

## **SECTION 5 GENERAL REQUIREMENTS**

### **Subdivision 1: INTENT**

The intent of this Section of the Zoning Ordinance is to establish general development performance standards. The regulations provided in this Section shall apply equally to all districts except where special provisions provide otherwise.

### **Subdivision 2: ACCESSORY BUILDINGS.**

1. Principal Structure Required. An Accessory Building may not be constructed or located on a parcel of property until after the principal structure has been constructed on that parcel.
2. Doors. Doors and windows of Accessory Buildings must be constructed so that they do not extend beyond the lot lines when they are opened.
3. Rear Yard Only. Accessory Buildings may only be constructed in the rear yard of the Lot.

### **Subdivision 3: OUTSIDE STORAGE, SCREENING AND LANDSCAPING**

1. Outside Storage. All materials, waste, recyclables, debris, supplies and equipment must be stored within a building or structure which is on a permanent foundation, except the following:
  - A. Usable laundry equipment (clothes lines) in Residential Districts;
  - B. Recreational equipment and currently licensed motor vehicles and trailers; or
  - C. Temporary storage of construction and landscaping material currently being used on the premises.

2. Landscaping Required. In all zoning districts the lot area remaining after providing for buildings, parking areas, driveways, loading areas, sidewalks or other structures must be planted and maintained in grass, sodding, shrubs or other acceptable vegetation or landscaping techniques. All new uses other than single and two family dwelling units must provide a landscaping plan as part of their site plan review.
3. General Residential Landscaping Requirements. The lot area remaining after providing for driveways, sidewalks, patios, building site and/or other requirements shall be sodded, or seeded and mulched, as follows:
  - A. The boulevard area of all lots shall be sodded.
    - i) For purposes of this Subdivision, "boulevard" shall mean that area between the edge of the road way surface and outermost limit of the road right-of-way.
  - B. All other areas of lots may be either sodded, or seeded and mulched.
  - C. Sodding, or seeding and mulching may be completed no earlier than April 30<sup>th</sup> and no later than October 15<sup>th</sup> of any given year.
  - D. All residential dwellings of less than four (4) units must contain a minimum of one (1) deciduous tree planted in the front of the dwelling unit of a minimum of two (2) inches in diameter, as measured eighteen inches above ground. All residential dwellings of more than four (4) units must plant a number of trees and in locations deemed practicable by the City based on lot size, location, and available area,

which number shall not exceed the number of units.

4. Certificate of Occupancy. Prior to the issuance of a final certificate of occupancy for any newly constructed residential dwelling, the property owner, person, or company requesting the certificate of occupancy shall have installed the improvements to the property upon which the dwelling is located as required by Paragraph 3 of this Subdivision 3 or in any applicable development agreement.

A. In the event final certificate of occupancy is requested *after October 15<sup>th</sup> and before April 30<sup>th</sup> of any given year*, the City may issue the certificate of occupancy, provided the requestor or property owner:

- i) Provides the City with a cash escrow in the amount equal to \$3,000.00; and
- ii) Enters into an escrow agreement with the City to install said improvements by a date certain as specified by the City and which provides the City with the authority to enter upon the property to install said improvements using the money placed in escrow in the event the improvements are not installed by said date. The requestor or property owner shall be responsible for the difference between the escrow amount and the actual cost of installation.
  - 1) If the improvements are those required under Subdivision 3(3) of this Section 5, the escrow agreement shall provide that the requestor or property owner must have completed installation by May 31<sup>st</sup>. In the event the improvements are not installed by this date, the City shall undertake to

install the improvements pursuant to Paragraph 4(A)(ii) of this Subdivision.

- 2) If the improvements are those required under Paragraph 5 of this Subdivision 3, the escrow agreement shall provide that the driveway will be installed within thirty (30) days of such date as the City determines conditions are suitable for construction. In the event the driveway is not installed within this time, the City shall undertake to install the driveway pursuant to Paragraph 4(A)(ii) of this Subdivision.

- iii) Pays to the City a non-refundable administration fee of \$50.00 for the processing of the escrow and escrow agreement.

- B. In the event an escrow amount is paid to the City under this Paragraph 4, it will be refunded without interest within thirty (30) days of certification that the improvements have been satisfactorily installed.

5. Driveways. No final certificate of occupancy will be issued for any residential unit until a driveway providing access from the public right-of-way to the unit has been completed, which must be constructed of concrete, blacktop (asphalt), or other similar hard, durable, dust-free surface designed to properly drain surface water and prevent water drainage onto adjacent properties or walkways. Gravel and crushed granite type surfaces are specifically prohibited.

- A. In the event the driveway required by this Paragraph 5 is unable to be installed at the time the final certificate of occupancy is requested due to weather, as determined in the sole

discretion of the City Engineer, the City may issue the certificate of occupancy, provided the requestor complies with the escrow provisions of Section 5, Subdivision 3(4), and the escrow amount for the driveway shall be \$3,000.00; or, in the alternative, provides proof of a valid escrow agreement with a lending institution that substantially conforms to the requirements of this ordinance and is acceptable to the City in its sole discretion. The City's determination shall be final.

6. This Subdivision 3 supercedes any inconsistent policy, rule, or ordinance.
7. Topsoil Removal. No person shall strip, excavate or otherwise remove topsoil for sale or for use off premises except (i) in connection with the construction or alteration of a building on the premises or (ii) in connection with excavation or grading incidental to the work on the premises.

#### **Subdivision 4: UNPLATTED PROPERTY**

1. Survey Required. Any person desiring to improve unplatted property shall submit to the City a survey of the premises and information on the location and dimensions of proposed buildings, location of easements crossing the property and other information which may be necessary to insure conformance with this Ordinance.
2. Consideration for Planned Streets. All buildings must be located so that they will not obstruct planned future streets.
3. Survey Review. The Planning Commission will review the lot survey to determine if the division and creation of the property was in compliance with statutes and regulations applicable at the time of the division. If the Planning Commission finds that the division of the

property was in compliance with legal requirements applicable at the time of the division, the lot shall be recognized and development of the property shall be allowed in the conformance with this Ordinance. If the Planning Commission finds that the division of the property was not in compliance with legal requirements applicable at the time of the division, the lot shall not be recognized and current standards and procedures for platting shall be imposed.

4. Dedications and Dedication Fees. As a condition of allowing the development of unplatted property the City Council may require that the property owner provide reasonable land, easement and right of way dedications (including applicable park dedications or fees in lieu of land) which would have been required had the property been platted prior to its development.

### **Subdivision 5: DWELLING UNIT RESTRICTIONS**

1. Basement and Temporary Houses Prohibited. No cellar, garage, tent, accessory building, or basement (except when used as an accessory portion of the living space of the family or as an earth sheltered home as defined in Minnesota Statutes §216C.06, Subd. 2, as amended) may be used as a residence or Dwelling Unit.
2. One Principal Structure per Lot. Except and in the case of planned unit developments and R-2 Districts, no more than one (1) principal building may be located on a lot.
3. Manufactured Homes. Manufactured Homes built in conformance with Minnesota Statutes Sections 327.31 to 327.35, as amended, and that comply with all other applicable requirements of this Ordinance and federal and state law are permitted in the same manner as other single family residential units.

## **Subdivision 6: GENERAL PERFORMANCE STANDARDS**

1. Connection to Sanitary Sewer and Water Required. All newly constructed buildings must be connected to City sewer and water services. Where municipal sewers are not available, as determined by the Zoning Administrator, all sewage facilities must be connected to approved septic tanks and disposal fields. Existing buildings, which are not connected to municipal sanitary sewer services, must connect to City sanitary sewer services if City sanitary sewer services are within 150 feet of the lot. Existing buildings, which are not connected to municipal water services, must connect to City water services if municipal water services are within 150 feet of the lot. This provision does not apply to temporary construction sites or portable units approved by the City for temporary use.
2. Lighting. Any lighting used to illuminate an off-street parking area, gas station filling area, sign or other structure, must be arranged to deflect light away from any adjoining Residential Zone and from public streets. Direct or sky-reflected glare from floodlights or from high temperature processes such as combustion or welding may not be directed onto any adjoining property. Lights must be hooded or controlled so that they do not light adjacent property. Bare incandescent light bulbs are not permitted in view of adjacent property or public right-of-way.
3. Smoke Emissions. The emission of smoke by any use shall be in compliance with and regulated by the Minnesota Pollution Control Standards, as amended.
4. Dust and Other Particulate Matter. The emission of dust, fly ash or other particulate matter by any use shall be in compliance with and regulated by the Minnesota Pollution Control Standards, as amended.
5. Odors. The emission of odorous matter in such quantity as to be offensive shall not be permitted.

The emission of odor by any use shall be in compliance with and regulated by the Minnesota Pollution Control Standards, as amended.

6. Noise. All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness and as measured at any property line, shall not exceed the minimum standards established by the State of Minnesota.
7. Fuel Storage. No tank for the storage of fuel shall be placed or maintained above ground unless complying with all applicable MPCA regulations and approved by the Planning Commission.
8. Solar Collectors. Solar collectors must adhere to the setback requirements of the district in which they are placed. When placed on the roof of structures, solar collectors are subject to the height requirements of the district in which they are located. When considering a variance for the placement of solar collectors, the City Council shall consider inadequate access to direct sunlight as a legitimate hardship pursuant to Minnesota Statutes Section 462.357, Subd. 6, as amended.
9. Exterior Finish. Unpainted or uncolored corrugated sheet metal shall be prohibited.

### **Subdivision 7: HEIGHT AND YARD SETBACK EXCEPTIONS**

1. Height Exceptions. This Ordinance's height limitations do not apply to chimneys, cooling towers, elevator bulk heads, fire towers, drive-in movie theater screens, grain elevators, silos, penthouses, stacks, flag poles, tanks, water towers, pumping towers, permitted radio or television towers, monuments, cupolas, steeples and mechanical appurtenances pertaining to and necessary to the permitted use of the district in which they are located, unless in the Zoning Administrator's opinion the construction might

be dangerous or in other ways detrimental to surrounding property, in which case a conditional use permit will be required.

2. Yard Setback Exceptions. The following are not considered encroachments on setback requirements: Boiler flues, chimneys, fireplaces, belt courses, leaders, sills, pilasters, lintels, steps, cornices, eaves and gutters (all of which may not project more than thirty (30) inches into the setback), stone or cement patios and non-barrier creating landscape plantings.

For clarification purposes, the following is a list of features that are not exempt and may not be located within the setback area: outside stairways, fire escapes, porches, platforms, decks, balconies and other similar projections.

### **Subdivision 8: BUILDING RELOCATION**

Each location of a relocated building shall require a building permit. Relocated buildings must conform with the Building Code, be situated in a properly zoned area, and meet all other requirements of this Ordinance.

### **Subdivision 9: STREET PLAN CONFORMANCE.**

No structure may be placed in a location that will interfere with future street or road construction as shown on the City's street plan.

### **Subdivision 10: TEMPORARY STRUCTURES LIMITED.**

No temporary structure, trailer, tent or shack may be constructed, placed or maintained except as an accessory to and during construction of permanent buildings. In no event will any such structure be permitted for longer than one (1) year.

### **Subdivision 11: HANDICAPPED ACCESSIBILITY.**

When applicable, structures and/or facilities, including their exterior environment, shall meet the accessibility portion of the State Building Code, Minnesota Rules, Chapter 1341, or successor rules.

### **Subdivision 12: BUILDING NUMBERS**

Every building shall have a proper building address number(s) made of durable material affixed to the building and clearly posted and placed to be easily seen from the public street.

### **Subdivision 13: COSTS OF ENFORCEMENT**

A fee the City Council shall establish by resolution must accompany the application. An additional fee may be charged for atypical projects, which in the opinion of the City Administrator/Clerk will require additional staff time and/or City Expenditures. In such case, the applicant shall pay all costs incurred by the City, including, but not limited to administrative staff time, engineering, legal, planning, and inspection expenses, in connection with the application, including approval and acceptance of the application and review of site plans and documents, as well as any other required agreements for the application.

Section 5, Subdivision 3(3) of the Zoning Ordinance Number 319 was amended and renumbered as Section 5 Subdivision 3(7). Section 5 Subdivision 3(3) was amended and replaced in its entirety by Ordinance Number 344, passed, adopted and effective January 1, 2004.

Section 5, Subdivision 13 – Cost of Enforcement, of the Zoning Ordinance Number 319 was added by Ordinance Number 414, passed, adopted and effective November 5, 2013, and published November 12, 2013.

Section 5, Subdivision 11 – Handicapped Accessibility, was amended by Ordinance Number 418, passed, adopted and effective November 18, 2014, and published November 25, 2014.

Section 5, Subdivision 6 – Connection to Sanitary Sewer and Water Required, was amended to update language by Ordinance 466, passed, adopted and effective May 3, 2022, and published on May 10, 2022.