front of the proposed structure prior to construction, to the top cornice line of a flat and mansard roof, to the uppermost point on a round or other arch-type roof, or to the midpoint of the tallest gable of a pitched or hipped roof.

2. **Structures Not Included in Height of Building.** Chimneys, cooling towers, elevator bulk head, fire towers, drive-in movie theater screens, grain elevators, silos, stacks, tanks, water towers, water slides, pumping towers, radio or television towers, monuments, cupolas, and mechanical accessories pertaining to and necessary to the permitted use of the district in which they are located, shall not be included in calculating the height of principal structure.

### **I. Building Relocation.**

a. **Review Process.** The relocation of a used building or structure older than 10 years on a lot or onto another lot within the City shall be subject to approval of a conditional use permit, followed by a building permit.

- i. Accessory buildings up to seven hundred twenty (720) square feet in floor area shall be allowed without issuance of a conditional use permit, but shall comply with all other provisions of this Section.

### **b. Performance Standards.**

- i. Upon relocation, the building shall comply with all applicable building, plumbing, heating and electrical codes of the City.
- ii. The proposed relocated building shall comply with the character of the neighborhood in which it is being relocated as determined by the City Council.
- iii. The relocated use will not result in a depreciation of neighborhood or adjacent property values.
- iv. Except as otherwise allowed by the City Council, the relocated structure shall be ready for occupancy within six (6) months from the date of location on the site.

## **11.4 TRAFFIC**

### **A. Visibility at Intersections and Railroad Crossings.**

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

### **B. Interference With Traffic Signals.**

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

### **C. Traffic Control.**

1. The traffic generated by any use shall be channelized and controlled in a manner that will avoid:
  - a. Congestion on the public streets;
  - b. Traffic hazards; and
  - c. Excessive traffic through residential areas, particularly truck traffic. Internal traffic shall be so regulated as to insure its safe and orderly flow. Traffic into and out of business and industrial areas shall in all cases be forward moving with no backing onto streets.

## 11.5 PARKING AND LOADING

**A. Parking and Storage of Certain Vehicles.** The parking and storage of certain vehicles shall comply with *Chapter 91* of this Ordinance.

**B. Off-Street Parking Facilities.** In all districts where off-street parking lots are permitted or required, such off-street parking lots shall be constructed and maintained subject to the following regulations:

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

**C. Off-Street Parking Location.** All required off-street parking facilities shall be located as follows:

- a. One (1) and two (2) family dwellings--on the same lot as principal use served.
- b. Multiple family dwellings--on the same lot as the principal use served or within two hundred (200) feet of the main entrance to the principal building served.

- c. Business and Industrial off-street parking spaces shall not be less than twenty (20) feet from an adjacent lot zoned or used for residential purposes. In all other cases, no off-street parking area containing more than four (4) parking spaces shall be located closer than fifteen (15) feet from an adjacent lot zoned or used for residential purposes.
- d. Within eight hundred (800) feet of a main entrance to the principal building served in a business, commercial or industrial district.
- e. There shall be no off-street parking space within three (3) feet of any sidewalk or street right-of-way.
- f. Nothing in this section shall prevent the extension of, or addition to a building or structure into an existing parking area which is required for the original building or structure when the same amount of space taken by the extension or addition is provided by an enlargement of the existing parking area or an additional area within the required distance of such building.
- g. No off-street parking shall be permitted in the front or side yard of any "R" District except upon a driveway providing access to a garage, carport or parking area for a dwelling. No parking shall be permitted on the front lawn.

**D. Off-Street Parking Requirements.** In all Zoning Districts there shall be provided at the time any use or building is erected, enlarged, expanded or increased, off-street parking spaces for vehicles of employees, residents and/or patrons in accordance with the following requirements. An off-street parking space shall be a minimum of nine (9) feet wide for angle parking and ten (10) feet wide for 90 degree stall parking. It shall also provide proper access to a public street or alley, in which maneuvering room may be estimated at three hundred (300) square feet, but off-street parking requirements will be considered to be met only when the requirements below are provided and maintained, improved in a manner appropriate to the circumstances of the case and in accordance with all applicable ordinances and regulations.

- a. Required off-street parking areas for three (3) or more automobiles shall have individual spaces marked and shall be so designed, maintained and regulated, that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley so that any automobile may be parked and un parked without moving another.
- b. Loading space shall not be construed as supplying off-street parking space.
- c. When units or measurements used in determining the number of required parking spaces result in requirement of a fractional space and fraction up to and including one-half (2) shall be disregarded and fractions over one-half (2) shall require one (1) parking space.
- d. Whenever a use requiring off-street parking is increased in floor area, and such use is located in a building existing on or before the effective date of this Ordinance, additional parking space for the additional floor area shall be provided and maintained in amounts hereafter specified for that use.
- e. Floor area in the case of offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used for services to the public as

customers, patrons, clients, patients as tenants, including areas occupied by fixtures and equipment used for display or sale of merchandise.

- f. Off-street parking facilities for dwellings shall be provided and located on the same lot or parcel of land as the building they are intended to serve.
- g. Where a use is not specifically mentioned, off-street parking requirements shall be the same as for a similar use.
- h. Nothing in this section shall be construed to prevent collective provisions of off-street parking facilities for two (2) or more buildings or uses provided, collectively, such facilities shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the following table.
- i. 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 or an additional area within three hundred (300) feet of such building.
- j. Off-street parking space may be located within the required front yard of any Business or Industrial District, but no off-street parking shall be permitted in the required front yard of any Residential District, except upon a driveway providing access to a garage, carport or parking area for a dwelling.
- k. The amount of required off-street parking space for new uses or buildings, additions thereto and additions to existing buildings as specified above, shall be determined in accordance with the following table:

<b>Table 11.5– Required Off-Street Parking Spaces</b>		
<b><u>Use</u></b>	<b><u>Requirement</u></b>	<b><u>Additional Spaces Required</u></b>
<b>Residential Uses</b>		
Dwelling: SF	2 spaces per dwelling unit	
Dwelling: 2 family/duplex	2 spaces per dwelling unit	
Apartment/Multifamily	2 spaces per 1 bed unit 2.25 spaces per 2 bed unit 2.5 spaces per 3 bed unit	.05 spaces per dwelling unit for visitors
Mobile Home Park	2 spaces per dwelling unit	



<u>Use</u>	<u>Requirement</u>	<u>Additional Spaces Required</u>
<b>Group Residential Uses</b>		
State Licensed Residential Facility / Group Home	1 space per 6 residents	1 space per employee on maximum shift
Nursing Home/Care Facility	1 space per 3 beds	1 space per 2 employees
<b>Commercial Uses</b>		
Auto Repair	4 spaces per service stall	
Auto Sales	1 space per 2 employees	1 space per 2,000 SF of lot and building area uses to display
Bank/Financial Institution	1.75 spaces per 250 SF of gross floor area	
Bed & Breakfast/Rooming House	1 space per guest or sleeping room or suite	1 space per employee or 2 spaces if there is a dwelling unit
Bowling Alley	5 spaces per lane	
Car Wash	4 spaces per wash stall	1 space per employee on maximum shift
Commercial Day Care	1 space per employee on maximum shift	1 space per 10 children
Convenience Store with Gas	3 spaces per service stall	1 space per 250 SF of gross floor area
Food Sales (Grocery)	1 space per 200 SF of gross floor area	
Funeral Services	1 space per 3 seats based off maximum capacity design	

<u>Use</u>	<u>Requirement</u>	<u>Additional Spaces Required</u>
General Retail	1 space per 250 SF of gross floor area	
Hospital Services	2.5 spaces per 1,000 SF of gross floor area	4 spaces per bed
Hotel/Motel	1 space per room	1 space per employee on maximum shift
Laundromat	1 space per 300 SF of gross floor area	
Medical/Dental Offices	1 space per 200 SF of gross floor area	
Office	1 space per 300 SF of gross floor area	1 space per employee
Personal Service	1 space per 300 SF of gross floor area	
Restaurant (Fast-Food/Drive-Thru)	1 space per 4 seats for sit-down, 1 space per 50 SF of gross floor area	1 space per employee at max shift
Restaurant (Drive In - no seating)	1 space per 35 SF of gross floor area	
Restaurant (Sit Down)	1 space per 4 seats	1 space per employee at max shift
Theater/Auditorium/Assembly	1 space per 4 seats	
Veterinary Office	1 space per 250 SF of gross floor area	
<b>Industrial Uses</b>		
Manufacturing	1 spaces per 1,000 SF of gross floor area	1 space per employee

<u>Use</u>	<u>Requirement</u>	<u>Additional Spaces Required</u>
Warehouse/Distribution	0.5 spaces per 1,000 SF of gross floor area	1 space per employee
<b>Public, Civic, and Institutional Uses</b>		
Religious Assembly	1 space per 3 seats based off maximum capacity design	
School - Elementary or Middle	1 space per 2 classrooms	1 space per employee
School - High School	1 space per 7 students based on design capacity	2 spaces per classroom
School - College, Higher Learning	1 space per 2 students	1 space per employee

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

1. Location. All required loading berths shall be off street and shall be located on the building or use to be served.
2. Access. Each required loading berth shall be located with appropriate means of vehicular access to a street or public alley in a manner which will least interfere with traffic.
3. Surfacing. All loading berths and access ways shall be improved with a durable material to control dust and drainage.
4. Accessory Use. Any space allocated as a loading berth or access drive so as to comply with the terms of this Ordinance shall not be used for the storage of goods, inoperable vehicles or be included as part of the space requirements necessary to meet the off-street parking area.

## **11.6 DRAINAGE, EXCAVATION AND SEWER AND WATER PROVISIONS**

### **A. Drainage.**

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

**B. Dumping and Disposal of Excavated Materials.** The dumping of dirt, rock or other earthen material is permitted in any district not part of a drainage channel provided the surface of such material is graded within a reasonable period of time in a manner preventing the collection of stagnant water and that the ground surface is left in a condition suitable for growing of turf or for other land uses permitted in the district. This shall not prevent the development of the property for its best use when adequate facilities are provided to maintain the primary purpose of the drainage way or flood plain, i.e. the uninterrupted flow of surface water.

### **C. Sewer and Water Provisions.**

1. All sewage facilities shall be connected to community sewer facilities when available.
2. Where sewers are not available or in operation, as determined by the City Council, all sewage facilities shall be connected to individual sewage disposal systems, under the authority of the County and in accordance with any applicable regulations of State agencies.
3. This provision shall not apply to temporary construction sites, or portable units used in farming operations.
4. All water shall be procured from the public water system when available.
5. Where it is not feasible to connect to a public water supply or if on-site water supplementation is required, as determined by the City Council, a well may be drilled in accordance with the specifications and provisions of the Minnesota Department of Health, Water Well Construction Code.

## 11.7 LANDSCAPING, BUFFERS, AND SCREENING

### A. Landscaping.

1. **Intent.** This Subdivision is intended to provide minimum landscaping and planting standards for the purpose of promoting and protecting the health, safety, and welfare of the public by creating an environment that is aesthetically pleasing and that promotes economic development through an enhanced quality of life.
2. **Landscaping Area.** All areas designated to be landscaped and street boulevards that are not devoted to drives, sidewalks, patios or other such uses shall be landscaped. All landscaped areas shall be kept neat, clean and uncluttered. No landscaped area shall be used for the parking of vehicles or the storage or display of materials, supplies or merchandise.
3. **Credit for existing trees.** Sites containing significant existing trees which will be retained may be given a credit against the planting requirements. Preservation of existing trees shall be a priority and should be accommodated wherever possible.
4. **Landscape Requirement for Single and Two-Family Residential.** Planting of two (2) trees per dwelling unit is required following construction.
5. **Landscape Requirements for all other Uses.** Tree planting at the rate of one (1) tree per 750 square feet of gross floor area.
6. **Size Standards.** The minimum size of trees at the time of planting shall be:
  - a. Deciduous trees: minimum of 1.5 caliper inches
  - b. Coniferous trees: minimum of three (3) feet in height
7. **Parking Lots.** Boundaries surrounding parking lots and islands within parking lots are highly encouraged to be planted with shrubs or other plantings. The Planning Commission may place parking lot planting requirements on a Site Plan approval.
8. **Landscape Requirements for Industrial Uses.** The City Council may reduce the tree planting requirement for industrial uses if the lot could not support the required number of trees.
9. **Compliance Time Frame.** All planting and sodding shall be completed, and all seeding established within one (1) year of issuance of Certificate of Occupancy.
10. **Maintenance.** All plant material shall be maintained in an attractive and healthy growing condition at no cost to the City. The property owner shall be responsible for timely replacement of any dead plant materials required by this Subdivision.

### B. Screening.

1. **Intent.** This Subdivision is intended to provide standards for the screening of certain items from surrounding properties and right – of – ways. The screening required in this Subpart shall consist of a fence, wall, landscaping or earth berm, but shall not extend into the require clear vision triangle. Natural features, such as differences in elevation, tree masses or similar features may negate the need for man – made screening in certain areas. In general, plant materials are preferred as opposed to walls and fences. If walls and fences are used, they shall be architecturally harmonious with the principal building.

Color of freestanding fences and wall shall be compatible with natural surroundings; earth tone colors are encouraged.

2. **General Screening.** New and redevelopment shall provide screening where appropriate to mitigate potential impacts on neighboring property owners. Proposed screening shall be shown on the proposed site plan. The Planning Commission may require additional screening if the characteristics of the area warrant it.
3. **Buffer/Screening Between Incompatible Uses.** Screening, to be reviewed and approved by the Planning Commission at the time of Site Plan Review, shall be required in the following instances:
  - a. Industrial use abutting or across a right-of-way from any residential use
  - b. Multifamily use adjacent to single or two-family residential use
  - c. Commercial use abutting or across a right-of way from any residential use
  - d. Off-street parking lot containing more than five (5) parking spaces adjacent to any residential use
4. **Screening of Trash Containers.** Trash dumpsters and other trash containers associated with uses other than single and two – family residential uses shall be screened as follows:
  - a. Trash containers shall be screened on all four (4) sides, using an enclosure that is a minimum of one (1) foot above the top of the container;
  - b. To the maximum extent practical, the trash enclosure shall be constructed of materials that are harmonious with those of the principal structure and have a minimum opacity of ninety percent (90%);
  - c. A gate or door of the trash enclosure shall be closed at all times except as needed to access the trash container.

## 11.8 FENCES, HEDGES, WALLS AND OBSTRUCTIONS IN ALL DISTRICTS

**A. Intent.** This section is intended to provide for the regulation of the height and location of fences, walls, and similar obstructions, for the purpose of providing for light, air, and privacy and safeguarding the public welfare by preventing visual obstructions at street and highway intersections.

**B. Permit Required.** The construction of a fence or wall requires a Zoning Permit.

**C. Height.** For the purpose of this section, height shall mean the vertical distance from existing grade to the top of the fence, hedge or wall.

**a. All Residential Districts.**

- a. **Front Yard Setbacks.** No opaque fence, hedge, or wall over three (3) feet in height shall be permitted within any required front yard setback. A chain link fence up to four (4) feet in height, that does not impede sight, may be permitted within front yard setbacks.
- b. **Rear and Side Setbacks.** No fence (see exceptions below), hedge, or wall greater than six (6) feet in height shall be allowed within any required rear setback or side setback. In residential districts where the front yards of neighboring properties about the street at the rear lot line of the subject property, a fence within the front yard setback of the neighboring property at the rear lot line of the subject property shall not exceed three (3) feet in height.
- c. **Corner Lots.** A fence, hedge or wall up to six (6) feet in height may be erected within the corner side setback behind the nearest front corner of the principal building.

**b. Business, Commercial and Industrial Districts.** Fences and walls located in business and industrial districts that exceed the height of eight (8) feet, measured from its top edge to the ground at any point, shall require a conditional use permit.

**c. Sport Court Fences.** Fences up to ten (10) feet in height may be permitted to enclose sport courts provided all other requirements of this Ordinance are met, and shall not require a conditional use permit where a sport court is permitted as an accessory use or when the court is given a conditional use permit. Such fences, if they exceed six (6) feet in height must be constructed to have fifty (50) percent or less of solid material.

**D. Location.**

- a. All fences, hedges, walls and similar screening shall not exceed the property line. It is the property owner's responsibility to locate the property lines.
- b. No fence, wall, hedge, or other similar screening may be placed in a public right of-way. It is the property owner's responsibility to locate the public right-of-way lines.
- c. No fence, hedge, wall or other similar screening shall be permitted within the clear view triangle of an intersection, defined in Subdivision 11.4: Traffic Control.

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

**F. Prohibited Fences.** The following fences are prohibited:

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

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



## 11.9 RETAINING WALLS

- A. **Purpose.** The purpose of this section is to protect public and private property from the effects of poorly designed and constructed retaining walls.
- B. **Permit Required.** A building permit shall be required for all retaining walls constructed that exceed forty-eight (48) inches in height, including terraced retaining wall projects where the total height of all walls exceeds forty-eight (48) inches, and are closer than fifteen (15) feet to a property line.
- C. **Application.** Application shall be made to the Building Official on forms provided and shall include a site plan and a set of construction plans. Plans signed by a professional engineer registered in the State and/or other information necessary to adequately review the proposed retaining wall may also be required by the Building Official.
- D. **Setbacks.** Setbacks for retaining walls shall be the same as for fences.
- E. **Maintenance.** Every wall shall be maintained in a good and safe condition at all times. Every damaged or missing element of any wall shall be repaired or replaced immediately.

## 11.10 SIGNS

A. **Definitions.** Within this Ordinance, the following additional definitions of terms and phrases used under this Section for signs shall govern. Other applicable definitions found in this Ordinance shall continue to apply.

**AWNING.** A shelter, of canvas or other material, projecting from and supported by the exterior wall of a building, constructed on a supporting framework.

**BANNER.** Any sign of lightweight fabric or similar material that is permanently or temporarily mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags or the official flag of any institution or business shall not be considered a banner.

**INFLATABLE OR BALLOON SIGN.** Any sign consisting of flexible nonporous materials that gain its' shape from air or gas.

**BEACON.** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotates or moves.

**FESTOON.** A string or garland of leaves, flowers, ribbons, tinsel, small flags, pinwheels, ornamental windsocks or other like ornaments.

**LED SIGN.** Is the acronym of Light Emitting Diode. The LED is a semiconductor that emits light when electricity passes through it. The color of the light emitted can be of different colors, but mostly red, green, blue, amber and white.

**LCD SIGN.** A liquid crystal display device made up of any number of color or monochrome pixels arrayed in front of a light source or reflector.

**MARQUEE.** A permanent, roof-like structure of rigid materials supported by and extending from the facade of the building and projecting over its entrance.

**NAMEPLATE.** A non-electric on-premise identification sign limited to the name, address and occupation of an occupancy or a group of occupancies.

**SIGN.** A structure or device designed or intended to convey information to the public in written or pictorial form.

**SIGN, AWNING OR CANOPY.** A sign painted, stamped, perforated, stitched or otherwise applied on the valance of an awning.

**SIGN AREA.** Sign area shall be measured as follows:

1. When such sign is on a plate or framed or outlined, all of the area of such plate or the area enclosed by such frame or outline shall be included.
2. When such sign consists only of letters, designs, or figures engraved, painted, projected, or in any manner affixed on a wall, or a fascia panel integrated into the building, canopy, marquee or other covered structure, the total area of such sign shall be deemed the area of the triangle, rectangle or circle within which all of the matter such sign consists may be inscribed.

**SIGN, BILLBOARD.** A sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered or a commodity sold at a location other than where the sign is located.

**SIGN, FLASHING.** Any directly or indirectly illuminated sign which the artificial light is not kept constant in terms of intensity or color at all times when the sign is illuminated.

**SIGN, FREE STANDING.** A sign supported by one or more upright poles, columns, posts, pylons or braces placed in or on the ground and not attached to any building or structure.

**SIGN, ILLUMINATED.** A sign illuminated in any manner by an artificial light source.

**SIGN, INCIDENTAL.** A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, such as a credit card sign or a sign indicating hours of business. A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “no parking,” “entrance,” “loading zone,” “telephone,” and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

**SIGN, PROJECTING.** Any sign other than a wall sign that is attached to and projects from the wall or face of a building or structure, including an arcade/marquee sign.

**SIGN, TEMPORARY.** A sign or advertising display constructed of cloth, canvas, fabric, plywood or other temporary light material and designed or intended to be displayed for less than 30 days.

## **B. Purpose.**

1. This sign ordinance is intended to establish a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe, and attractive community, and to accommodate the business community's need for effective communication and identification. It is the intent of this ordinance to promote the health, safety, general welfare, and desirable community image through the regulation of the type, placement, and physical dimensions of signs; and
2. That adjacent property values need to be respected and upheld by not drawing negative attention through improper signage.
3. This Ordinance is not intended to regulate official traffic signs and signals, government signs the City Council has no jurisdiction to regulate, the copy or message of signs, produce dispensers, point of purchase displays, scoreboards on athletic fields, flags, religious symbols, commemorative plaques, holiday decorations, display of street numbers or any display or construction not defined herein as a sign. This Section shall not apply to building design unless said sign incorporates a sign as defined in this Ordinance, in which case that part of such design which is a sign shall be subject to the provisions of this Section of the Ordinance.

**C. General Regulations.** The following signs or characteristics of signs shall not be permitted or erected in the City of Litchfield:

1. Any sign, which resembles, imitates, or approximates the shape, size, form or color of railroad or traffic signs, signals or devices.
2. Any sign which is located so as to interfere with the visibility or effectiveness of any official traffic sign or signal or with driver vision at any access point or intersection.
3. Any sign, which is erected, relocated or maintained so as to prevent free ingress or egress from any door, window or fire escape and no sign shall be attached to a standpipe or fire escape.
4. Any sign, which emits sounds.
5. Any sign or structure, which is unsafe or constitutes a hazard.
6. Abandoned signs.
7. Any sign displaying obscene material.
8. Any sign erected and/or maintained so as to direct constant or flashing beams or rays of light at any portion of the traveled way of any highway or street of such intensity or brilliance as to cause glare or impair the vision of the operator of any motor vehicle or which directs constant or flashing beams or rays of light at any portion of a building or residence.
9. Any signs within public rights-of-way or public easements unless posted by government agencies or public utilities.
10. Any sign located within a boulevard.
11. If a sign is illuminated, the source of light shall be directed so as not to shine upon any part of a residence or into any residential area or any roadway.
12. Any sign not abiding by all standards set forth in other federal, state, county or local ordinances, including but not limited to the City of Litchfield Shoreland Ordinance.

#### **D. Design, Construction and Maintenance.**

1. All signs shall be properly maintained. Exposed surfaces shall be clean and painted if required. Defective parts shall be replaced. Any sign which is defective, damaged or substantially deteriorated shall be removed.
2. In districts where allowed, signs may be illuminated by the following methods: internally or externally lighted and shielded to prevent glare to adjoining roadway and residences.
3. Projecting signs, awnings and canopies that overhang a sidewalk or other pedestrian way shall provide a minimum clearance above the said pedestrian way of eight (8) feet.
4. Except for banners, flags, temporary and portable signs and window signs conforming in all respects with the requirements of these regulations, all signs shall be permanently attached to the ground, a building or other structure by direct attachment to a rigid wall, frame or structure.

**E. Sign Classifications.**

1. **Class A: On-Site Advertising.** Class A signs are signs which advertise a business, product, service, commodity or profession located on the same premises as the sign.
  - a. All Class A signs shall abide by the general regulations noted in this Ordinance and any more restrictive provisions of this Ordinance.
  - b. All Class A signs shall abide by all standards set forth in other federal, state, county or local ordinances.
  - c. All Class A signs shall abide by the standards set forth in *Table 11.10 A: Class A Signs for On-Site Advertising*.

**Table 11.10 A:  
Class A Signs for On-Site Advertising**

District	Maximum Number of Signs	Maximum Size of Signs	Maximum Top of Sign Height from Ground Level	Setback from Property Line
R 1	1	4 square feet	8 feet	3 feet
R 2	1	4 square feet	8 feet	3 feet
R 3	2	1 x 32 square feet 1 x 6 square feet	8 feet	3 feet
B 1	2	1 x 32 square feet 1 x 6 square feet	8 feet	3 feet
B 2	2	1 x 40 square feet 1 x 6 square feet	not to exceed the building height	N/A
B 3	2	100 square feet*	25 feet	3 feet
B 4	4	400 square feet*	25 feet	3 feet
I 1	4	400 square feet*	25 feet	3 feet
I 2	4	400 square feet*	25 feet	3 feet

\*square footage is the total amount permitted, split between all permissible signs

2. **Class B: Off-Site Advertising.** Class B signs are outdoor advertising signs which direct the attention of the general public to a business, product, service, commodity or profession which is conducted, sold or offered other than on the premises on which the sign is located.
  - a. Class B signs will be allowed as a permitted use in conjunction with MN/DOT approval. All Class B signs shall abide by all standards set forth in other federal, state, county or local ordinances, including any more restrictive provisions of this Ordinance.
  - b. No off-site advertising signs shall be permitted on roads without MN/DOT jurisdiction.
  
3. **Class C: Temporary Advertising.** Class C signs are signs which advertise a business, product, service, commodity or profession located on the same premises as the sign and which are not permanently affixed to the premises.
  - a. Type C signs shall be limited to banners, pennants and portable signs and are subject to the provisions set forth in *Table 11.10 B: Class C Signs for Temporary On-Site Advertising*.

**Table 11.10 B:  
Class C Signs for Temporary On-Site Advertising\***

District	Maximum Number of Signs	Maximum Size of Signs	Maximum Top of Sign Height from Ground Level	Setback from Property Line
R 1	0	N/A	N/A	N/A
R 2	0	N/A	N/A	N/A
R 3	0	N/A	N/A	N/A
B 1	0	N/A	N/A	N/A
B 2	1	6 square feet	4 feet	N/A
B 3	1	32 square feet	5 feet	3 feet
B 4	1	32 square feet	5 feet	3 feet
I 1	1	32 square feet	5 feet	3 feet
I 2	1	32 square feet	5 feet	3 feet

\* All temporary signs must also meet the City's sidewalk ordinance.

4. **Class D: Exempt.** Exempt signs are signs which do not require a permit as long as the pertinent performance standards are satisfied. Class D signs include, but are not limited to, the following: signs required by the governing body having jurisdiction including, but not limited to the City of Litchfield Public Works and the Minnesota Department of Transportation; signs used to inform the general public in a non-advertising message; temporary construction and election signs, posters or banners.
- a. All Class D signs shall abide by all standards set forth in other federal, state, county or local ordinances, including any more restrictive provisions of this Ordinance.
  - b. **Government signs.** Government signs shall be allowed in any zone district as required by the governing body having jurisdiction including, but not limited to, school districts, City of Litchfield Highway Department and State of Minnesota Department of Transportation. Class D government exempt signs include fire numbers, emergency (9-1-1) identification numbers and directional signs purchased through the road authority for placement within the right of way. Size, height, spacing and other requirements shall conform to those set by the appropriate governing body.
  - c. **Temporary construction.** One (1) temporary construction or identification sign of not more than one hundred (100) square feet may be installed upon a construction site in any district denoting the name of the architect, engineer, contractor and/or future business, provided the sign shall not be installed prior to the issuance of a building permit for the proposed construction and provided further that the sign shall be removed within thirty (30) days following occupancy of the building.
  - d. **Place of worship directional signs.** Signs directing people to places of worship shall be allowed in all districts provided the total area of such signs shall not exceed four (4) square feet and shall not be considered Class B off-site advertising signs for the purposes of this Ordinance.
  - e. **Public service signs.** Temporary signs which advertise a special event of a public service nature may be displayed in any commercial or industrial district for thirty (30) days or less each calendar year.
  - f. **Informational signs.** Signs of a non-advertising nature which inform, direct address information, warn or similar signs shall be allowed in all districts provided that the total area of such signs shall not exceed six (6) square feet in surface area. Class D exempt informational signs include, but are not limited to, signs that indicate to a visitor on the property that the visitor should enter, exit, stop, not enter or not trespass.
  - g. **Election signs.** Signs, posters, or banners which pertain to an upcoming election of a candidate or political issue shall be allowed in all districts. Class D exempt election signs shall not include Class B off-site outdoor advertising signs purchased or rented by political candidates or in connection with a political issue. The maximum square footage for Class D exempt election signs shall be twenty-

five (25) square feet in all districts. In addition, the following standards apply to Class D exempt election signs: maximum height shall not exceed ten (10) feet; shall not be placed upon any right-of way or on any publicly owned property, any public utility pole or on any private property without the consent of the owner or occupant of such property; may not be placed so as to constitute a hazard to any person or property; may not be placed in any location earlier than 45 days prior to a primary or 90 days prior to a special election and shall be removed no later than 10 days after the general or special election; removal of signs shall be the responsibility of the owner or occupant of the lot upon which the sign is located.

- h. **Garage/yard/rummage sale/real estate open house or for sale signs.** Signs advertising garage, yard or rummage sales shall be allowed in all districts provided that the signs shall be located on private property and removed immediately after the sale date. On-site signs advertising the property for sale shall be allowed in all districts and shall be removed immediately after the sale date.
  - i. Works of art. Works of art that do not include a commercial message are allowed in all districts.
  - j. No trespassing, no hunting signs. No trespassing signs, no hunting signs and similar signs are allowed in all districts
5. **Class E: Dynamic Signs.** A sign or portion thereof that appears to have movement or that appears to change using any method other than a person physically removing and replacing the sign or its components. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through a digital input, “digital ink” or any other method or technology that allows the sign face to present a series of images or displays.
- a. There shall be only one sign (2 sided) per parcel.
  - b. Dynamic signs are allowed in the B-3, B4, I-1 and I-2 zoning districts.
  - c. Dynamic signs are only allowed in the R-1, R-2, R-3, B-1 and B-2 zoning districts with a Conditional Use Permit.
  - d. This ordinance is intended to regulate signs on the exterior of a building or a free standing sign.
  - e. No sign shall exceed an illumination level of 0.3 foot candles above ambient light as measured using a foot-candle meter at a distance of the square root of the product of the area of the EMC display panel and 100 ( $\sqrt{[X \times 100]}$  = measuring distance with “X” being the area of the display panel).
  - f. Each message on a dynamic display shall be displayed for a minimum of 8 seconds.



- g. Each message on a dynamic display shall change instantaneously, and shall not fade, dissolve, blink, or appear to simulate motion in any way.
  - h. The images and messages displayed must be complete in themselves, without continuation in content to the next image.
  - i. Dynamic displays must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions and the sign owner must immediately stop the dynamic display when notified by the city that it is not complying with standards of this section.
  - j. No temporary dynamic signs will be allowed in any district.
6. **Signs permitted only through the issuance of a special sign permit.**
- a. Types of signs requiring a special sign permit:
    - 1. Off-premise directional signs that are larger than four (4) square feet in size.
    - 2. Temporary sign in place for more than thirty (30) days.
    - 3. Banners, festoons and pennants in place for more than seven (7) days.
    - 4. Searchlights.
    - 5. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign.
    - 6. Inflatable signs and tethered balloons.
    - 7. Any other signs not specifically prohibited or allowed in other sections.
  - b. Nothing in this Ordinance shall prevent the City Council from granting temporary permits for lights, banners, signs or decorations relating to civic or community celebrations, subject to such conditions as the City Council may see fit to impose.
7. **Signs in the Public Right-of-Way.** No sign shall be allowed in the public right-of-way, except for the following:
- a. Permanent signs, including:
    - 1. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information and direct or regulate pedestrian or vehicular traffic.
    - 2. Bus stop signs by a public transit company.
    - 3. Informational signs of a public utility regarding its poles, lines, pipes or facilities.
    - 4. Awning, projecting and suspended signs projecting over a public right-of-way in conformity with this Ordinance.

- b. Temporary Signs. Signs are limited to a thirty (30) day period, unless the Zoning Administrator and/or Planning Commission grants a longer specific period of time. Temporary signs for specific or special events shall be issued only for signs meeting the following requirements:
  - 1. Such signs shall contain no commercial message.
  - 2. Such signs shall be no more than four (4) square feet in area each.
- c. Emergency Signs. Emergency warning signs erected by a governing agency, a public utility company or a contractor doing authorized or permitted work within the public right-of-way.
- d. Other Signs Forfeited. Any sign installed or placed on public property, except in conformity with the requirements of this section, shall be forfeited to the public hereunder, the City shall have the right to recover from the owner or person placing such a sign the costs of removal and disposal of such sign.

**F. Construction and Maintenance Standards.**

- 1. **Maintenance.** All signs shall be maintained so that exposed surfaces are clean and painted if painting is required, defective parts are replaced and broken or non-functioning parts are repaired or removed.
- 2. **Lighting.**
  - a. The light, message or image from any illuminated sign shall not adversely affect surrounding residential districts or adversely affect safe vision of operators of vehicles moving on public or private roads, highways or parking areas. Light shall not shine or reflect on or into residential structures.
  - b. Any lamp throwing light on the sign, in which the direct light from the lamp is visible from any public street or public sidewalk.
  - c. Any revolving beacon light.
- 3. **Anchoring.**
  - a. No sign shall be suspended by non-rigid attachments that will allow the sign to swing in a wind.
  - b. All freestanding signs shall have self-supporting structures erected on or permanently attached to concrete foundations.
  - c. All portable signs on display shall be braced or secured to prevent motion.
- 4. Any sign containing electrical components shall conform to current UL, ETL, CSA or ULC standards and display a label from one of these recognized testing labs.

**G. Nonconforming Signs.**

- 1. Signs existing on the effective date of this Ordinance which do not conform to the regulations set forth in this Ordinance shall become a nonconforming use.

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

**H. All Other Signs.** Due to the variety and complexity of signs, along with rapidly changing technology, any signage not specifically addressed in this Ordinance shall require review through the Planning Commission prior to construction, placement or display.

## 12.0 ZONING DISTRICTS AND USES

### 12.1 ZONING DISTRICTS

**A. Establishment of Districts.** For the purpose of this Ordinance, the City of Litchfield is divided into the following districts:

1. R-1 Single-Family Residence District
2. R-2 Residence District
3. R-3 Multi-Family Residence District
4. B-1 Limited Business District
5. B-2 Downtown Business District
6. B-3 Roadside Business District
7. B-4 General Business District
8. I-1 Limited Industry Districts
9. I-2 General Industry District

**B. Boundaries and Official Zoning Map.**

1. **Location and Boundaries of Zoning Districts.** The location and boundaries of the zoning districts established by this Ordinance are set forth on the Zoning Map, which is hereby incorporated as part of this Ordinance, or are set forth in the pertinent Subdivisions of this Ordinance.
2. **Official Copy.** Regardless of the existence of purported copies, the Official Zoning Map, which shall be located in the office of the City Administrator, shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the City.
3. **Changes.** Changes to the official zoning map shall follow the procedure in *Subdivision 9.8 Zoning Map Amendment (Rezoning)*.
4. **Interpretation of District Boundaries:** Where uncertainty exists as to boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:
  - a. Boundaries indicated as approximately following centerlines of highways, streets, alleys or other public rights-of-way shall be construed to follow such centerlines.
  - b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
  - c. Boundaries indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines shall be construed as following such lines.
  - d. Boundaries indicated as approximately following City limits shall be construed as following such City limits.

- e. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main set of tracks at the centerline of the single set of tracks.
- f. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shorelines. Boundaries indicated as approximately following the centerline of streams, rivers, lakes or other bodies of water shall be construed as following such centerlines.
- g. Boundaries indicated as parallel to or extensions of features indicated in subsections A-F above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered by subsections A-F above, The Zoning Administrator shall interpret the district boundaries, subject to appeal to the Planning Commission.
- h. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Planning Commission may permit as a special consideration, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

**C. Zoning for Newly Annexed Land.**

All land annexed to the City shall automatically be designated R-1 Residential District unless otherwise directed by the City Council as part of the annexation process. Such designation shall remain until definite boundaries and regulations for such land are adopted by the City Council.

## 12.2 R-1 SINGLE-FAMILY RESIDENCE DISTRICT

- A. **Intent.** The R-1 District includes areas reserved for single-family homes. Generally these are the undeveloped areas of the community or the areas that have developed with large residential lots. The intent of this district is to provide for future development of a similar nature and to protect the desired low intensity living environment from encroachment by potential conflicting uses.
- B. **Permitted Uses.** Permitted uses in the R-1 District can be found in *Table 12.12: Land Use Table* below.
- C. **Conditional Uses.** Conditional uses in the R-1 District can be found in *Table 12.12: Land Use Table* below.
- D. **Accessory Uses.**
1. Accessory buildings, pursuant to *Subdivision 10.1 (B): Accessory Buildings*.
  2. Fence, pursuant to *Subdivision 11.8: Fences, Hedges, Walls and Obstructions in All District*.
  3. Home occupation, pursuant to *Subdivision 10.4: Home Occupations*.
  4. Keeping of domestic animals pursuant to *Chapter 90* of the Litchfield City Code.
  5. Off-street parking, loading and access drives, pursuant to *Subdivision 11.5: Parking and Loading*.
  6. Patio, deck, terrace and similar uses, pursuant to *Subdivision 10.1 (D): Patio, Deck, Terrace and Similar Use*.
  7. Signs, pursuant to *Subdivision 11.10: Signs*.
  8. Residential solar equipment, pursuant to *Subdivision 10.1 (E): Solar Equipment and Solar Rights*.
  9. Sport court or play equipment for private recreational use.
  10. Swimming pool, pursuant to *Subdivision 10.1 (F): Swimming Pool*.
  11. Other accessory uses incidental and customary to permitted and conditional uses of the district as determined by the Zoning Administrator or other Authorized Agent.
- E. **Dimensional Requirements.**
1. **Lot Area.** 9,000 square feet for a single-family dwelling, 12,000 square feet for a two-family dwelling.
  2. **Lot Width.** 75 feet.
  3. **Minimum Floor Area Per Unit.** 960 square feet.
  4. **Front Yard Setback.** 30 feet.
  5. **Corner Side Yard Setback.** 20 feet.
  6. **Interior Side Yard Setback.** 10 feet.
  7. **Rear Yard Setback.** 35 feet.

8. **Principal Structure Height:** 30 feet.

### 12.3 R-2 RESIDENCE DISTRICT

- A. Intent.** The R-2 District includes primarily developed areas of the community which have smaller lots than are now generally considered desirable. This is primarily a single and two-family district.
- B. Permitted Uses.** Permitted uses in the R-2 District can be found in *Table 12.12: Land Use Table* below.
- C. Conditional Uses.** Conditional uses in the R-2 District can be found in *Table 12.12: Land Use table* below.
- D. Accessory Uses.**
1. Accessory buildings, pursuant to *Subdivision 10.1 (B): Accessory Buildings*.
  2. Fence, pursuant to *Subdivision 11.8: Fences, Hedges, Walls and Obstructions in All District*.
  3. Home occupation, pursuant to *Subdivision 10.4: Home Occupations*.
  4. Keeping of domestic animals pursuant to *Chapter 90* of the Litchfield City Code
  5. Off-street parking, loading and access drives, pursuant to *Subdivision 11.5: Parking and Loading*.
  6. Patio, deck, terrace and similar uses, pursuant to *Subdivision 10.1 (D): Patio, Deck, Terrace and Similar Use*.
  7. Signs, pursuant to *Subdivision 11.10: Signs*.
  8. Residential solar equipment, pursuant to *Subdivision 10.1 (E): Solar Equipment and Solar Rights*.
  9. Sport court or play equipment for private recreational use.
  10. Swimming pool, pursuant to *Subdivision 10.1 (F): Swimming Pool*.
  11. Other accessory uses incidental and customary to permitted and conditional uses of the district as determined by the Zoning Administrator or other Authorized Agent.
- E. Dimensional Requirements.**
1. **Lot Area.** 6,000 square feet for a single-family dwelling, 10,000 square feet for a two-family dwelling.
  2. **Lot Width.** 60 feet.
  3. **Minimum Floor Area Per Unit.** 720 square feet.
  4. **Front Yard Setback.** 20 feet.
  5. **Corner Side Yard Setback.** 20 feet.
  6. **Interior Side Yard Setback.** 8 feet.
  7. **Rear Yard Setback.** 25 feet.
  8. **Principal Structure Height:** 30 feet.



## 12.4 R-3 MULTIFAMILY RESIDENCE DISTRICT

A. **Intent.** The R-3 Residence District is intended to provide areas offering a broad development range in housing units, yet retain the environment and character of less intensive areas through carefully established bulk and lot area requirements. Well designed townhouse projects and apartments would be examples of appropriate uses in the R-3 District.

B. **Permitted Uses.** Permitted uses in the R-3 District can be found in *Table 12.12: Land Use Table* below.

C. **Conditional Uses.** Conditional uses in the R-3 District can be found in *Table 12.12: Land Use Table* below.

### D. Accessory Uses.

1. Accessory buildings, pursuant to *Subdivision 10.1 (B): Accessory Buildings*.
2. Fence, pursuant to *Subdivision 11.8: Fences, Hedges, Walls and Obstructions in All District*.
3. Home occupation, pursuant to *Subdivision 10.4: Home Occupations*.
4. Keeping of domestic animals pursuant to *Chapter 90* of the Litchfield City Code
5. Off-street parking, loading and access drives, pursuant to *Subdivision 11.5: Parking and Loading*.
6. Patio, deck, terrace and similar uses, pursuant to *Subdivision 10.1 (D): Patio, Deck, Terrace and Similar Use*.
7. Signs, pursuant to *Subdivision 11.10: Signs*.
8. Residential solar equipment, pursuant to *Subdivision 10.1 (E): Solar Equipment and Solar Rights*.
9. Sport court or play equipment for private recreational use.
10. Swimming pool, pursuant to *Subdivision 10.1 (F): Swimming Pool*.
11. Other accessory uses incidental and customary to permitted and conditional uses of the district as determined by the Zoning Administrator or other Authorized Agent.

### E. Dimensional Requirements.

1. **Lot Area.** 3,600 square feet per dwelling unit.
2. **Minimum Floor Area Per Unit.** 720 square feet.
3. **Front Yard Setback.** 25 feet.
4. **Corner Side Yard Setback.** 20 feet.
5. **Interior Side Yard Setback.** 15 feet.
6. **Rear Yard Setback.** 30 feet.
7. **Principal Structure Height:** 35 feet.

### F. Other Requirements.

1. **Dwellings.** Single and two-family dwellings in the R-3 District shall be subject to the requirements of the R-2 District.
2. **Refuse Handling.** A fully screened enclosure shall be constructed for the storage of refuse for apartments with more than three units. The door to the enclosure shall remain closed outside of collection days.

## 12.5 B-1 LIMITED BUSINESS DISTRICT

- A. Intent.** The B-1 District includes commercial areas that are particularly exposed to existing and future residential neighborhoods. Thus, they are suitable only to those businesses relatively compatible with residential use.
- B. Permitted Uses.** Permitted uses in the B-1 District can be found in *Table 12.12: Land Use Table* below.
- C. Conditional Uses.** Conditional uses in the B-1 District can be found in *Table 12.12: Land Use Table* below.
- D. Accessory Uses.**
1. Accessory buildings, pursuant to *Subdivision 10.1 (B): Accessory Buildings*.
  2. Fence, pursuant to *Subdivision 11.8 Fences, Hedges, Walls and Obstructions in All District*.
  3. Off-street parking, loading and access drives, pursuant to *Subdivision 11.5: Parking and Loading*.
  4. Patio, deck, terrace and similar uses, pursuant to *Subdivision 10.1 (D): Patio, Deck, Terrace and Similar Use*.
  5. Signs, pursuant to *Subdivision 11.10: Signs*.
  6. Solar equipment, pursuant to *Subdivision 10.1 (E): Solar Equipment and Solar Rights*.
  7. Other accessory uses incidental and customary to permitted and conditional uses of the district as determined by the Zoning Administrator or other Authorized Agent.
- E. Dimensional Requirements.**
1. **Front Yard Setback.** 30 feet.
  2. **Corner Side Yard Setback:** 20 feet.
  3. **Interior Side Yard Setback:** 10 feet.
  4. **Rear Yard Setback:** 30 feet.
  5. **Building Height:** 40 feet.
- F. Other Requirements.**
1. **Dwellings.** Single and two-family dwellings in the B-1 District shall be subject to the requirements of the R-2 District.
  2. **Exterior Storage.** Exterior storage is prohibited in the B-1 District.

## 12.6 B-2 DOWNTOWN BUSINESS DISTRICT

- A. **Intent.** This is the area in and around the Litchfield Commercial Historic Downtown. The district is designed so a wide variety of lower-intensity commercial uses are permitted to serve the needs of Litchfield residents and visitors alike. The goal of this district is to encourage compact, pedestrian-oriented development and to respect existing land uses, development patterns and the historic character of the area.
- B. **Permitted Uses.** Permitted uses in the B-2 District can be found in *Table 12.12: Land Use Table* below.
- C. **Conditional Uses.** Conditional uses in the B-2 District can be found in *Table 12.12: Land Use Table* below.
- D. **Accessory Uses.**
1. Accessory buildings, pursuant to *Subdivision 10.1 (B): Accessory Buildings*.
  2. Fence, pursuant to *Subdivision 11.8 Fences, Hedges, Walls and Obstructions in All District*.
  3. Off-street parking, loading and access drives, pursuant to *Subdivision 11.5: Parking and Loading*.
  4. Patio, deck, terrace and similar uses, pursuant to *Subdivision 10.1 (D): Patio, Deck, Terrace and Similar Use*.
  5. Signs, pursuant to *Subdivision 11.10: Signs*.
  6. Solar equipment, pursuant to *Subdivision 10.1 (E): Solar Equipment and Solar Rights*.
  7. Other accessory uses incidental and customary to permitted and conditional uses of the district as determined by the Zoning Administrator or other Authorized Agent.
- E. **Dimensional Requirements.**
1. **Front Yard Setback.** 30 feet.
  2. **Corner Side Yard Setback.** 20 feet.
  3. **Interior Side Yard Setback.** 10 feet.
  4. **Rear Yard Setback.** 20 feet
  5. **Building Height.** 40 feet
- F. **Central Business District.**
1. Commercial and business structures in this district are exempt from setback and parking requirements. However, any proposed structure or addition must be approved by the City Council, following consideration by the Planning Commission, to determine whether the proposal is consistent with the City's Central Business District plans.
  2. The Central Business District shall consist of the area as follows: Bounded on the north by Fourth Street; on the east by a line one hundred fifty feet (150') east of and parallel to Marshall Avenue; on the south by Depot Street; and the west by a line one hundred fifty feet (150') west of and parallel to Ramsey Avenue.

**G. Litchfield Commercial Historic District.**

1. All buildings in the Litchfield Commercial Historic District must also apply for a Certificate of Appropriateness, to be reviewed by the Historic Preservation Commission, prior to commencing any exterior work or maintenance.
2. Please refer to City of Litchfield Map: Litchfield Historic Districts and the Commercial Historic District Design Guidelines.

**B. Other Requirements.**

1. **Exterior Storage.** Exterior storage is prohibited in the B-2 District.
2. **Dwellings.** Existing single and two-family dwellings in the B-2 District shall be subject to the requirements of the R-2 District.

## 12.7 B-3 ROADSIDE BUSINESS DISTRICT

**A. Intent.** These areas located along a major thoroughfare with convenient ingress and egress and limited in number to assure concentration, are suitable to those businesses that serve the long distance traveler, as opposed to the retail shopper.

**B. Permitted Uses.** Permitted uses in the B-3 District can be found in *Table 12.12: Land Use Table* below.

**C. Conditional Uses.** Conditional uses in the B-3 District can be found in *Table 12.12:: Land Use Table* below.

### **D. Accessory Uses.**

1. Accessory buildings, pursuant to *Subdivision 10.1 (B): Accessory Buildings*.
2. Fence, pursuant to *Subdivision 11.8 Fences, Hedges, Walls and Obstructions in All District*.
3. Off-street parking, loading and access drives, pursuant to *Subdivision 11.5: Parking and Loading*.
4. Patio, deck, terrace and similar uses, pursuant to *Subdivision 10.1 (D): Patio, Deck, Terrace and Similar Use*.
5. Signs, pursuant to *Subdivision 11.10: Signs*.
6. Solar equipment, pursuant to *Subdivision 10.1 (E): Solar Equipment and Solar Rights*.
7. Exterior storage, pursuant to *Subdivision 10.2 (B): Exterior Storage in Commercial and Industrial Districts*.
8. Other accessory uses incidental and customary to permitted and conditional uses of the district as determined by the Zoning Administrator or other Authorized Agent.

### **E. Dimensional Requirements.**

1. **Front Yard Setback.** 30 feet.
2. **Corner Side Yard Setback.** 20 feet.
3. **Interior Side Yard Setback.** 10 feet.
4. **Rear Yard Setback.** 20 feet.
5. **Building Height.** 40 feet.

### **F. Other Requirements.**

1. **Dwellings.** Single and two-family dwellings in the B-3 District shall be subject to the requirements of the R-2 District.

## 12.8 B-4 GENERAL BUSINESS DISTRICT

- A. Intent.** The B-4 District is designed for those businesses that tend to serve other businesses and industries in addition to the homeowner. They also tend to be less compatible with residential areas than other types of business. Because of the heavier commercial nature of the district, businesses in the zoning classification are concentrated and should be isolated from residential areas as much as possible.
- B. Permitted Uses.** Permitted uses in the B-4 District can be found in *Table 12.12: Land Use Table* below.
- C. Conditional Uses.** Conditional uses in the B-4 District can be found in *Table XXX: Land Use table* below.
- D. Accessory Uses.**
1. Accessory buildings, pursuant to *Subdivision 10.1 (B): Accessory Buildings*.
  2. Fence, pursuant to *Subdivision 11.8 Fences, Hedges, Walls and Obstructions in All District*.
  3. Off-street parking, loading and access drives, pursuant to *Subdivision 11.5: Parking and Loading*.
  4. Patio, deck, terrace and similar uses, pursuant to *Subdivision 10.1 (D): Patio, Deck, Terrace and Similar Use*.
  5. Signs, pursuant to *Subdivision 11.10: Signs*.
  6. Solar equipment, pursuant to *Subdivision 10.1 (E): Solar Equipment and Solar Rights*.
  7. Exterior storage, pursuant to *Subdivision 10.2 (B): Exterior Storage in Commercial and Industrial Districts*.
  8. Other accessory uses incidental and customary to permitted and conditional uses of the district as determined by the Zoning Administrator or other Authorized Agent.
- E. Dimensional Requirements.**
1. **Front Yard Setback.** 30 feet.
  2. **Corner Side Yard Setback.** 20 feet.
  3. **Interior Side Yard Setback.** 10 feet.
  4. **Rear Yard Setback.** 20 feet.
  5. **Building Height.** 40 feet.

## 12.9 I-1 LIMITED INDUSTRY DISTRICT

- A. Intent.** These are areas which have the prerequisites for industrial development. However, because of proximity to residential areas or the desire to protect certain industries such as precision instrument manufacturing, there are higher development standards that do not apply to the other Industrial District. Lot area requirements are set high to prevent spotty, marginal industrial uses.
- B. Permitted Uses.** Permitted uses in the I-1 District can be found in *Table 12.12: Land Use Table* below.
- C. Conditional Uses.** Conditional uses in the I-1 District can be found in *Table 12.12: Land Use Table* below.
- D. Accessory Uses.**
1. Accessory buildings, pursuant to *Subdivision 10.1 (B): Accessory Buildings*.
  2. Fence, pursuant to *Subdivision 11.8 Fences, Hedges, Walls and Obstructions in All District*.
  3. Off-street parking, loading and access drives, pursuant to *Subdivision 11.5: Parking and Loading*.
  4. Patio, deck, terrace and similar uses, pursuant to *Subdivision 10.1 (D): Patio, Deck, Terrace and Similar Use*.
  5. Signs, pursuant to *Subdivision 11.10: Signs*.
  6. Solar equipment, pursuant to *Subdivision 10.1 (E): Solar Equipment and Solar Rights*.
  7. Exterior storage, pursuant to *Subdivision 10.2 (B): Exterior Storage in Commercial and Industrial Districts*.
  8. Other accessory uses incidental and customary to permitted and conditional uses of the district as determined by the Zoning Administrator or other Authorized Agent.
- E. Dimensional Requirements.**
1. **Lot Area.** 1 acre.
  2. **Lot Width.** 100 feet.
  3. **Minimum Floor Area.** 5000 square feet.
  4. **Front Yard Setback.** 40 feet.
  5. **Corner Side Yard Setback.** 30 feet.
  6. **Interior Side Yard Setback.** 20 feet.
  7. **Rear Yard Setback.** 20 feet.
  8. **Building Height.** 40 feet.
  9. **Additional Setback Requirement.** All structures shall have an additional setback (front, sides and rear), of one (1) foot for each one (1) foot of height over forty (40) feet.



F. **Performance Standards.** Levels of noise, odors, smoke, and particulate matter shall not exceed Minnesota Pollution Control Standards. All fabrication, manufacturing, processing, and production shall be undertaken within an enclosed building. Screening from residential districts shall be provided for outdoor storage of parts, materials, and products. Within the I-1 District, outdoor storage of raw materials, supplies, and finished and semi – finished products and equipment shall be permitted only if the storage area is totally screened from public view by a solid wall constructed of the same material as the principal structure unless otherwise authorized by the appropriate approval authority.

## 12.10 I-2 GENERAL INDUSTRY DISTRICT

- A. Intent.** The I-2 District includes areas suitable to “quasi-industrial” uses: machine shops, sheet metal firms, mill-working establishments and other small shops that do not create major nuisances, but which are nevertheless incompatible with residential and industrial development having a high standard of development.
- B. Permitted Uses.** Permitted uses in the I-2 District can be found in *Table 12.12: Land Use Table* below.
- C. Conditional Uses.** Conditional uses in the I-2 District can be found in *Table 12.12: Land Use Table* below.
- D. Accessory Uses.**
1. Accessory buildings, pursuant to *Subdivision 10.1 (B): Accessory Buildings*.
  2. Fence, pursuant to *Subdivision 11.8 Fences, Hedges, Walls and Obstructions in All District*.
  3. Off-street parking, loading and access drives, pursuant to *Subdivision 11.5: Parking and Loading*.
  4. Patio, deck, terrace and similar uses, pursuant to *Subdivision 10.1 (D): Patio, Deck, Terrace and Similar Use*.
  5. Signs, pursuant to *Subdivision 11.10: Signs*.
  6. Solar equipment, pursuant to *Subdivision 10.1 (E): Solar Equipment and Solar Rights*.
  7. Exterior storage, pursuant to *Subdivision 10.2 (B): Exterior Storage in Commercial and Industrial Districts*.
  8. Other accessory uses incidental and customary to permitted and conditional uses of the district as determined by the Zoning Administrator or other Authorized Agent.
- E. Dimensional Requirements.**
1. **Lot Width.** 100 feet.
  2. **Front Yard Setback.** 25 feet.
  3. **Corner Side Yard Setback.** 20 feet.
  4. **Interior Side Yard Setback.** 10 feet.
  5. **Rear Yard Setback.** 20 feet.
  6. **Building Height.** 40 feet.
  7. **Additional Setback Requirement.** All structures shall have an additional setback (front, sides and rear), of one (1) foot for each one (1) foot of height over forty (40) feet.
- F. Performance Standards.** Levels of noise, odors, smoke, and particulate matter shall not exceed Minnesota Pollution Control Standards. All fabrication, manufacturing, processing, and production shall be undertaken within an enclosed building. Screening from residential districts shall be provided for outdoor storage of parts, materials, and

products. Within the I-2 District, outdoor storage of raw materials, supplies, and finished and semi – finished products and equipment shall be permitted only if the storage area is totally screened from public view by a solid wall constructed of the same material as the principal structure unless otherwise authorized by the appropriate approval authority.

## 12.11 MINIMUM REQUIREMENTS BY ZONING DISTRICT

Table 12.11: Minimum Requirements by Zoning District													
Lot Requirements				Height	Principal Structure Setbacks				Accessory Structure Setbacks			Access drives	
	Floor Area	Lot Width	Lot Area	Principal Structure Height	Front	Corner Side	Interior Side	Rear	Corner Side	Interior Side	Rear		Setback from alley
<b>R-1</b>	960	75	9000	35	30	20	10	35	20	3	3	7	5
<b>R-2</b>	720	60	6000	30	20	20	8	25					
<b>R-3</b>	720 per unit	N/A	3600 per D/U	35	25	20	15	30					
<b>B-1</b>				40	30	20	10	30					
<b>B-2</b>				40	30	20	10	20					
<b>B-3</b>				40	30	20	10	30					
<b>B-4</b>				40	30	20	10	20					
<b>I-1</b>	5000	100	1 acre	40	40	30	20	20					
<b>I-2</b>		100		40	25	20	10	20					

### A. Additional Setback Requirements

- Residential Dwellings.** Single and two-family dwelling units located in the B-1 and R-3 Districts shall conform to the standards of the R-2 District.
- Setbacks Adjacent to Residential Areas.** Where a business district is adjacent to or across the street from a residential district or use, the minimum building setback from the lot line shall be thirty (30) feet. In the case of industrial district, such minimum setback shall be fifty (50) feet.
- Zero Lot Line Setbacks.** Subject to the regulations contained in the Building Code and other applicable regulations, buildings shall be excluded from side and/or rear setback requirements provided party walls are used and the units are constructed as a common building at the same time.
- Shoreland Overlay District.** Additional setback requirements for properties within the Shoreland Overlay District can be found in Chapter 151 Shoreland Management.
- Railroad Exemption.** No side or rear setback shall be required for business and industrial uses when adjacent to the railroad right of way.

## 12.12 LAND USES

### A. Use Regulations.

Except as provided for under *Subdivision 8.0 Nonconformities*, no building or premises may be devoted to uses other than as provided for as follows:

<b>Table 12.12: Land Use Table</b>									
	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>B-4</b>	<b>I-1</b>	<b>I-2</b>
<b>RESIDENTIAL</b>									
Single family detached	P	P	P	P	C	C	C		
Duplex	C	P	P	P	C	C	C		
Townhomes/SF attached		P	P						
Apartment (second floor only)					P				
Apartments & condominiums			P						
State licensed residential facility serving six (6) or fewer persons licensed under Minnesota Rules, parts 9502.0315 to 9502.0445	P	P							
State licensed residential facility serving seven (7) or more persons licensed under Minnesota Rules, parts 9502.0315 to 9502.0445			P						
Mobile home park	C	C				C	C	C	C
Nursing home, retirement home or other similar congregate care facility serving the elderly or inform		C	C						
<b>CIVIC &amp; INSTITUTIONAL</b>									
Cemetery	C		C						

	R-1	R-2	R-3	B-1	B-2	B-3	B-4	I-1	I-2
Government or community service use	C			P	P	P	P	P	P
Libraries/museums				P	P				
Higher education						P	P		P
Public park	P	P		P					
Religious institution	C	C	C	P		C	C		
School: primary or secondary	C	C		C					
<b>COMMERCIAL</b>									
Adult oriented use					P				
Agricultural	P	P		P	P	P	P	P	P
Animal grooming/veterinary							P		
Assembly hall				P	P				
Auto repair and service					C	P	P	P	P
Bank or financial institution				P	P	P	P		
Bed and Breakfast Inn	C	C							
Clinic	C	C	C	P	P	P	P		
Clubs and lodges			C	C	C				
Commercial day care facility			C	P	P	P	P		
Commercial recreation					C	P	P	P	P
Funeral home			C	P					
Gas station						P	P		P
Commercial Greenhouses	C					P	P	P	P
Hospital	C	C	C	P	P	P			
Hotel						P	P	C	C
Kennel	C	C		C		C	C	C	C
Offices				P	P	P	P	P	P
Off-street parking for adjacent commercial or industrial uses	C	C	C						
Outdoor merchandise sales					C	C	P		

	R-1	R-2	R-3	B-1	B-2	B-3	B-4	I-1	I-2
Personal services				P	P	P	P		
Professional services				P	P	P	P		
Restaurant				P	P	P	P	C	C
Restaurant with drive-thru						C	C		C
Restaurant with live entertainment and dancing					C	C	C		
Retail				P	P	P	P		
Seasonal businesses					P	P	P		
<b>INDUSTRIAL</b>									
Auto wrecking/ junk yard								C	C
Manufacturing							C	P	P
Open Storage								C	C
Railroad storage and switching yards								C	C
Research							P	P	P
Rental Storage							C	P	P
Transportation terminals								P	P
Warehousing								P	P
<b>UTILITY</b>									
Essential services	P	P	P	P	P	P	P	P	P
Public Utility Uses				P	P	P	P	P	P
Telecommunication towers/antennas				C	C	C	C	C	C