

ORDINANCE # 422

AN ORDINANCE AMENDING CHAPTER 27 OF THE LE SUEUR CITY CODE REGULATING THE USE OF LAND IN THE CITY OF LE SUEUR INCLUDING THE REGULATION OF THE LOCATION, SIZE, USE, AND HEIGHT OF BUILDINGS, THE ARRANGEMENT OF BUILDINGS ON LOTS, AND THE DENSITY OF POPULATION FOR THE PURPOSE OF PROMOTING THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE CITIZENS OF LE SUEUR.

THE CITY OF LE SUEUR DOES ORDAIN:

Article I. Short Title

Sec. 27-1.

This chapter shall be known, cited, and referred to as the Le Sueur Zoning Ordinance.

Article II. Intent and Purpose

Sec. 27-2.

This chapter is adopted for the purpose of:

- A. Protecting the public health, safety, comfort, convenience, and general welfare.
- B. Promoting orderly development of the residential, commercial, industrial, recreational, and public areas.
- C. Conserving the natural scenic beauty and attractiveness of the City.
- D. Conserving and developing natural resources in the City.
- E. Providing for the compatibility of different land uses and the most appropriate use of land throughout the City.
- F. Minimizing environmental pollution.

Article III. Rules and Definitions

Sec. 27-3.

The language set forth in the text of this chapter shall be interpreted in accordance with the following rules of construction:

- A. The singular includes the plural and the plural the singular.

- B. The present tense includes the past and future tenses, and the future the present.
- C. The word "shall" is mandatory, and the word "may" is permissive.
- D. The masculine gender includes the feminine and neuter genders.
- E. Whenever a word or term defined hereinafter appears in the text of this chapter, its meaning shall be construed as set forth in such definition.
- F. All measured distances expressed in feet shall be to the nearest tenth of a foot.
- G. In the event of conflicting provisions, the more restrictive provisions shall apply.

Sec. 27-4. Definitions.

The following words and terms, whenever they occur in this chapter, are defined as follows:

Accessory Structure. An uninhabited structure or portion of a structure, subordinate to and serving the principal use or structure on the same lot and customarily incidental to it, including, but not limited to, garages, swimming pools, spas, whirlpools, or same which is clearly subordinate to the principal use or structure.

Accessory Use. A subordinate use which is associated with a principal structure or use and which is located on the same lot as the principal structure or use.

Active Solar System. A solar energy system that requires external mechanical power to move the collected heat.

Agricultural Building or Structure. Any building or structure, existing or erected which is used principally for agricultural purposes, with the exception of dwelling units.

Agricultural Use. The use of land for the growing and/or production of field crops, livestock, and livestock products for the production of income, including, but not limited to, the following:

- A. field crops, including wheat, barley, soy beans, corn, hay, oats, potatoes, rye, sorghum, and sunflowers.
- B. livestock, including dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds, and other animals including dogs, ponies, deer, rabbits, and mink.
- C. livestock products, including milk, butter, cheese, eggs, meat, fur, and honey.
- D. tree farms.

Alley. A narrow public right-of-way, which normally affords a secondary means of vehicular access to abutting property.

Apartment. A room or suite of rooms with cooking facilities available which is occupied as a residence by a single family or a group of individuals living together as a single family unit. This includes any unit in buildings with more than two (2) dwelling units.

Apartment Building, High Rise. An apartment building having more than three (3) stories and whose dwelling units are accessible through common corridors.

Apartment Building. Any building or portion thereof used as a multiple dwelling for the purpose of providing three (3) or more separate dwelling units, which may share means of egress and other essential facilities.

Auto or Motor Vehicle Reduction Yard. A lot or yard where two(2) or more unlicensed motor vehicles, trailers, or the remains thereof are kept for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parts, sale as scrap, storage, or abandonment. (See also Junk Yard)

Basement. That portion of a building having more than one-half (1/2) of its floor-to-ceiling height below the average grade of the adjoining ground. The basement above grade is counted for the purpose of height regulations.

Bed and Breakfast. A private residence where for compensation, lodging and meals are provided for the keeper's family and four (4) separate sleeping rooms on a daily basis.

Berm. A landscaped mound of earth used for aesthetic or buffer purposes.

Billboard. A structure erected, maintained, or used for display of posters, signs, pictures, or other reading material which advertises a business or attraction which is not carried on or manufactured in or upon the premises which said sign is located.

Blight. Buildings or improvements which by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light, or sanitary facilities, excessive land coverage, deleterious land use, or obsolete layout or any combination of these or other factors are detrimental to the safety, health, morals, or welfare of the community.

Block. The enclosed area within the perimeter of roads, property lines, or boundaries of the subdivision.

Boarding House. A building containing lodging rooms accommodating for compensation three or more persons, but not to exceed twelve who are not of the keeper's family. Lodging may be provided with or without meals.

Buffer. The use of land, topography, open space, or landscaping to visibly separate and

filter a use of property from another adjacent or nearby use.

Building. Any structure which is built for the support, shelter, or enclosures of persons, animals, chattels, or movable property of any kind which is permanently affixed to the land.

Building Height. The vertical distance to be measured from the average of the highest and lowest point grade of a building line to the highest point of the roof for flat roofs to the upper deck line of a mansard roof and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

Building Line. A line parallel to the street right-of-way line at any story level of a building and representing the minimum distance which all or any part of the building is set back from said right-of-way.

Building Setback. The minimum horizontal distance between the building and a lot line or the normal high water mark of a stream or river.

Business. Any occupation, employment, or enterprise wherein merchandise is exhibited, stored, sold, or where services are offered for compensation.

Carport. A roofed structure or shelter providing space for parking motor vehicles and enclosed on not more than two (2) sides. A carport attached to a principal structure shall be considered as part of the principal building and subject to all yard requirements herein and be limited to two (2) stalls, the total of which does not exceed 500 square feet.

Cemetery. Land used or intended to be used for the interment of human or animal remains and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.

Certificate of Occupancy. An official certificate issued by the City through the enforcing official which indicates conformance with the zoning regulations and authorizes legal use of the premises for which it is issued.

Church. A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which buildings, together with its accessory buildings and uses, are maintained and controlled by a religious body organized to sustain public worship.

City. The City of Le Sueur, a municipal corporation, along with its duly authorized boards, commissions, or representatives.

City Council. The governing and legislative body of the City of Le Sueur, Minnesota.

Clinic, Medical, or Dental. A building or buildings in which physicians, dentists, chiropractors, or physicians and dentists, and allied professional assistants are associated

for the purpose of carrying on the health-care profession.

Cluster Development. A subdivision development planned and constructed so as to group housing units into patterns while providing a unified network of open space and wooded areas and meeting the overall density regulations of this chapter.

Common Space - Residential. Land and/or structures owned and maintained by a homeowners' association or similar organization and used for the mutual benefit of the residents or tenants.

Common Space - Commercial. Land and/or enclosed areas that are utilized for the mutual benefit of building tenants.

Community Based Residential Care Facility. Any facility similar to but not included within the definition of licensed residential care facility. These may include public or private facilities which provide one or more persons with up to 24-hour care, training, education, rehabilitation, treatment, or other support services.

Common Open Space. Any open space, including parks, nature areas, playgrounds, trails, and recreational buildings and structures, which is an integral part of a development and is not owned on an individual basis by each owner of the dwelling units.

Comprehensive Plan. A compilation of goals, policy statements, standards, programs, and maps for guiding the physical, social, and economic development of the City and its surroundings and includes any unit or part of such plan, which is separately adopted, and any amendment to such plan or parts thereof.

Conditional Use. A use which generally may be appropriate or desirable in a specified zone but requires special approval because if not carefully located or designed it may create special problems such as excessive height, building controls, or abnormal traffic congestion or other concerns. The City may impose additional conditions in specific instances to protect the public health, safety, morals, or welfare of the community.

Condominium. A form of individual ownership within a commercial or residential building with joint responsibility for maintenance and repairs of the common property. In a condominium, each apartment, townhouse, or commercial space is owned outright by its occupant and each occupant also owns a share of the land and other common property. See MSA 515 A.1-101 et. seq.

Conventional Energy System. Any energy system, including supply elements, furnaces, burners, tanks, boilers, related controls, and energy-distribution components, which uses any source of energy other than solar energy. These sources include but are not limited to gas, oil, coal, and nuclear materials but exclude windmills.

Cooperative. A multi-unit development operated for and owned by its occupants.

Individual occupants do not own their specific housing unit outright as in a condominium, but they own shares in the enterprise.

County. Le Sueur County, Minnesota.

Cul-de-sac. A street with a single means of ingress/egress and having a circular turnaround at the end.

Curb Level. The grade elevation of the building established by the existing curb height, which shall not exceed 18 inches. Where no curb level has been established, the City Engineer shall determine a curb level or finished street elevation.

Day Care. Any private or public agency, institution, establishment, or place which provides supplemental care and/or education work, other than lodging overnight, for ten (10) or fewer unrelated persons for compensation.

Day Care Centers. Any private or public agency, institution, establishment, or place which provides supplemental and/or education work, other than lodging overnight, for 11 or more unrelated persons for compensation or as defined by the State Building Code.

Density. The number of dwelling units per gross area of land as regulated by the zoning districts.

Department Store. A store selling a wide variety of goods arranged in several departments.

Dog Kennel. An accessory structure for the keeping of any dog or dogs for sale, breeding, harboring, boarding, or treatment purposes.

Drive-In Business. 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.

Dwelling, Attached. One which is joined to another dwelling or building at one (1) or more sides by a party wall or walls.

Dwelling, Detached. One which is entirely surrounded by open space on the same lot.

Dwelling, Row. Any one of three or more attached dwellings in a continuous row, each such dwelling designed and erected as a unit on a separate lot and separated from one another by an approved fire wall or walls.

Dwelling Unit. A room, or group of rooms, which are arranged, designed or used as living quarters for the occupancy of one family, containing a bathroom and or kitchen and intended for occupancy by a single family but not including hotels, motels, boarding

or rooming houses, or tourist homes. There are three (3) principal types:

- A. Single Family Detached: A free-standing residential structure designed for or occupied by one (1) family only.
- B. Single Family Attached: A residential building containing two (2) or more dwelling units with one common wall which includes but is not limited to:

Condominium - A residential building containing two (2) or more dwelling units held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units, each owner having an undivided interest in the common real estate.

Duplex - A residence designed for or occupied by two (2) families with separate housekeeping facilities for each.

Townhouse - A residential building containing two (2) or more dwelling units with at least one (1) common wall, each unit so oriented as to have all exits open to the outside.

Zero-Lot-Line - A residential building containing two (2) or more dwelling units held in separate ownership, and the real estate on which each unit is located is owned solely by the owner of such unit.

Quadplex - A residential building containing four (4) dwelling units with one common wall, each unit so oriented as to have all exits open to the outside.

- C. Multiple-Family: A residence designed for or occupied by four (4) or more families, either wholly (attached) or partially a part of a larger structure (detached), with separate housekeeping and cooking facilities for each.

Earth-Sheltered Building. A building constructed so that 50% or more of the completed structure is covered with earth. Earth covering is measured from the lowest level of livable space in residential units and of usable space in non-residential buildings. An earth-sheltered building is a complete structure that does not serve just as a foundation or substructure for above-ground construction. A partially completed building shall not be considered earth sheltered.

Easement. A granting of a specific use of land by an owner to persons other than the owner.

Education Institution or Facility. A public or private elementary, middle, secondary, post-secondary, or vocational school having a course of instruction approved by the Minnesota Board of Education.

Efficiency unit. A dwelling unit with one (1) primary room which doubles as a living room, kitchen, and bedroom.

Essential Services. Overhead or underground electrical, gas, steam, or water 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.

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

Extraction Area. Any non-agricultural artificial excavation of earth exceeding 50 square feet of surface or two (2) feet in depth, excluding basements excavated or made by the removal of the earth, sod, soil, sand, gravel, stone, or other natural matter, or made by turning or breaking the surface of the earth for the purpose of removing materials or borrow of fill.

Family. An individual or two or more persons related by blood, marriage, or adoption, or a group of not more than five (5) persons not related by blood, marriage, or adoption (excluding servants) living together in a dwelling unit.

Farm. A tract of land which is principally used for agricultural activities such as the production of cash crops, livestock, or poultry farming. Such farms may include agricultural dwellings and accessory buildings and structures necessary for the operation of the farm.

Feedlots, Livestock. The place of confined feeding of livestock, poultry, or other animals being harbored for food, fur, pleasure, or resale purposes in yards, lots, pens, buildings, or other areas not normally used for pasture or crops and in which substantial amounts of manure or other related wastes may originate by reason of such feeding of animals.

Fence. Any partition, structure, wall, or gate erected as a divider marker, barrier, or enclosure and located along the boundary or within the required yard.

Floor Area, Gross. The sum of the gross horizontal areas of several floors of a building or buildings measured from the exterior faces of exterior walls or from the center line of party walls separating two (2) buildings. In particular, "floor area" shall include:

1. Basement space if at least one-half (1/2) of the story is above established finished grade.
2. Elevator shafts and stair wells at each floor.
3. Floor space used for mechanical equipment where the structural headroom exceeds seven-and-one-half (7½) feet, except equipment open or enclosed, located on the roof; i.e., bulkheads, water tanks, and cooling towers.

4. Attic floor space where the structural headroom exceeds seven-and-one-half (7½) feet having at least 20 sq. ft. of habitable area.
5. Interior balconies and mezzanines.
6. Enclosed four-season porches but not terraces, breezeways, or screened porches.
7. Accessory uses, other than floor space devoted exclusively to accessory off-street parking or loading.

Floor Plan, General. A graphic representation of the anticipated utilization of the floor areas within a building or structure, but not necessarily as detailed as construction plans.

Forestry. The use and management, including logging of a forest, woodland, or plantation, and related research and educational activities, including the construction, alteration, or maintenance of woodroad, skidways, landings, and fences.

Frontage. That boundary of a lot which abuts an existing or dedicated public street.

Garage, Private. An accessory building or accessory portion of the principal building which is intended for and used to store private passenger vehicles, with a total building area not to exceed 1000 square feet.

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

Grade. The average of the finished level at the center of the exterior walls of the building. For an earth-sheltered building, grade means the average of the finished level at the center of the lot. For a building with earth berms but less than 50% earth covered, grade means the average of the finished level at the center of the building at the beginning of the earth berm.

Group Facility. A residence utilized by unrelated people for the purpose of rehabilitation.

Halfway House. A building or buildings used for semi-confined care or rehabilitation.

Heliport. Any area on the ground or on a structure approved by the City and Minnesota Department of Transportation Aeronautics Division for the landing and takeoff of helicopters.

Holding Pond. An area designed or accepted by the City Engineer and approved by the City to retain water.

Home Occupation. Any income-producing activity customarily conducted entirely within a dwelling and/or accessory building and carried on by members of a family

residing on the premises, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character of the building, structure, or land and does not possess any exterior evidence of the secondary or income-producing use.

Horticulture. Horticultural uses and structures designed for the storage of products and machinery pertaining and necessary thereto.

Hotel or Motel. A building which provides a common entrance, lobby, halls, and stairway and in which five (5) or more people can be, for compensation, lodged with or without meals, with off-street parking stalls for each unit.

Hospital. A building or buildings used for the medical treatment of bed patients or outpatients.

Institutions. A building or buildings used for confined care or rehabilitation facilities to include a City jail, County jail, State, or Federal facility.

Impervious Surface. Bituminous or concrete material providing a hard surface which prevents normal absorption of water into the land.

Junk Yard. An open area where waste, used, or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other materials, paper, rags, rubber, tires, and bottles. A junk yard includes an auto wrecking yard but does not include uses established within enclosed buildings. This definition does not include sanitary landfills.

Landscaping. Any plantings, trees, grass, ground cover, shrubs, and non-living durable material commonly used in landscaping such as, rocks, pebbles, sand, retaining walls, or fences but excluding impervious surfaces.

Licensed Residential Care Facility. Any facility, public or private, which for gain or otherwise regularly provides one or more persons with a 24-hour per day substitute for care, food, lodging, training, education, supervision, rehabilitation, and treatment, which for any reason cannot be furnished in the person's own home. Residential facilities include, but are not limited to, state institutions under the control of the Commissioner of Human Services, foster homes, residential treatment centers or programs, maternity shelters, group homes, supportive living residences for functionally-impaired adults, or schools for handicapped children.

Loading Space. That portion of a lot or plot designed to serve the purpose of loading or unloading of all type vehicles.

Lodging Room. A room rented as sleeping and living quarters but without cooking facilities. In a suite of rooms, without cooking facilities, each room which provides sleeping accommodations shall be counted as one (1) lodging room.

Lot. A parcel or portion of land in a subdivision or plat of land separated from other parcels or portions by description.

Lot of Record. Any lot which is one (1) unit of a plat or is designated by metes and bounds, registered land survey, auditors plat, or other accepted means, that has been recorded in the office of the County Recorder prior to the effective date of this chapter.

Lot Area. The area of a lot in a horizontal plane bounded by the lot lines, excluding the dedicated public right-of-way.

Lot, Corner. A lot located at the intersection of two streets having two (2) adjacent sides abutting streets, and the interior angle of the intersections do not exceed 135 degrees.

Lot Coverage. That portion of a lot covered by buildings, driveways, parking areas and any other impervious surfaces.

Lot Depth. The mean horizontal distance between the front lot line and the rear lot line.

Lot, Double Frontage. A lot which has a front lot line abutting one street and a back or rear lot line abutting another parallel street.

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

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

Lot Line, Front. That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot, it shall be the shortest dimension on a public street. If the dimensions of a corner lot are equal, the front lot line shall be designated by the Zoning Administrator.

Lot Line, Rear. That boundary of a lot which is opposite the front lot line. If the rear line is less than ten (10) feet in length or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot parallel to and at the maximum distance from the front lot line.

Lot Line, Side. Any boundary of a lot which is not a front lot line or a rear lot line.

Lot, Through. Any lot other than a corner lot which abuts more than one (1) street. On a through lot, both street lines shall be front lot lines for applying the provisions of this chapter.

Lot Width. The horizontal distance between the side lot lines of the lot measured parallel to the front line of the lot at the setback line.

Manufactured Home. A structure transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width and 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein, except that the term includes any structure which meets all the requirements, and with respect to which the manufacturer voluntarily files a certification required by the State of Minnesota.

Manufactured Home Park. Any site, lot, field, or tract of land designated, maintained, or intended for the placement of two (2) or more occupied manufactured homes. It shall include any buildings, structures, vehicle, or enclosure intended for use as part of the equipment of such park.

Metes and Bounds. 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 bearing and distances of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot, or area by describing lines or portions thereof.

Mining. The extraction of sand, gravel, rock, soil, or other material from the land in an amount of 1,000 cubic yards or more and the removing thereof from the site. The only exclusion from this definition shall be removal of materials associated with the construction of buildings or other structures, provided such removal is an approved item in the zoning and building permit.

Mixed Use Development. The development of a parcel of land with two or more different uses such as residential, commercial, or manufacturing or with residential uses of different densities as permitted by this chapter.

Motor Vehicle Service Station. A structure or any portion thereof designed primarily for the supplying of motor fuel, oil, lubrication, and accessories to motor vehicles.

Multi-Family Dwelling. Three or more dwelling units in one structure.

Non-Conforming Structure. A building, structure, or portion thereof which does not conform to the height, area, or yard regulations of this chapter and which lawfully existed at the time these regulations with which it does not conform became effective.

Non-Conforming Lot. A lot whose width, area or other dimension does not conform to the zoning district regulations of this chapter and which was a lot of record or lawfully existed at the time these regulations with which it does not conform became effective.

Non-Conforming Use. Any use of a building or land which does not conform to the zoning district regulations of this chapter and which lawfully existed at the time the regulations with which it does not conform became effective.

Nonprofit Institution. A nonprofit establishment maintained and operated by a society, corporation, individual, foundation, or public agency for the purpose of providing charitable, social, educational, or similar services to the public, groups, or individuals. Cooperative nonprofit associations performing a service normally associated with retail sales or trade, such as cooperative groceries, granaries, equipment sales, etc., shall not be considered nonprofit institutions under this chapter.

Nursery, Landscape. A business engaged in growing and selling trees, flowering, and decorative plants and shrubs and which may be conducted within a building or without for the purpose of landscape construction.

Nursing or Convalescent Home. A building with facilities for the care of children, the aged, infirm, or for those suffering bodily disorder and is licensed by the State Board of Health.

Obstruction. Any dam, well, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

Occupancy. The purpose for which a building or part thereof is used or intended to be used.

Open Sales Lot (Exterior Storage). Any land used or occupied for the purpose of buying and selling any goods, materials, or merchandise and for the storing of same under the open sky prior to sale.

Open Space. Open areas, including parks, nature areas, playgrounds, and trails. This does not include holding ponds.

Open Space Recreation Use. Uses particularly oriented to and utilizing the outdoor character of an area, including hiking and riding trails, primitive campsites, campgrounds, waysides, parks, and recreation areas.

Parking Lot. An off-street ground level area surfaced and improved for the temporary storage of motor vehicles.

Parking Space. A surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one (1) standard automobile.

Parking Space - Handicap. A parking area reserved for physically handicapped persons as defined in MSA 169.345 Subd. 2.

Passive Solar Energy System. A solar energy system that uses natural and architectural components to collect and store energy without using any external mechanical power.

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

Person. Any individual, firm, association, syndicate or partnership, corporation, trust, or any other legal entity.

Planning Commission. The Planning Commission of the City of Le Sueur, except where otherwise designated.

Planned Unit Development. An urban development having one or more principal uses or structures on a single lot and developed according to an approved plan.

Pole Structures-Pole Buildings. Any structure possessing both of the following characteristics:

1. Structural factory treated wood poles or timbers buried in the ground atop individual footings; and,
2. Metal roof and/or wall coverings.

(Such definition shall not include or apply to decks, sign supports, earth retention structures, playground equipment, electric utility, or any other similar structure not covering or enclosing a specific area.)

Principal Structure or Use. One which determines the predominant use as contrasted to the accessory use of a structure.

Property Owner. Any person having a freehold estate interest or leasehold interest extending for a term or having renewal options for a term in excess of one (1) year, a dominant easement interest, or an option to purchase any of same but not including owner's interests held for security purposes only.

Protective Covenant. Contracts entered into between private parties and constituting a restriction on the use of private property within a subdivision for the benefit of the property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

Public Building. A structure sheltering or enclosing a government activity or use.

Public Land. Land owned or operated by municipal, school district, county, state, or other governmental units.

Public Open Space. Open space owned by the City, County, State, School District, or

other special district.

Public Water. A body of water as defined in M.S.A., 105.37 subd. 14.

Reclamation Pond. The improvement of land by depositing material to elevate the grade. Any parcel upon which 400 cubic yards or more of fill are deposited shall be considered as reclaimed land.

Recreation, Commercial. Includes all uses such as bowling alleys, roller and ice skating rinks, driving ranges, and movie theaters that are privately owned and operated with the intention of earning a profit by providing entertainment for the public.

Recreation Equipment. Play apparatus, such as swing sets and slides, sandboxes, poles for nets, unoccupied boats and trailers not exceeding 25 feet in length, picnic tables, lawn chairs, barbecue stands, and similar equipment or structures but not including tree houses, swimming pools, play houses exceeding 25 square feet of floor area, or sheds utilized for storage of equipment.

Recreation, Public. Includes all uses that are commonly provided for the public at parks, playgrounds, community centers, and other sites owned and operated by a unit of government for the purpose of providing recreation.

Recreation Vehicles. Vehicles as defined in M.S.A. 169.01, subd. 2 used in connection with recreational activities, including, but not limited to, motor homes, fifth wheel trailers, boat trailers, and campers.

Registered Land Survey. A survey required pursuant to the provisions of M.S.A. 508.47.

Restoration. A reestablishment of previously existing uses or reconstruction of previously existing building features.

Road. A right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designed as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place, or however otherwise designated. Ingress and egress easements shall not be considered roads.

Right-of-Way. Public land used or to be used as a street or highway, including alleys and boulevards.

Rooming House. A building designed for or used as a single-family or two-family dwelling, all or a portion of which contains rooming units which accommodate three (3) or more persons who are not members of the keeper's family. Rooms, meals, or both, are provided for compensation on a periodic payment basis.

School District. Means Independent School District Number 2397, Le Sueur, Minnesota.

Screen. A visual shield between uses accomplished by the use of berms, landscaping, walls, or other aesthetic means.

Setback. The minimum distance between a structure or accessory facility and a road, highway, or property line.

Sewage. Sewage is any water-carried domestic waste, exclusive of footing and roof drainage of any residence, industry, agricultural, or commercial establishment whether treated or untreated and includes the liquid wastes produced by bathing, laundry, and culinary operation and from toilets and floor drains. Raw sewage is sewage which has not been subjected to any treatment process.

Shopping Center. A group of commercial establishments built on a site which is planned and developed as an operating unit. Typically, the sharing of common space and services such as parking, maintenance, and advertising exists.

Signs. Any letter, figures, design, symbol, trademark, architectural, or illuminating device intended to attract attention to any place, subject, person, firm, corporation, public performance, article, machine, or merchandise whatsoever and painted, printed or constructed and displayed in any manner whatsoever out of doors for recognized advertising purposes. However, this shall not include any official court or public notices nor the flag, emblem, or insignia of a government, school, or religious group when displayed for official purposes.

Sign, Advertising. A sign which directs attention to a business, commodity, service, activity, or entertainment not necessarily conducted, sold, or offered upon the premises where such sign is located; a billboard.

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

Sign, Illuminated. Any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use.

Sign, Nameplate. Any sign which states the name or address or both of the business or occupant of the lot where the sign is located.

Sign, Projecting. Any sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.

Sign, Pylon. A free-standing sign erected upon a single pylon post which is in excess of ten (10) feet in height with a sign mounted on or near the top thereof.

Sign, Rotating. A sign which revolves or rotates on its axis by mechanical means.

Signs, Surface Area of. The entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements outside of the limits of such sign and not forming an integral part of the display.

Signs, Temporary. A temporary sign is any sign not permanently attached to the ground, wall, or building, and intended to be displayed for a short and limited period of time.

Sign, Wall - Flat. A sign affixed directly to the exterior wall and confined within the limits thereof of any building and which projects from that surface less than 18 inches at all points.

Site and Building Plan. A development plan for a lot or lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, floodplain, wetlands, open spaces, means of site egress/ingress, parking, grading, drainage, utilities, landscaping, structures, signs, lighting screening, building elevations, and other information which reasonably may be required in order that an informed decision can be made by the City.

Solar Structure. A structure designed to utilize solar energy as an alternate for, or supplement to, a conventional energy system.

Stable, Private. An accessory building in which horses are kept for private use and not for hire, remuneration, or sale.

Stable, Public. A structure in which horses are kept for remuneration, hire, or sale; therefore a principal building and/or use.

Storage. Goods, material, or equipment placed or left in a location on a premises.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except the topmost story shall not be that portion of a building included between the upper surface of the topmost floor and the ceiling or the roof above. If the finished floor directly above a basement or unused under-floor space is more than six (6) feet above grade as defined herein for more than 50% of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement, cellar, or under-floor space shall be considered a story.

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

Street, Collector. A street which carries traffic from local streets to arterials.

Street, Local. A street of limited continuity used primarily for access to the abutting properties and the local need of a neighborhood.

Street, Minor Arterial. Streets which serve as transitions between principal arterials and local collector streets.

Street Width. For the purpose of these regulations, the shortest distance between the lines delineating the right-of-way.

Structural Alteration. Any change other than incidental repairs which would prolong or modify the life of the supporting members of a building, such as bearing walls, columns, beams, girders, or foundations.

Structure. Anything constructed, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground.

Structure, Non-Conforming. A structure which legally exists at the time of the adoption of this chapter which does not comply with the regulations of this chapter or any amendments hereto governing the zoning district in which such structure is located.

Subdivision. The division of a parcel of land into two or more lots or parcels, any of which resultant parcels is less than two-and-one-half (2½) acres in area, for the purpose of transfer of ownership, building development, or if a new street is involved, any division of a parcel of land. The term includes re-subdivision and when appropriate to the context shall relate to the process of subdividing or to the land subdivided.

Swimming Pool. An artificial basin filled with water intended for use for swimming or other recreational use, constructed either above or below ground of concrete, steel, fiberglass, lined or unlined, for public or private use. For purposes of this chapter, swimming pools shall be considered accessory structures.

Surfaced. A road, driveway, approach or parking lot which consists of gravel, crushed rock, lime rock, bituminous surface, concrete surface, or other similar material.

Toxic or Hazardous Wastes. Waste materials, including but not limited to poisons, pesticides, herbicides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials, and similar harmful chemicals and wastes which require special handling and must be disposed of in a manner which conserves the environment and protects the public health and safety.

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, Permitted. A public or private use which of itself conforms with the purposes, objectives, requirements, regulations, and performance standards of a particular district.

Variance. A modification or variation of the provisions of this chapter, where it is determined that by reason of special and unusual circumstances relating to a specific lot, strict application of this chapter would cause an undue hardship.

Wetland. Land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp, or marsh.

Yard. An open space on a lot which is unoccupied and unobstructed by a structure from its lowest level to the sky except as permitted by this chapter.

Yard, Front. A yard extending along the full width of the front lot line between side lot lines and extending from the abutting street right-of-way for the zoning district in which such lot is located to the front line of the building.

Yard, Rear. The portion of the yard on the same lot with the principal building located between the rear line of the building and the rear lot line and extending for the full width of the lot.

Yard, Side. The yard extending along the side lot line between the front yard building setback and rear yard building setback to a depth required by the setback regulations for the zoning district in which such lot is located.

Zoning Administrator. The duly appointed person charged with enforcing this chapter.

Zoning Amendment. A change authorized by the City, either in the allowed use within a district or modification in the boundaries of the district or other provisions of this chapter.

Zoning District. An area or areas within the limits of the City for which the regulations and requirements governing uses are uniform as defined by this chapter.

Zoning Map. The official map of the City setting forth the boundaries of each zoning district.

Article IV. General Provisions

Sec. 27-5. Application of this Chapter.

This chapter shall be applicable to all lands and waters within the corporate limits of the City.

Where the conditions imposed by any provision of this chapter are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall control.

No part of the yard or open space required for a given building shall be included as a part of the yard or other open space required for another building, and no lot shall be used for more than one principal building, except in the case of Planned Unit Developments.

Except in the case of planned unit developments, not more than one (1) principal building shall be located on a lot.

Sec. 27-6. Separability.

The several provisions of this chapter are separable in accordance with the following:

- A. If any court of competent jurisdiction enters an order determining that any provision of this chapter is invalid, such order shall not affect any other provision of this chapter not specifically included in such order.
- B. If any court of competent jurisdiction enter an order invalidating the application of any provision of this chapter to a particular property, building or structure, the order shall not affect the application of this chapter to other property, buildings or structures.

Sec. 27-7. Existing Lots.

A lot or parcel of land in a residential district which was of record as a separate lot or parcel in the office of the County Recorder or Registrar of Titles, on or before the date of adoption of this chapter, may be used for single family detached dwelling purposes, provided the area and width thereof are within seventy percent (70%) of the minimum requirements of this chapter, and provided it can be demonstrated that safe and adequate sewage treatment systems can be installed to serve such permanent dwelling. In determining the 70% requirement, the minimum lot width must be at least 40 feet and the lot depth must be at least 105 feet.

Sec. 27-8. Non-conforming Use.

Except as set forth in the Section 27-7 of this chapter, any structure or use existing on the effective date of the adoption of this chapter may be continued subject to the following provisions:

- A. No such use or structure shall be expanded or enlarged except in conformity with the provisions of this chapter.
- B. A non-conforming use of a structure which has been discontinued for a period of twelve (12) months or more as determined by the Zoning Administrator shall not be continued or reestablished, and any further use shall be in conformity with the provisions of this chapter.
- C. A non-conforming structure that is damaged by any cause to the extent of 50% or more of its fair market value shall not be restored except in conformity with the regulations of this chapter. For the purposes of this paragraph the fair market value of such structure shall equal the fair market value as established by the most recent records of the County Assessor for the County in which such structure is located.
 - 1. The building inspector shall determine the extent of the damage to such structure by obtaining at least two quotations from contractors for repair of the structure.
 - 2. In the event the owner should disagree with the decision of the building inspector he may submit the question the American Arbitration Association for a decision.

3. All expenses incurred by the City under these paragraphs shall be paid or reimbursed to the City by the owner including the expenses involving the arbitration proceeding. The City may in its discretion assess such cost against such property in the same manner as local improvements under MSA 429.011 et. Seq. as those provisions may be amended from time to time.
- D. Normal maintenance of a non conforming structure is permitted. Maintenance may include necessary non-structural repairs and incidental alterations which do not enlarge or intensify the non-conforming use.
- E. Concerning non-conforming structures within the flood plain district, no structural alteration or addition to the structure over the life of the structure shall exceed fifty percent (50%) of its most recent market value unless the entire structure is permanently changed to a conforming use or unless the alteration or addition would substantially reduce flood damage to the entire structure.
- F. Non-conforming uses which have been allowed by conditional use permits and are in compliance with conditions set at the time of issuance of such permits shall not be considered a non-conforming use.

Article V. Administration

Sec. 27-9. Enforcing Officer.

A Zoning Administrator shall be appointed by the City Council. The Zoning Administrator shall enforce this chapter and be responsible for the following duties:

- A. Review and approve zoning permits and make and maintain records thereof.
- B. Conduct inspections of the land to determine compliance with the terms of this chapter.
- C. Maintain all records dealing with this chapter, including but not limited to, all maps, amendments and conditional uses, variances, and appeals.
- D. Review, file and forward all applications for appeals, variances, conditional uses or other matters to the designated official bodies.
- E. Institute, in the name of the City, any appropriate actions or proceedings against violators of this chapter.

Sec. 27-10. Appeals and the Board of Zoning Adjustments.

A Board of Zoning Adjustments is hereby established. It shall consist of three (3) persons residing in the City and also the Zoning Administrator as ex-officio member without the right to vote. The three (3) persons shall be appointed by the Mayor and approved by the City Council. The board shall be appointed for a term of three (3) years and may be removed by a two-thirds (2/3) vote of the City Council. Their terms shall be staggered to provide continuity on the Board.

The Board of Zoning Adjustments shall elect a chairperson and vice-chairperson from among its members and shall adopt rules for the transaction of its business. The Board shall provide a public record of its proceedings which shall include, but not be limited to, the minutes of its meetings, its finding and action taken on each matter. The meetings of the board of Zoning Adjustments shall be held at the call of the chairperson and at such other times as the Board in its rules of procedure may specify. All meetings shall be open to the public and notice shall be given of such meetings as required by M.S.A. 471.705.

The Board of Zoning Adjustments shall review all questions that arise in the administration of this chapter, including the interpretation of zoning maps. It shall hear appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator or any officer, commission or board rendering decisions dealing with this chapter. The Board of Zoning Adjustments shall also have the authority to issue variances to the provisions of this chapter in accordance with Section 27-14 hereof.

For the Board of Zoning Adjustments to determine that any decision dealing with this chapter be reversed or determine that a variance be approved, a two-thirds (2/3) vote of the

Board shall be necessary. If only two (2) members are present, the vote must be unanimous.

Sec. 27-11. Planning Commission.

The Planning Commission shall provide assistance to the City Council and Zoning Administrator in the administration of this chapter. All recommendations of the Planning Commission shall be advisory in nature. The Planning Commission shall review, hold public hearings and make recommendations to the City Council on all applications for zoning amendments and conditional use permits, in accordance with the terms of this chapter.

Sec. 27-12. Zoning Amendments.

- A. The City Council may adopt amendments to this chapter which may consist of the following:
 - 1. A change in Zoning District boundaries.
 - 2. A change in Zoning District regulations.
 - 3. A change in any other provision of this chapter.
- B. Zoning Amendments shall only be used as a means to reflect changes in the goals and policies of the City as reflected in the Comprehensive Plan or changes in conditions within the City.
- C. Proceeding for amending this chapter shall be initiated as follows:
 - 1. By application of owners of property which is proposed to be rezoned or for which district regulation changes are proposed;
 - 2. By recommendation of the Planning Commission;
 - 3. By action of the City Council.
- D. When a property owner initiates an amendment to this chapter, all property owners shall file a written application for such amendment with the Zoning Administrator together with all required exhibits which shall include, but not be limited to a survey of the area in question and a building development plan unless such exhibits are waived in writing by the Zoning Administrator, together with:
 - 1. Name and address of all property owners.
 - 2. Evidence of property ownership.
 - 3. Type of amendment requested.

4. Such other information and documentation as may be reasonably requested by the Zoning Administrator.

Upon receipt of such application, the Zoning Administrator shall set a date and time for a public hearing to be held by the Planning Commission. At least ten (10) days prior to such hearing, the Zoning Administrator shall cause notice of such public hearing to be published in the legal newspaper and a similar notice to be mailed to affected property owners whose properties are situated wholly or partly within 350 feet of the area affected by the amendment. Such mailing shall be completed at least ten (10) days before the hearing date. Failure of an owner to receive such notice shall not invalidate the proceedings provided a bona fide attempt to comply with these provisions has been made. A copy of the notice and the list of the affected owners and the addresses to which the notice was sent shall be attested to by the person mailing the notice and shall be made a part of the record of the proceedings. The City Council may waive the mailed notice requirement for a City wide amendment to this chapter.

The Planning Commission shall hold the public hearing. After completion of the public hearing, the Planning Commission will make findings and a recommendation concerning the proposed amendment and submit them to the Common Council. Such recommendations shall be to either approve, deny or grant conditional approval of the application for the amendment. If the City Council finds that the findings of the Planning Commission are inadequate or insufficient it may request additional information or findings from the Planning Commission.

The City Council shall act upon such application after receiving the Planning Commission's recommendation. If approved, the amendment shall be filed with the County Recorder's Office.

An application to amend the Zoning Ordinance by property owners requesting a specific Zoning Ordinance change can only be requested once in any twelve month period. The Planning Commission may in its sole discretion waive this paragraph if circumstances are such that a waiver would be in the best interest of the City.

- E. When Planning Commission initiates an amendment to this chapter, the following procedures shall be followed:
 1. The Planning Commission shall pass a motion recommending such amendment.
 2. The Planning Commission shall submit the proposed amendment to the City Council.
 3. The Mayor shall set a date and time for a public hearing to be held by the City Council. At least ten (10) days prior to such hearing, the Zoning Administrator shall cause notice of such public hearing to be published and mailed in the same manner as set forth in Section 27-12.4.
 4. Upon completion of the public hearing, the City Council shall make findings and take action on the proposed zoning amendment within sixty (60) days.

F. When the City Council proposes an amendment to this Chapter, the following procedure shall be followed:

1. The City Council shall pass a resolution of intent to amend this Chapter.
2. The City Council shall submit the proposed amendment to the Planning Commission for review and comment.
3. The Mayor shall set a date and time for a public hearing to be held by the Planning Commission. At least ten (10) days prior to such hearing, the Zoning Administrator shall cause notice of such public hearing to be published and mailed in the same manner as set forth in Section 27-12.4.
4. The Planning Commission shall adopt findings after the public hearing is held and shall make a recommendation to the City Council concerning the amendment. Such recommendation shall be either to approve, deny or grant conditional approval of the application for zoning amendment.
5. The City Council shall act upon such amendment and recommendation made by the Planning Commission after receiving such recommendation.

In the event that such amendment is approved, it shall be filed with the County Recorder's Office.

G. The City Council must approve, deny, or grant conditional approval of an amendment of this Chapter within sixty (60) days of receipt of a written request for such amendment containing all information required by this Chapter or other applicable law. If the City receives such written request that does not contain all the required information the City shall send written notice to the person or entity requesting such amendment within ten (10) business days of receipt of such written request informing the requester what information is missing. In addition, such sixty (60) day period may be extended in accordance with the provisions of M.S.A. 15.99. Failure of the City Council to deny or grant conditional approval of a request for an amendment of this Chapter within such sixty (60) day period unless otherwise extended shall be deemed to be an approval of such request amendment.

Sec. 27-13. Conditional Use Permits.

A. Criteria for Review of Conditional Use Permit Applications. In reviewing a conditional use permit application, the City Council shall consider the advise and recommendation of the Planning Commission. Each application shall be reviewed to determine the effect of the proposed use on the Comprehensive Plan and upon the health, safety, morals, and general welfare of occupants of surrounding lands. At a minimum, the City Council shall make the following findings, where applicable:

1. The use will not create an excessive burden on existing parks, schools, streets, and other public facilities which serve or are proposed to serve the area.
 2. The use will be sufficiently compatible or separated by distance or screening from adjacent residentially zoned or used land.
 3. The use is reasonably related to the overall needs of the City and to the existing land use. The use is consistent with the purposes of this chapter and the purposes of the Zoning district in which the applicant intends to locate the proposed use.
 4. The use will not cause traffic hazards or congestion.
 5. Adequate utilities, access roads, drainage, and the necessary facilities have been or will be provided.
- B. In permitting a new conditional use or in the event of the modification of an existing conditional use, the City Council may impose, in addition to the standards and requirements expressly specified by this chapter, additional conditions which the City Council considers necessary in its sole discretion to protect the best interests of people in the surrounding area and the community as a whole. These conditions may include, but are not limited to the following:
1. Increasing the required lot size or yard distance.
 2. Limiting the height, size, and location of buildings.
 3. Controlling the location and number of vehicle access points.
 4. Increasing the street widths.
 5. Increasing the number of required off-street parking spaces as required by this chapter.
 6. Required dykes, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.
 7. Designing sites for open space or recreational purposes.
 8. Establishing time limits for such conditional use.
 9. Allowing the Planning Commission or the Common Council to review the conditional use permit at any time and to modify, amend, cancel or revoke the conditional use permit if there is non-compliance with the conditions set forth in the conditional use permit.

- C. The procedure for obtaining a Conditional Use Permit shall be as follows:
1. Meet with the Zoning Administrator and obtain an application form.
 2. Provide evidence of property ownership to the Zoning Administrator.
 3. File with the Zoning Administrator a completed application form with all required exhibits which shall include, but not be limited to, a survey of the area in question and a building development plan unless such exhibits are waived in writing by the Zoning Administrator. The applicant shall pay a fee in such amount as is established by City Resolution from time to time.
 4. The Zoning Administrator shall set a date and time for at least one (1) public hearing before the Planning Commission. At least ten (10) days prior to such hearing the Zoning Administrator shall cause notice of such hearing to be published in the legal newspaper and similar notice shall be mailed to affected property owners whose properties are situated wholly or partly within 350 feet of the proposed area. Failure of an owner to receive such notice shall not invalidate the proceedings, provided a bona fide attempt to comply with these provisions has been made.
 5. Prior to the scheduled public hearing the Zoning Administrator shall prepare appropriate exhibits for distribution to the Planning Commission and make copies available to interested parties.
 6. The Planning Commission shall hold the public hearing, study the application, receive evidence, and determine what additional requirements may be necessary. The Planning Commission shall then adopt findings based upon evidence established during the hearing and shall then recommend either approval, denial or conditional approval of the application. After the close of the public hearing, the Planning Commission shall transmit its recommendations to the City Council. If the City Council finds that the findings of the Planning Commission are insufficient it may request additional information or findings from the Planning Commission.
 7. The City Council shall adopt findings and take appropriate action on the application after receiving the recommendation of the Planning Commission. If granted, the City Council may impose conditions it considers necessary to protect the public health, safety, morals, and general welfare. Such conditions may include a time limit for the use to exist or operate.
 8. If the conditional use permit is issued pursuant to the provisions of this chapter, such permit shall become null and void without further action by the City Council unless the use commences within one (1) year of the approval date. A conditional use permit authorizes only one (1) particular use and shall expire if that use ceases for more than twelve (12) consecutive months.

9. In the event of the applicant violates any of the conditions set forth in the conditional use permit, it may be revoked by the City Council.
10. The Zoning Administrator shall maintain a record of all conditional use permits issued, including information on the use, location, and conditions imposed by the City Council, time limits, review dates and such other information as may be appropriate. If approved, the conditional use permit shall be filed with the County Recorder's Office in the County where the property in question is located.
11. Violations of a condition imposed by any conditional use permit may result in the termination of such permit. The City Council shall have the authority to terminate a conditional use permit only after a public hearing. Prior to the public hearing, the City shall notify the interested party or parties that termination proceedings have been scheduled. Such notice shall be sent by certified mail to the last known address of the interested party or parties at least ten (10) days prior to the hearing date. Publication of notice of the public hearing in the local newspaper shall also occur at least 10 days prior to the hearing date. Failure of the interested party to receive mailed notice shall not invalidate the proceedings, provided that a bona fide attempt to comply with these provisions is made.
12. The City Council must approve, deny or grant conditional approval of any conditional use permit within sixty (60) days of receipt of a written request for such amendment containing all information required by this Chapter or other applicable law. If the City receives such written request that does not contain all the required information City shall send written notice to the person or entity requesting such amendment within ten (10) business days of receipt of such written request informing the requestor what information is missing. The 60 day time limit for approving, denying, or granting conditional approval of such request shall commence upon receipt of such additional information. In addition, such sixty (60) day period may be extended in accordance with the provisions of M.S.A. 15.99. Failure of the City Council to deny or grant conditional approval of a request for an amendment of this Chapter within such sixty (60) day period unless otherwise extended shall be deemed to be an approval of such requested amendment.

Sec. 27-14. Variances.

A variance to the provisions of this chapter may be granted by the Board of Zoning Adjustments in those cases where strict enforcement of this chapter would cause undue hardship because of circumstances unique to the individual property under consideration, and when it is demonstrated that the granting of such variance will be consistent with the spirit and intent of this chapter. "Undue hardship" shall have the same meaning as set forth in M.S.A. 462.357 Subd. 6(2) as it may be amended from time to time.

No variance shall have the effect of allowing in any Flood Plain District uses prohibited in that District, permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area, or permit standards lower than those required by the laws and statutes of the State of Minnesota.

The procedure for obtaining a variance shall be as follows:

- A. The property owner and/or applicant shall meet with the Zoning Administrator and obtain an application form.
- B. The applicant shall file with the Zoning Administrator a completed application form which shall contain all necessary exhibits including but not limited to:
 1. A preliminary building and site development plan.
 2. A boundary line survey if requested by the Zoning Administrator, Planning Commission and/or Common Council.
 3. Evidence of ownership or enforceable option on the property.
 4. Evidence of hardship.

The applicant shall also pay a filing fee in such amount established by City Resolution from time to time.

- C. If the variance application concerns lands in a Flood Plain District, the Zoning Administrator shall notify the applicant that:
 1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and,
 2. Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. The City shall maintain a record of all such variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.
- D. The Zoning Administrator shall set a date and time for at least one (1) public hearing before the Board of Zoning Adjustments. At least ten (10) days prior to such hearing the Zoning Administrator shall cause notice of such hearing to be published in the legal newspaper and a similar notice shall be mailed to affected property owners situation wholly or partly within 350 feet of the area in question. Failure of an owner to receive such notice shall not invalidate the proceedings, provided a bona fide attempt to comply

with these provisions has been made. A copy of the application form dealing with Flood Plain Districts shall be sent to the Commissioner of Natural Resources at least 10 days prior to the hearing date.

- E. Prior to the public hearing, the Zoning Administrator shall prepare appropriate exhibits for distribution to the Board of Zoning Adjustments and make copies available to interested parties.
- F. The Board of Zoning Adjustments shall study the application and shall within sixty (60) days either approve, deny, or give conditional approval to such application. The Board of Zoning Adjustments may require restrictions upon the premises benefited by the variance which may be necessary to comply with the standards established by this chapter, or that reduce or minimize the effects of such variance upon other properties in the neighborhood. If such variance concerns a Flood Plain District, a copy of the decision shall be sent to the Commission of Natural Resources with ten (10) days of such action.
- G. No reapplication for a denied variance shall be resubmitted to the Board of Zoning Adjustments for a period of at least twelve (12) months provided, however, if in the opinion of the Board of Zoning Adjustments new evidence or a change of circumstances exists, it may in its sole discretion consider a new application dealing with a denied variance at an earlier time.
- H. If approved, the variance shall be filed with the County Recorder's Office, for the County where the land is located.
- I. If the variance application is denied by the Board of Adjustments, an appeal by the applicant may be made as provided in M.S.A. 462.361, as it may be amended from time to time.
- J. A violation of a condition imposed by any variance may result in the revocation of such variance. The City Council shall have authority to revoke a variance only after a public hearing. Prior to the public hearing the City shall notify the interested party or parties that revocation proceedings have been commenced. Such notice shall be sent by certified mail to the last know address of the interested party or parties at least ten (10) days prior to the hearing date. Failure of the interested party or parties to receive mailed notice shall not invalidate the proceedings provided that a bona fide attempt to comply with these provisions is made.

Sec. 27-15. Building and Zoning Permits.

Hereafter, no person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, improve, convert, or demolish any building or structure in the City, or cause the same to be done without first obtaining a separate zoning permit and building permit for each such building or structure from the Zoning Administrator and Building Inspector respectively.

An application for a zoning permit shall be accompanied by the following exhibits unless waived by the Zoning Administrator:

- A. Preliminary building and site development plan, which shall include any and all building plans, dimensional parking and loading arrangements, vehicular and pedestrian access, surface drainage plan, landscaping scheme, utility plan, size and location of all signs, and other related information as may be reasonably required by the Zoning Administrator.
- B. Boundary survey, including the property in question and within one hundred (100) feet beyond its outer boundaries showing existing utilities, lot boundaries, lot dimensions, building, easements, foliage, public right-of-ways, topography, waterways and any other related information.

Persons requesting a zoning permit shall fill out a zoning permit application form available from the Zoning Administrator. In those cases where a contractor is used, the contractor shall obtain the zoning permit application form but such form must be signed by the property owners.

Completed zoning permit application forms and a fee, as established from time to time by City Resolution, shall be submitted to the Zoning Administrator. If the proposed improvement conforms in all respects to this Chapter and all other Federal, State, and local laws, Statutes, rules, and regulations as determined by the Zoning Administrator, a zoning permit shall be issued by the Zoning Administrator within sixty (60) days.

Building permits shall be issued by the Building Inspector in accordance with Minnesota State Codes.

Following exhibits unless waived by the Zoning Administrator:

- A. Preliminary building and site development plan, which shall include any and all building plans, dimensional parking, and loading arrangements, vehicular and pedestrian access, surface drainage plan, landscaping scheme, utility plan, size and location of all signs, and other related information as may be reasonably required by the Zoning Administrator.
- B. Boundary survey, including the property in question and within 100 feet beyond its outer boundaries showing existing utilities, lot boundaries, lot dimensions, buildings, easements, foliage, public right-of-ways, topography, waterway, and any other related information.

Persons requesting a zoning permit shall fill out a zoning permit application form available from the Zoning Administrator. In those cases where a contractor is used, the contractor shall obtain the zoning permit application form but such form must be signed by the property owners.

Completed zoning permit application forms and a fee, as established from time to time by City Resolution, shall be submitted to the Zoning Administrator. If the proposed improvement

conforms in all respects to this Chapter and all other Federal, State, and local laws, Statutes, rules, and regulations as determined by the Zoning Administrator, a zoning permit shall be issued by the Zoning Administrator within 60 days.

Building permits shall be issued by the Building Inspector in accordance with Minnesota State Codes.

Article VI Planned Unit Development

Sec. 27-16. Purpose.

The purpose of a Planned Unit Development is to encourage more creative and efficient development of land and its improvements than is possible under the more restrictive application of the zoning requirements such as lot sizes and building setbacks, while at the same time meeting the standards and purposes of the Comprehensive Plan and/or Policy Statement of the City and preserving the health, safety, and welfare of the citizens of the city.

To allow for a mixture of residential units in an integrated and well-planned area.

To ensure concentration of open space into more usable areas and the preservation of the natural resources of the site, including wetlands, woodlands, steep slopes, and scenic areas.

To facilitate the economic provision of streets and public utilities.

To allow the construction of dwelling units in detached, clustered, semi-detached, attached, or multi-storied structures or combinations thereof and customary accessory uses.

Sec. 27-17. Conditional Use Permit Required.

A Conditional Use Permit shall be required of all planned unit developments. The City may approve the Planned Unit Development only if it is found that the development satisfies all of the following standards:

- A. The use will not create an excessive burden on existing parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the area.
- B. The use is reasonably related to the overall needs of the City and is compatible with the surrounding land use.
- C. The Planned Unit Development is an effective and unified treatment of the development possibilities of the project site and the development plans provide for the preservation of unique natural amenities such as streams, stream banks, wooded cover, rough terrain, and similar areas.
- D. The uses proposed will not have an undue and adverse impact on the reasonable enjoyment of neighborhood property and will not be detrimental to surrounding areas.

- E. The Planned Unit Development meets or exceeds the following development criteria:
1. A minimum of two or more separately owned units in at least one principal structure is proposed.
 2. The Planned Unit Development can be planned and developed to harmonize with any existing or proposed development in the areas surrounding the project site.
 3. Each phase of the proposed development is of sufficient size, composition, and arrangement so that its construction, marketing, and operation are feasible as to complete units and that provisions for and construction of dwelling units and Common Open Space are balanced and coordinated. In addition, the total development is designed in such a manner as to form a desirable and unified environment within its own boundaries.
 4. Financing is available to the applicant on conditions and in an amount which is sufficient to assure completion of the Planned Unit Development. To evidence this, a written statement of financial feasibility, which is acceptable to the City, shall be submitted by the applicant.
 5. The entire Planned Unit Development will be fully platted in final form within five years of approving the Preliminary Development Plan.

Sec. 27-18. Procedure.

Planned unit developments shall be proposed and approved in accordance with this section.

Prior to the submission to any plan to the Planning Commission, the applicant shall meet with the Zoning Administrator to discuss the contemplated project relative to the community development objectives for the area in question and to learn the procedural steps and exhibits required. This includes the procedural steps for a Conditional Use Permit and Preliminary Plat. The applicant shall submit a simple sketch plan drawn to scale at this stage for informal review and discussion. The applicant shall seek the advice and assistance of the planning staff to facilitate the review of the Preliminary Development Plan and Preliminary Plat.

Preliminary Development Plan requirements are as follows:

- A. An applicant shall make an application for a Conditional Use Permit following the procedural steps as set forth in Section 28-13 of this chapter.
- B. The following exhibits shall be submitted by the developer as part of the application for a Conditional Use Permit, unless waived by the Zoning Administrator.

1. An explanation of the character and need for the Planned Unit Development and the manner in which it has been planned to take advantage of the Planned Unit Development regulations.
 2. A statement of proposed financing of the Planned Unit Development.
 3. A statement of the present ownership of all of the land included within the Planned Unit Development and a list of property owners within 350 feet of the outer boundaries of the property.
 4. A general indication of the expected schedule of development, including sequential phasing and time schedules.
 5. A map giving the legal description of the property, including approximate total acreage and also indicating existing property lines and dimensions, ownership of all parcels, easements, street right-of-ways, utilities, and buildings for the property and for the area 100 feet beyond the property.
 6. A natural features map or maps of the property and area 100 feet beyond showing contour lines at no more than 20 foot intervals, drainage patterns, wetlands, vegetation, soil, and subsoil conditions.
 7. A map indicating proposed land uses, including housing units, locations, and types, vehicular, and pedestrian circulation and open space uses.
 8. Full description as to how all necessary governmental services will be provided to the development, including sanitary sewers, storm sewers, water systems, streets, telephone, gas, TV cable, and other public utilities.
 9. Prior to permit approval, an engineering report presenting results of a soils review of the site. If conditions warrant, soil borings of the site may also be required.
 10. Any additional formation reasonably requested by the Zoning Administrator.
- C. The applicant shall also submit a Preliminary Plat and all necessary documentation as required under the subdivision ordinance of all or that portion of the project to be platted. For purposes of administrative simplification, the public hearings required for the Conditional Use Permit and Preliminary Plat may be combined and held concurrently.

An application for approval of a Preliminary Development Plan for a proposed Planned Unit Development shall be filed with the Zoning Administrator by at least one owner or a lessee of property for which the Planned Unit Development is proposed. The application shall be accompanied by a filing fee in an amount determined by resolution of the Common Council from time to time. The application with accompanying statements shall be submitted with 18 copies.

Within 60 days after the filing of the application, the Planning Commission shall hold a public hearing on the proposed Planned Unit Development following written and published notice as required for amendments of this chapter. Following such hearing and within 120 days after the filing of the application or at such later time as agreed to by the applicant, the Planning Commission shall recommend approval or disapproval of the Preliminary Development Plan with such changes and conditions as it may suggest and shall transmit its recommendation to the City Council. In its recommendation, the Planning Commission shall determine whether the proposed Planned Unit Development is consistent with the terms and conditions of this chapter and the Subdivision Ordinance.

Upon receipt of the recommendation of the Planning Commission, the City Council shall consider the application and after holding such public hearings, as it deems desirable shall approve or disapprove the application with such changes or conditions, if any, as it may deem appropriate. It shall include findings on matters in which the Planning Commission is required to make determinations under this section.

The procedure for gaining approval of the Final Development Plan shall be as follows:

1. Within 60 days after the City Council's approval of the Preliminary Development Plan and the Preliminary Plat, the applicant shall file with the Zoning Administrator a Final Development Plan and a Final Plat.
2. The Zoning Administrator shall submit the Final Development Plan and the Final Plat to the Planning Commission for review.
3. The Planning Commission shall review the Final Development Plan and Final Plat and make its recommendation to the City Council within 60 days of receiving the Final Development Plan and Final Plat.
4. The City Council shall review and act upon the Final Development Plan and the Final Plat within 60 days of receiving the recommendation of the Planning Commission. The City Council shall give notice and provide an opportunity to be heard on the Final Development Plan to any person who has indicated to the City Council in writing that he or she wishes to be notified.
5. If the Final Development Plan and Final Plat are approved by the City Council, the Zoning Administrator shall issue a Conditional Use Permit for the total development to the applicant. The permit shall include any and all conditions as required by the Preliminary Development Plan and the Final Development Plan.
6. Once the Final Development Plan and Final Plat have been approved, the Final Plat shall be filed with the County Recorder's Office in the County where the land is located.

D. Performance standards:

The construction and provision of all of the Common Open Spaces, recreational facilities, and public works which are shown on the Final Development Plan must proceed at the same rate as the construction of dwelling units. At least once every six months following the approval of the Final Development Plan, the Zoning Administrator shall review all of the zoning and/or building permits issued for the Planned Unit Development and examine the construction which has taken place on the site. If he shall find that the rate of construction of dwelling units is faster than the rate at which Common Open Space, recreational facilities, and public works have been constructed, he shall forward this information to the City Council, which may revoke the Conditional Use Permit. If the developer or landowner fails to complete the Common Open Spaces, recreational facilities, and public works within 60 days after the completion of the remainder of the project, the City may finish the Common Open Space areas, recreational facilities, and public works and assess the cost back to the developer or landowner.

E. Conveyance and maintenance of Common Open Space shall be as follows:

1. All land shown on the Final Development Plan as Common Open Space must be conveyed under one of the following methods at the discretion of the City;
 - a. It may, if agreed upon, be conveyed to a public entity which shall maintain the Common Open Spaces and any buildings, structures, or improvements which have been placed on it.
 - b. It may be conveyed to a corporation, developer, homeowner association (incorporated or unincorporated), or trustee named in a trust established for the purpose of maintaining the Planned Unit Development. The Common Open Space must be conveyed to the party involved subject to covenants approved by the City Council which restrict the Common Open Space to the uses specified in the Final Development Plan and which provide for the maintenance of the Common Open Space in a manner which assures its continued use for its intended purposes.

F. No Common Open Space may be approved as being a part of a Planned Unit Development unless it meets the following standards:

1. The location, shape, size, and character of the Common Open Space must be suitable for the Planned Unit Development.
2. Common Open Space must be used for amenity or recreational purposes. The uses authorized for the Common Open Space must be appropriate to the scale and character of the Planned Unit Development, considering the size, density, expected population, topography, and the number and type of dwellings to be provided.

3. Common Open Space must be improved for its intended use, but Common Open Space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements which are permitted in the Common Open Space must be appropriate to the uses authorized for the Common Open Space and must conserve and enhance the amenities of the Common Open Space having regard to its topography and unimproved condition.
- G. The Zoning Administrator and Planning Commission shall review Conditional Use Permits authorizing the establishment of Planned Unit Developments within the City on a complaint basis or upon receipt of evidence of violation and shall make a report to the City Council on the status of such development. If the Planning Commission finds that the development has not occurred within one year after the original approval of the Conditional Use Permit for the Planned Unit Development, the Planning Commission may recommend that the City Council revoke the Conditional Use Permit.
- H. Revision to the Planned Unit Development may be made as follows:
1. Changes in the location, placement, and heights of buildings or structures may be authorized by the Zoning Administrator if circumstances occur that were not foreseen at the time the final plan was approved.
 2. Approval of the Planning Commission and City Council shall be required for other changes. These changes shall be consistent with the purpose and intent of the approved Final Development Plan.

Any amendment to a Planned Unit Development shall require the same procedures as the application for a Conditional Use Permit as set forth in Section 27-13 of this chapter.

Article VII. Zoning Districts and District Provisions

Sec. 27-19. Zoning Districts.

The zoning districts are designed to assist in carrying out the intent and purpose of the Comprehensive Plan and are based upon the Comprehensive Plan which has the purpose of protecting the public health, safety, morals, convenience, and general welfare.

For the purposes of this chapter, the City of Le Sueur is hereby divided into the following Zoning Districts:

<u>Symbol</u>	<u>Name</u>
R-R	Rural Residential
R-1	Low Density Residential
R-2	Low Density Urban Residential
R-3	Medium Density Urban Residential
R-4	Multi-Family Residential
R-5	Manufactured Home Park
B-1	Central Business
B-2	Fringe commercial
C-I	Commercial/Light Industry
I	Industry
T	Transitional
FP	Flood Plain

Sec. 27-20. Zoning Map.

The location and boundaries of the Zoning Districts established by this Chapter are set forth on the official zoning map which is hereby incorporated as part of this chapter and which is on file with the City Clerk.

Any land which is annexed to the City in the future shall be placed in the Transitional District (T) unless otherwise designated by the Common Council.

Section 27-20a. Rural Residential (R-R).

This district is established to allow for existing agricultural or rural-type land uses, single family residences and institutional uses. This district is designed specifically for areas within the City that may be presently used for agriculture but which may be converted to urban uses in the future.

A. Permitted Uses

1. One-family dwellings.

2. Commercial, agriculture and horticulture, including related accessory structures including those used for:
 - a. Farm livestock and livestock products and domestic animals kept for use on the farm or raised for sale.
 - b. Animals other than farm livestock for their wool/fiber, pelts, food, pleasure or sport. Domestically raised fowl for food and pleasure.
 - c. Bees for honey and pollination purposes;
 - d. Field and specialty crops.
 - e. Fruit crops.
 - f. Garden vegetable crops.
3. Farm drainage systems, flood control and watershed structures or erosion-control device meeting all County, State, and Soil and Conservation District minimum requirements and regulations.
4. Temporary or seasonal roadside stands with adequate off-street parking; not to exceed one stand per farm.
5. Forest and wildlife game management areas.
6. Home Occupations, as regulated by Article XV, Sections 27-89 and 27-90 of the Le Sueur City Code.
7. Parks, playgrounds, tennis courts, and swimming pools.
8. Schools; public and private elementary, middle and secondary.
9. Government institutions, municipal buildings, museums, and libraries.
10. Public utilities, essential service utility facilities and structures.
11. Daycare as permitted by Home Occupation Permit.
12. Historic sites as determined by the Zoning Administrator or Planning Commission.

B. Accessory Uses

Any incidental structure or building necessary for the conduct of a permitted use, including private garages, carports, and screen houses for private use.

C. Conditional Uses

The following uses may be allowed in the R-R District, subject to the regulations for Conditional Use Permits as set forth in Article V, Section 27-13:

1. Bed and Breakfast Residences.
2. Campgrounds.
3. Cemeteries, crematories, and mausoleums.
4. Funeral Homes.
5. Churches, synagogues and houses of religious worship and instruction, including their related facilities.
6. Congregate housing.
7. Attached one-family dwellings, provided each is located on a separate lot of record.
8. Golf and country clubs.
9. Marinas.
10. Hospitals and medical clinics.
11. Daycare Centers.
12. Assisted care facilities, nursing homes and similar institutions.
13. Planned Unit Developments.
14. Regional pipeline.
15. Mining or land reclamation.
16. Other residential, institutional, or government services determined by the Zoning Administrator and Planning Commission to be of the same general character as the previously mentioned permitted and conditional uses above and found not to be detrimental to the existing uses and the health, safety, and welfare of the general public.

D. Lot Requirements and Setbacks

Minimum Lot Area	30,000 square feet
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Minimum Lot Width	150 feet, as measured from the front setback line.
Front Yard Setback	30 feet
Rear Yard Setback	30 feet
Side Yard Setbacks	
Internal	10 feet
Corner	20 feet
Internal-Ag.	100 feet
Corner-Ag.	100 feet
Maximum Height	35 feet
Maximum Lot Coverage	20%, includes principal use, accessory uses, driveway, parking areas, and any other areas deemed as impervious by the Zoning Administrator.

E. General Regulations

1. Private driveways with primary access to collector or arterial roadways shall be located no less than 1,000 feet from existing or proposed private drives with primary access to the same collector or arterial roadway.
2. Additional requirements must be complied with concerning parking, signs, sewage, and other regulations as set forth in this chapter and designated by the Zoning Administrator.
3. Design standards as set forth in Section 27-25.

Sec. 27-21. Low Density Residential (R-1).

This district is intended to maintain and promote areas of low residential density whereby the emphasis is generally the development of one-family dwellings.

A. Permitted Uses

1. One-family, detached dwellings.
2. Private gardens, no retail sales.
3. Home Occupations, as regulated by Article XV, Sections 27-89 and 27-90 of this Chapter.
4. Essential public services -telephone, telegraph, power lines, cable TV, street, sewer and water, and any other necessary appurtenant equipment and structures.
5. Swimming pools as regulated by Article XVII, Section 27-92 of this Chapter.
6. Public parks and recreation areas.

7. Schools; public and private elementary, middle and secondary.
8. Daycare as permitted by Home Occupation Permit.
9. Forest and game management areas.

B. Accessory Uses

Any incidental structure or building necessary for the conduct of a permitted use; including storage sheds and garages, carports, and screen houses for use of the occupants of the principal structure.

C. Conditional Uses

The following uses may be allowed in the R-1 District, subject to the regulations for issuance of Conditional Use Permits as set forth in Article V, Section 27-13 of this Chapter:

1. Bed and Breakfast Residences.
2. Campgrounds.
3. Cemeteries, crematories, and mausoleums.
4. Funeral Homes.
5. Churches and places of religious worship, parish houses, rectories, and convents.
6. Congregate housing.
7. Attached one-family dwellings, provided each is located on a separate lot of record and is in conformity with Section 27-25 of this Chapter.
8. Golf and country clubs.
9. Marinas.
10. Government institutions, municipal buildings, museums, and libraries.
11. Hospitals and medical clinics.
12. Licensed Daycare centers and nursery schools.
13. Assisted care facilities, nursing homes and similar institutions.
14. Planned Unit Developments.

15. Other residential, institutional, or government services determined by the City to be of the same general character as the previously mentioned permitted and conditional uses above and found not to be detrimental to the existing uses and the health, safety, and welfare of the general public.

D. Lot Requirements and Setbacks

Minimum Lot Area	15,000 square feet
Minimum Lot Width	100 feet, as measured from the front setback line.
Front Yard Setback	30 feet
Rear Yard Setback	30 feet
Side Yard Setbacks	
Internal	10 feet
Corner	20 feet
Maximum Height	35 feet
Maximum Lot Coverage	35%, includes principal use, accessory uses, driveway, parking areas and any other impervious surfaces.

E. General Regulations

1. Additional requirements must be complied with concerning parking, fencing, signs, sewage, and other regulations as set forth in this Chapter.
2. Design standards as set forth in Section 27-25 of this Chapter.

Sec. 27-22. Low Density Urban Residential (R-2).

This district is established to allow areas within the city of predominantly low density, one and two-family dwellings and to preserve the low density character of this district and provide a buffer between those uses which are both compatible with and convenient to residents of such districts.

A. Permitted Uses

1. One-family detached dwelling units.
2. Historic sites
3. Public parks and recreation areas.
4. Essential public services -telephone, power lines, cable TV, street, sewer and water, and any other necessary appurtenant equipment and structures.
5. Home occupations as regulated by Article XV, Sections 27-89 and 27-90 of this Chapter.

6. Swimming pools as regulated by Article XVII, Section 27-92 of this Chapter.

B. Accessory Uses

Any incidental structure or building necessary for the conduct of a permitted use; including storage sheds and garages, carports, and screen houses for use of occupants of the principal structure.

C. Conditional Uses

The following uses may be allowed in the R-2 District, subject to the regulations for issuance of Conditional Use Permits as set forth in Article V, Section 27-13 of this Chapter:

1. Public and private schools.
2. Churches and places of religious worship and instruction; including parish homes, rectories, and convents.
3. Cemeteries, including mausoleums, and crematories
4. Hospitals and medical clinics.
5. Daycare centers and nursery schools.
6. Assisted care facilities, nursing homes and similar institutions.
7. Storage buildings.
8. Commercial recreation.
9. Planned Unit Developments
10. One-Family attached dwelling units.
11. Other residential, institutional, or government services determined by the City to be of the same general character as the previously mentioned permitted and conditional uses above and found not to be detrimental to the existing uses and the health, safety, and welfare of the general public.

D. Minimum Lot Requirements and Setbacks

Lot Size	12,000 square feet
Lot width	80 feet
Front yard setback	30 feet
Rear yard setback	30 feet
Side yard, internal lot	10 feet

Side yard, corner lot	20 feet
Maximum height	35 feet
Maximum lot coverage	35%, includes principal use, accessory uses, driveway, parking area, and any other impervious surfaces.

With zero lot line homes, no portion of the structure or accessory appurtenance shall project over the zero side yard setback.

Where adjacent structures have front yard setbacks different from those required, the minimum front yard setback shall be the average setback of such structure, but in no case shall the front yard be less than thirty (30) feet.

E. Minimum Floor Area

There shall be at least three livable rooms contained in each dwelling unit and such unit shall have a minimum gross main floor area of 1,000 sq. ft.

F. General Regulations

1. Additional requirements must be complied with concerning parking, signs, fencing, sewage systems, and other items as set forth in this chapter.
2. Design standards as set forth in Section 27-25 of this Chapter.

Sec. 27-23. Medium Density Urban Residential (R-3).

This district is established to allow the continuation of existing residential development and the development of single family detached and single family attached dwellings consisting of no more than two units..

A. Permitted Uses.

All permitted uses allowed in the R-2 District and in addition, two-family attached dwelling units.

B. Accessory Uses.

All accessory uses permitted in the R-2 District.

C. Conditional Uses.

1. Board and lodging homes.
2. Zero lot line homes.
3. Planned unit developments.

4. All conditional uses permitted in the R-2 District and multi-family dwellings not otherwise permitted.
5. Bed and breakfast establishments.

D. Minimum Lot Requirements and Setbacks

Lot Size	9000 sq. ft.
Minimum Lot Width	50 feet
Front Yard Setback	30 feet
Rear Yard Setback	30 feet
Side Yard, Corner Lot	20 feet
Side Yard, Internal Lot, 1 & 2 Story Buildings	7.5 feet
Side Yard, Internal Lot, 3 Story Building	15 feet
Maximum Height	35 feet
Maximum Lot Coverage	50%

E. Minimum Floor Area

There shall be at least three habitable rooms contained in each dwelling unit. Each dwelling unit shall have a minimum gross main floor area of 800 square feet.

F. General Regulations

1. Additional requirements must be complied with concerning parking, fencing, signs, sewage systems, and other regulations as set forth in this Chapter.
2. Design standards as set forth in Section 27-25.

Sec. 27-24. Multi-Family Residential (R-4).

This district is established to allow high-density multi-family dwellings including apartments, townhomes, duplexes, and other similar developments in appropriate areas of the City, providing a buffer between lower-density districts and such districts for commercial or business use.

A. Permitted Uses

All uses permitted in the R-3 District and in addition, apartments, townhomes, condominiums, bed and breakfasts, and multiplexes.

B. Accessory Uses

All accessory uses as permitted in the R-3 Districts.

C. Conditional Uses

All conditional uses permitted in the R-3 Districts. Heights exceeding maximum limits set forth in Section 27-24.

D. Minimum Lot Requirements and Setbacks

Lot Size	
Single Family dwelling	7,500 square feet
Multi-Family dwelling	10,000 square feet
Minimum Lot Width	50 feet
Front Yard Setback	30 feet
Rear Yard Setback	30 feet
Side Yard, Corner Lot	20 feet
Side Yard, Internal Lot, 1 & 2 Story Buildings	7.5 feet
Side Yard, Internal Lot, 3 Story Building	15 feet
Maximum Height, 3 Story Building	45 feet
Maximum Height, 1 & 2 Story Buildings	35 feet
Maximum Lot Coverage	50%

With zero lot line buildings, no portion of the structure or accessory appurtenance shall project over the zero lot line.

E. Minimum Floor Area

Multi-family dwellings of three or more dwelling units.

One story with basement	800 square feet
One story without basement	900 square feet
Split-level	960 square feet
Split-entry	916 square feet

F. General Regulations

1. Additional requirements must be complied with concerning parking, signs, sewage systems and other items as set forth in this chapter.
2. Design standards as set forth in Section 27-25.

Sec. 27-25. Design Standards.

Detached residential dwellings in Districts R-1 through R-4 shall have the following design standards:

- A. The dwelling shall be placed on a permanent frost-free foundation.

- B. Each detached dwelling shall have a garage that is attached or detached from the main structure. The garage shall have a minimum of 336 square feet of surface area and have a driveway providing access to the garage that has a hard surface consisting of concrete, blacktop, or concrete pavers.
- C. Only one driveway entrance from a public road will be permitted for a detached residential dwelling.
- D. Manufactured homes may be used as a detached dwelling in R-3 and R-4 districts provided that it is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving it to a permanent site and which does not have permanently attached to its body or frame any wheels or axles and otherwise comply with Section 27-50.
- E. The roof pitch of all single family dwellings shall be no less than 4/12. Provided, however, the Board of Zoning Adjustments and Appeals may allow a different roof pitch for non-traditional style single family dwellings. The procedure for obtaining approval for a different roof pitch than what is required by this paragraph shall be the same procedure as set forth in Section 27-14 of the Le Sueur City Code.
- F. A minimum width of the main portion of the detached dwelling shall not be less than 24 feet or at least 80% of its length and a minimum length of 30 feet.
- G. All principal buildings shall meet or exceed the minimum standards of the Minnesota State Building Code, the Minnesota Department of Health, and manufactured homes shall meet or exceed the requirements of the Minnesota State Building Code.
- H. A detached dwelling shall face the street. Usually this means that the long access will be parallel to the street. All exterior walls shall have the appearance of wood, glass or masonry regardless of their actual composition.

Sec. 27-26. Manufactured Home Parks (R-5).

This district is established to allow manufactured home parks in areas of the City. All manufactured homes shall be located in manufactured home parks unless otherwise set forth in this chapter. Manufactured home parks shall provide ingress and egress roadways, storm shelters, open space for playgrounds, recreation and park purposes, necessary sewer, water and electricity and refuse services.

- A. Permitted uses
 - 1. Day care centers.
 - 2. Essential public services.
 - 3. Home occupations.

4. Public parks and open spaces.
5. Recreation facilities.
6. Manufactured homes.
7. Institutional uses.
8. Manufactured home parks.

B. Accessory Uses

Any incidental structure or building necessary for the conduct of a permitted use including private garages, carports, and screen houses for the use of occupants of the principal structures.

C. Conditional Uses

1. Storage facilities.
2. Swimming pools.
3. Any other use of the same character as those listed as permitted uses.
4. Mini storage.

D. Minimum Lot Requirements and Setbacks

Lot size	Each manufactured home site shall contain at least 5,000 sq. ft. of land area for the exclusive use of the occupant.
Lot width	50 feet
Front yard setback	15 feet
Rear yard setback	20 feet
Side yard setback	5 feet
Maximum lot coverage	The area occupied by a manufactured mobile home shall not exceed 30% of the total area of the manufactured home site. An accessory structure such as an awning, cabana, storage structure, carport, windbreak, and a roofed porch shall be considered to be a part of the manufactured home.
Maximum Height	35 feet

E. General Regulations

1. Additional requirements must be complied with concerning parking, signs, sewage systems, and other regulations as set forth in this chapter.
2. All manufactured home parks shall comply with the regulations set forth in Article IX.

Sec. 27-27. Central Business (B-1).

The purpose of this district is to encourage the continuation of a viable business area by allowing retail, service, office, and entertainment facilities as well as public and semi-public uses. In addition, residential uses will be allowed on the upper floor of commercial buildings.

A. Permitted Uses

1. Commercial establishments offering merchandise or services to the general public in return for compensation. Such establishments shall include, but not be limited to, the following:
 - a. Retail establishments such as grocery, hardware, drug, clothing, furniture stores, and eating and drinking establishments, including drive-in businesses.
 - b. Personal services such as laundry, barber and beauty shops, shoe repair shops, and photography services.
 - c. Professional services such medical and dental clinics, architects, and attorneys offices.
 - d. Repair services such as jewelry and radio and television repair shops.
 - e. Finance, insurance, and real estate services
 - f. Entertainment and amusement services such as motion picture theaters and bowling alleys.
 - g. Lodging services such as hotels and motels, board and lodging houses, and bed and breakfast establishments.
 - h. Restaurants, cafes, and supper clubs.
 - i. Plumbing and electrical contracting businesses and similar businesses with no exterior storage.
- J. Shopping centers and malls.

2. Public and semi-public buildings such as post offices and fire stations.
3. Private clubs.
4. Apartments and condominiums, provided they are located above the first floor of a business or commercial establishment.
5. Automobile parking lots.
6. On and off-sale liquor establishments.
7. Motor vehicle repair shops with no exterior storage and no motor vehicle parking.
8. Parks and open space.

B. Accessory Uses -Uses incidental to the principal uses such as off-street parking, loading and unloading areas, and storage of merchandise. .

C. Conditional Uses.

1. Manufacturing and wholesaling that are compatible to the area.
2. Plumbing and electric contracting businesses and similar businesses with outside storage.
3. Motor Vehicle sales, motor vehicle repair shops with exterior storage, or motor vehicle parking.
4. Day care centers, day care, and nursery schools.
5. Heights greater than what is permitted in a B-1 District.

D. Minimum Lot requirements and setbacks.

Lot size	2,000 square feet
Lot width	20 feet
Front, rear, side yards	None
Maximum lot coverage	100%
Maximum Height	45 feet

E. Screening and fencing.

The City may require the screening or fencing of commercial uses on side and rear yards which face residential districts.

F. General Regulations.

Additional requirements must be complied with concerning signs, parking, sewage, shopping centers, and other regulations as set forth in this chapter.

Sec. 27-28. Fringe Commercial (B-2).

This district is established to accommodate the type of businesses that are not located in the Central Business District.

A. Permitted uses shall include but not be limited to the following commercial business and non-profit enterprises :

1. All uses permitted in the B-1 District.
2. Shopping centers and malls.
3. Restaurants.
4. Bait and sporting goods shops.
5. Parks and open space.
6. Recreational facilities.

B. Conditional Uses

1. Residential land uses.
2. Day care centers, day care, and nursery schools.
3. Retail establishments not listed under permitted uses which may meet the purposes of the district.
4. Offices and other highway businesses, which in the opinion of the City will not have a detrimental effect on the fringe commercial and other zoning.
5. Heights greater than what is permitted under paragraph 3 of this section.

C. Minimum Lot Requirements and Set backs.

Lot Size	7,500 square feet
Lot Width	50 feet
Front Yard	20 feet
Rear Yard	20 feet
Side yard, internal lot	10 feet

Side yard, corner lot	20 feet
Maximum height	50 feet
Maximum lot coverage	50%

D. Screening and fencing.

The City may require the screening or fencing of commercial uses on side and rear yards which face residential districts.

E. General Regulations.

Additional requirements must be complied with concerning signs, parking, sewage, shopping centers, and other regulations as set forth in this chapter.

Sec. 27-29 Commercial/Light Industry (C-I).

This district is intended to provide for a mixing of commercial and light industrial business. As such, commercial and light industrial businesses that pose problems of air pollution, junk storage, salvage yards, noise, odor, and vibrations will be restricted from this district.

- A. Permitted Uses. Permitted uses shall include the following commercial businesses and non-profit enterprises and similar businesses that are not expressly listed as requiring a Conditional Use Permit or are prohibited.
1. Restaurants;
 2. Bait and sporting goods shops;
 3. Parks and open spaces;
 4. Recreational facilities;
 5. Any production, processing, cleaning, servicing, testing, and repair facility, or a facility that stores materials, goods, or products and which is not stated as a conditional or prohibited use, provided said industry can conform to prescribed performance standards set forth in this chapter and is not found to be offensive to the occupants of adjacent premises.
 6. Transportation or freight terminals.
 7. Wholesale businesses.
 8. Public Utility buildings.
 9. Public vehicle garages.

10. Essential services -telephone, telegraph, and power distribution poles and lines.
11. Commercial Kennels for up to twenty-five (25) small, domesticated animals.
12. Retail establishments such as grocery, auto parts, hardware, drug, clothing, and furniture stores.
13. Personal services such as laundry, barber and beauty shops, shoe repair shops, and photography services.
14. Professional services such as medical and dental clinics, architects and attorneys offices.
15. Repair services such as jewelry and radio and television repair shops.
16. Finance, insurance, and real estate services.
17. Plumbing and electrical contracting businesses and similar businesses with no exterior storage.
18. Motor vehicle service stations.
19. Public and semi-public buildings such as post office and fire stations.
20. Automobile parking lots.
21. Motor vehicle repair shops with no exterior storage and no motor vehicle parking.
22. Manufacturing and wholesaling that are compatible to the area.

B. Accessory Uses.

Any incidental repair, processing, or storage use necessary to conduct a permitted principal use.

C. Conditional Uses.

1. Entertainment and amusement services such as motion picture theaters and bowling alleys.
2. Lodging services such as hotels and motels, board and lodging houses, and bed and breakfast establishments.
3. Restaurants, cafes and supper clubs with on-sale liquor license.
4. Shopping centers and malls.

5. Private clubs.
6. Apartments and condominiums, provided they are located above the first floor of a business or commercial establishments.
7. On and off-sale liquor establishments.
8. Motor vehicle sales, motor vehicle repair shops with exterior storage and motor vehicle parking.
9. Day care centers, day care and nursery schools.
10. Commercial Kennels of twenty-six (26) or more small, domesticated animals.
11. Plumbing and electrical contracting businesses and other businesses with exterior storage.

D. Prohibited Uses shall specifically include but not be limited to:

1. Distillation of bone, coal, tar, petroleum, grain, or wood.
2. Manufacturing or bulk storage of explosives.
3. Fertilizer manufacturing, compost or storage processing of garbage, offal, dead animals, refuse, or rancid matter.
4. Livestock feeding yards, slaughter houses, or processing plants.
5. Manufacturing, refining, or processing of chemicals.
6. Junk yards.
7. Any industry that creates an excessive odor, noise, or air pollution problem.
8. Residential land uses except as set forth in Paragraphs 3.b. and 3.f. of this Section.
9. Mining and extraction.

E. Minimum Lot Requirements and Set Backs.

Lot area	10,000 square feet
Lot width	50 feet
Front yard set back	20 feet
Rear yard set back	20 feet
Side yard, internal lot	10 feet
Side yard, corner lot	20 feet
Maximum height	50 feet
Maximum lot coverage	70%

F. Industrial Performance Standards.

1. Noise, odors, smoke, and particulate matter may not exceed State or Federal Pollution Control Standards.
2. All fabrications, manufacturing, processing or productions shall be undertaken within an enclosed structure.
3. Screening from public streets and residential districts shall be provided for outdoor storage of materials, goods, parking and loading areas. The screening may consist of a fence, compact hedge, berm, or similar opaque material. Screening shall be maintained by the property owner and replaced if plants die or are damaged.

G. General Regulations.

1. Additional requirements must be complied with concerning signs, parking, sewage, shopping centers, and other regulations as set forth in this chapter.
2. Kennel Standards:
 - a. Commercial Kennels will not be located within 150 feet from any residence.
 - b. All animals must be housed inside a building with a 6 foot high fenced exercise area.
 - c. Commercial Kennels must meet any and all State and local regulations.
 - d. Commercial breeding is not allowed.
 - e. Parking areas for vehicles on lots must meet minimum set back requirements.

Sec. 27-30. General Industry (I).

This District is created to allow industry which due to their nature and size, do not conform to the standards or criteria of the Commercial/Light Industrial District and allow other public and private development to exist in the area subject to compliance with existing performance standards.

A. Permitted Uses:

Permitted uses shall include the following commercial businesses, public and non-profit enterprises except for those businesses that require a conditional use permit as more specifically set forth in Paragraph 3 of this section, to-wit:

1. Any production, processing, cleaning, servicing, testing, and repair facility, or a facility that stores materials, goods, or products and which is not stated as a conditional or prohibited use, provided said industry can conform to prescribed performance standards set forth in this chapter and is not found to be offensive to the occupants of adjacent premises.
2. Transportation or freight terminals.
3. Wholesale businesses.
4. Public Utility buildings.
5. Public vehicle garages.
6. Essential services - telephone, telegraph, and power distribution poles and lines.
7. Finance, insurance, and real estate services.
8. Plumbing and electrical contracting businesses and similar businesses with no exterior storage.
9. Motor vehicle service stations.
10. Public and semi-public buildings such as post office and fire stations.
11. Automobile parking lots.
12. Motor vehicle repair shops with no exterior storage and no motor vehicle parking.
13. Manufacturing and wholesaling that are compatible to the area.

B. Accessory Uses.

Any incidental repair, processing, or storage use necessary to conduct a permitted principal use.

C. Conditional Uses.

1. Manufacturing, refining, and processing of chemicals.
2. Extracting, processing, and storage of sand, gravel, stone, or other raw material.
3. Heights greater than what is permitted in Paragraph 4 of this section.
4. Day care center, day care, and nursery schools.

5. Churches, synagogues, and houses of worship that lease existing buildings constructed on or before March 1, 2006 and hold prayer services and related activities in such existing buildings.

D. Minimum Lot Requirements and set backs.

Lot Area	10,000 square feet
Lot Width	50 feet
Front yard set back	20 feet
Rear yard set back	20 feet
Side yard, internal lot	10 feet
Side yard, exterior lot	20 feet
Maximum height	80 feet
Maximum lot coverage	70%

E. Industrial Performance Standards.

The same standards as set forth in Section 27-29, paragraph 6 shall apply.

F. General Regulations.

1. Additional requirements must be complied with concerning signs, parking, sewage, shopping centers, and other regulations as set forth in this chapter.
2. Used vehicle sales lots and repair businesses shall have the following requirements:
 - a. 300 square feet required for each vehicle located on the sales lot.
 - b. Lot must be surfaced by concrete or bituminous material.
 - c. Light shall be a down-cast type, no glare. No string lights.
 - d. If adjacent to an area zoned residential or agricultural, proper screening and landscaping shall be required.

Sec. 27-31. Floodplain District (FP).

The Floodplain District is created for the purpose of protecting the public health and safety, and to minimize property damage and pollution from flood waters. The standards contained in this district have been incorporated as appendix one to this chapter, Ordinance No. 406, as amended by Ordinance No. 457.

Lot Area, Width, and Setbacks for Land Use Districts in the City of Le Sueur							
Symbol	Use District	Lot Area	Lot Width	Front Yard Setback from	Side Yard	Rear Yard	Height

				Road Right-of- Way			
R-1	Rural Residential	20,000 sq. ft. 15,000 sq. ft. w/sewer	100 ft.				
R-2	Urban Residential Low Density	15,000 sq. ft.	80 ft.				
R-3	Urban Residential Medium Density	7,500 sq. ft.	50 ft.				
R-4	Multi-Family Residential	10,000 sq. ft. multi- family acre project	50 ft.				
	Single Family Residential						
R-5	Manufactured/ Mobile Homes						
B-1	Central Business						
B-2	Fringe Commercial						
C-I	Commercial/Light						
I	General Industry						
FP	Floodplain	Same as Underlying District					

Sec. 27-31a. Transitional District (T).

The purpose of the T, Transition District, is to provide a temporary designation for newly annexed territory for which no plans or controls have yet been adopted. New development and expansion of existing uses are prohibited unless otherwise provided.

A. Permitted Uses.

Existing uses, including those of an agricultural nature may continue, except for the expansion of animal production and related operations.

B. Prohibited Uses.

1. New development or the subdividing of land.
2. Additions to animal production and related operations.

C. Review Requirements.

The status of any land placed into the "T" District shall be reviewed by the Planning Commission within twelve (12) months from the effective date of becoming a part of the Transitional Zoning District to determine whether such land should be placed in a different Zoning District.

Article VIII. Performance Standards

Sec. 27-32. General Provisions.

The performance standards established in this section are designed to encourage a high standard of development by providing assurance that neighboring land uses will be compatible. The performance standards are designed to prevent and eliminate those conditions that cause blight or are detrimental to the environment.

Before any building permit is approved, the Zoning Administrator shall determine whether the proposed use will conform to these performance standards.

The performance standards shall apply to existing and future development in all districts. Compliance with this Article may be waived by the City if a building condition created under prior ordinances physically preclude the reasonable application of these standards.

Sec. 27-33. Exterior Storage.

- A. In residential districts, all materials and equipment shall be stored within a structure or be fully screened so as not to be visible from adjoining properties, except for the following:
 - 1. Outdoor laundry drying, recreational equipment such as slides, swings, construction, and landscaping materials currently being used on the premises, off-street parking of operable passenger automobiles and pickup trucks having current licenses, boats, trailers less than twenty-five (25) feet in length, and one fish house per lot. Existing uses shall comply with this section within twelve (12) months following enactment of this chapter.
 - 2. Outdoor storage of motor vehicles not currently licensed shall be prohibited in all zoning districts, except motor vehicles held for sale or resale by a licensed motor vehicle dealer at his place of business in a zoning district where motor vehicle sales are permitted.

Sec. 27-34. Refuse.

In all districts, all waste materials, debris, refuse, or garbage shall be kept in an enclosed building or screened fenced in area or closed container that is screened and designed for such purposes. The owner of vacant land shall be responsible for maintaining such land and keeping it free of refuse. Existing uses shall comply with this section within six (6) months following

enactment of this chapter.

All material stored outside and not included as a permitted use, accessory use, conditional use, or otherwise permitted by provisions of this chapter shall be considered refuse.

Sec. 27-35. Wood Storage.

Exterior wood storage for wood stoves, fireplaces, or wood furnaces shall be permitted only in sideyards and backyards. The minimum set back from the property lines shall be five (5) feet. The maximum height of a wood pile shall be six (6) feet. The wood shall be properly stacked to minimize unsightliness, rodent infestation, and shall not block doors or windows. The owner shall have thirty (30) days after notification by the city to comply with these standards.

Sec. 27-36. Glare.

In all districts, any lighting used to illuminate an off- street parking area, sign or other structure shall be placed in such manner as to deflect light away from any adjoining residential zone or away from public streets. Direct or reflected glare, whether from artificial lighting or from combustion or welding shall be hooded or controlled so as not to adversely affect adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-ways. Any light or combination of lights which shine on a street shall not exceed one (1) footcandle (meter reading) as measured from the centerline of such street. Any light or combination of lights which cast light on residential property shall not exceed 0.4 footcandles (meter reading) as measured from such property.

Sec. 27-37. Bulk Storage.

All uses associated with the bulk storage of fertilizer, chemicals, and similar combustible materials shall require a conditional use permit. Permits shall also be required from the Minnesota Pollution Control Agency (PCA) and Minnesota Fire Division. Except in an R-1 District no bulk liquid tanks of a size greater than 1100 gallons shall be allowed in residential districts. If natural gas is available in any district, the property owner will connect to natural gas.

Sec. 27-38. Reference City Ordinance 517 – Regulating Public Nuisances, Adopted October 26, 2009.

Sec. 27-39. Landscaping, Screening, Fencing, and Permitted Encroachments.

A. Landscaping.

1. General Provisions

- a. All open areas of developed lots not devoted to off-street parking, loading, and driving areas, sidewalks, patios, gardens, and similar uses, shall be landscaped with grass, ground cover, trees, shrubs, or other ornamental landscape material. Undisturbed areas containing existing viable natural

vegetation may be left in their natural state but shall be kept free of litter, debris, and noxious or unsightly weeds.

- b. Except for driveways, the yard shall extend along the entire frontage of the lot and along both streets in the case of a corner lot; such yard shall have a depth extending to the front or side-yard setback lines.
- c. In all districts, all structures and areas requiring landscaping shall be maintained so as not to be unsightly, promote growth of noxious weeds, or present harmful health or safety conditions.
- d. All vacant lots, tracts, or parcels shall be properly maintained.
- e. The City shall require significant landscaping/planting in open or disturbed areas as part of land development. Specific requirements shall be set forth in this Section.
- f. The maximum gradient of final slopes and berms shall not exceed a 4:1 horizontal to vertical ratio unless approved by the City Engineer. In such cases, the use of special measures such as special seed mixtures or reforestation, terracing, or retaining walls may be required.
- g. No trees or shrubs shall be allowed within any drainage or utility easements, street right of way.
- h. No landscaping of any nature shall be immediately adjacent to any driveway or street intersection as to cause interference with the motorists' view of the street at the maturity of such plantings.
- i. Plant material centers shall be located at least three feet from fences and property lines.
- j. Any landscaping required by this Section shall be installed to the satisfaction of the City within one (1) growing season of building completion or occupancy, whichever occurs first.

2. Landscape Plan Required.

Within the Industrial, Commercial, or Business Zoning Districts, such applicant shall submit a landscape plan prepared by a landscape architect, nursery designer, or other qualified person in accordance with provisions of this Section. The Landscaped Plan shall include the following information:

- a. In General – Name and address of the developer/owner; name and address of the landscape architect; designer; date of plan preparation; date and description of all revisions; name of project or development.

- b. Site Plan - A drawing to scale of the site based upon a survey of property lines with indication of scale and North point; name and right-of-way of proposed and existing streets; location of all existing and proposed utility easements and rights-of-way; location of existing and proposed buildings; parking areas; water bodies; proposed sidewalks; percent of site not covered by impervious surface.
- c. Landscape Plan – A drawing to scale of proposed landscaping of the site based upon a survey of property lines with indication of scale and north point; existing and proposed topographic contours at two foot contour intervals; details of proposed planting beds and foundation plantings; delineation of both sodded and seeded area; location and identification of proposed landscape or man-made materials used to provide screening from adjacent and neighboring properties, including a separate cross-section drawing at legible scale illustrating the effectiveness of proposed screening; location and identification of all planting (trees, shrubs, ground cover, etc.); details of fences, tie walls, parks, picnic areas, berms, and other landscape improvements, location of landscape islands and planter beds with identification of plant materials used; and location of irrigation systems.
- d. Planting Schedule – A table containing the common names and botanical names, size of plant materials, root specifications, quantities, and specific planting instructions.

B. Screening.

1. General Provisions.

- a. Screening required by this Section may consist of the following: earth mounds, walls, fences, shrubs, compact evergreen trees, or dense deciduous hedge. Plantings may be required in addition to, or in lieu of fencing. In general, plant material shall be encouraged as preferred to walls and fences.
- b. Height of screening shall be no less than four (4) feet in height at plant maturity.
- c. Screening must be entirely located on the same lot as the facility to be screened and shall not be located within any drainage or utility easement or street right of way.
- d. Screening shall not be located any closer than twenty-five (25) feet from any traveled portion of any street or any driveway opening onto a street.

2. Residential Districts.

- a. Screening shall be required in any Residential Zoning District where;
 - (1) Any off-street parking area contains more than four (4) parking spaces and is within fifty (50) feet of an adjoining residence and;
 - (2) Where the driveway to a parking area of more than four (4) parking spaces is within thirty (30) feet of an adjoining residence.

3. Business, Commercial-Industrial, and General Industrial Zoning Districts.

Screening shall be required in a Business, Commercial, or Industrial District where any business or industry has any structure, storage area or parking area located within 50 feet of adjacent property zoned or developed for residential use. Such business or industry shall provide screening along the entire boundary of the residential property.

C. Fencing.

- a. All fences shall be located entirely upon the property of the person, firm or corporation constructing, or causing the construction of such fence.
- b. The applicant for such fence is responsible for establishing property lines by locating property pins by their own means or by hiring a registered land surveyor.
- c. Property pins adjacent to location of proposed fencing shall be clearly marked for the purpose of identification and inspection.
- d. All fences shall be located at least five (5) feet from any rear property line and a minimum of eighteen (18) inches from any adjoining side property line.
- e. All fences in excess of three (3) feet in height shall be located entirely in the established rear yard of the property owner. The rear yard is determined at the building setback line of the principal use.
- f. Fences in excess of three (3) feet as measured from the street grade shall not be located any closer than twenty-five (25) feet from any street right of way without a Conditional Use Permit.
- g. Chain link fencing shall be located no closer than eight (8) feet in any direction from any located underground utilities.

- h. That side of the fence considered to be the evident finished side or face (i.e. the finished side having no structural supports) shall front abutting property. Vegetation or landscaping located between the abutting property lines and finished side of fence shall be entirely maintained by owner of said fence.
- i. Fences shall not obstruct any natural or constructed drainage patterns or in any way adversely impact any neighboring properties.
- j. All fencing shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance. Any such fence which is, or has become dangerous to the public safety, health, or welfare, is a public nuisance, and the Zoning Administrator shall commence proper proceedings to abate such nuisance condition.
- k. Retaining wall structures may be subject to review by the City Engineer.
- l. Fencing located within any public right-of-way, drainage, or utility easements may be removed by the City without notice or liability for damages caused by such removal.

1. Residential, Commercial-Industrial, and Business District Regulations.

- a. All fences shall be constructed of stone, brick, finished wood, chain link, PVC, composite materials, or other approved materials as determined by the Zoning Administrator.
- b. Fences located in the rear yard with a proposed height in excess of six (6) feet shall require a Conditional Use Permit.

2. Industrial Regulations.

- a. All fences shall be constructed of stone, brick, finished wood, chain link, PVC, or composite materials.
- b. Barbed wire security fencing may be used in heights above of 6 ½ feet.
- c. Fences located in the rear or side yards with a proposed height in excess of eight (8) feet shall require a Conditional Use Permit.

D. Permitted Encroachments.

The following shall be considered as permitted encroachments on setback and height requirement, except as provided in this Chapter;

1. Yards
2. Posts, flues, leaders, sills, pilasters, lintels, cornices, eaves, gutters, awnings, open terraces, service station pump islands, open canopies, step chimneys, flag poles, ornamental features, sidewalks, entry stoops, egress window wells, and other similar devices incidental and appurtenant to the principal structure.
3. Open decks and fire escapes are exempt from the rear and side-yard setbacks except that an open deck may not be located closer than twenty (20) feet from the rear-yard property line and no closer than ten (10) feet from any side-yard property line.
4. No privately owned structures shall be located within any public right-of-way or drainage or utility easement without express written consent of the City.

Sec. 27-40. Accessory Uses in Residential Districts.

This section specifies requirements for permitting accessory structures in residential districts and sets forth minimum setback, height and other regulations that shall apply to all residential zoning districts.

A. General Regulations

1. No accessory use shall be constructed prior to the construction of the principal use on the same lot of record.
2. An accessory use shall be located on the same lot of record as the principal use.
3. No accessory use shall be located in the established front or side- yard.
4. All accessory uses combined shall not occupy more than twenty-five (25) percent of the rear yard.
5. A zoning permit shall be required for any accessory use under 120 square feet and permanently affixed to the ground by a concrete slab or foundation.
6. A zoning permit shall not be required of any accessory use under 120 square feet and not permanently affixed to the ground by a concrete slab or foundation. However, such uses must be anchored to the ground.
7. A building permit shall be required for any accessory use in excess of 120 square feet .
8. Privately owned accessory uses shall not be located within any public utility easements, drainage easements, or in any public right-of-way.

9. No accessory use shall be located closer than six (6) feet to the principal use or any other accessory use on the same lot of record.
10. Accessory uses, or any part thereof, shall not be utilized as a dwelling.
11. No commercial business of any nature shall be conducted within an accessory use, or any part thereof.
12. The same or similar quality exterior building materials used in the principal use shall also be used in the construction of the accessory use so as to be compatible with the principal use. "Compatible" meaning that the exterior of the accessory use is not at variance with the principal building from an aesthetic and architectural standpoint as to cause:
 - a. A difference to a degree to cause incongruity as determined by the Common Council; or
 - b. A depreciation of neighborhood or adjacent property values as determined by the Common Council.

Requirements by Residential District

DISTRICT	Maximum Square Footage	Maximum Height, in feet	Side-yard Setback, Internal Lot	Side-yard Setback, Corner Lot	Rear-yard Setback	Rear-yard Setback for Garage Access from Alley ROW
RR	1,500	35 feet	7.5 feet	20 feet	10 feet	20 feet
R-1	1,500	20 feet	7.5 feet	20 feet	10 feet	20 feet
R-2	1,000	15 feet	7.5 feet	20 feet	10 feet	20 feet
R-3	1,000	15 feet	7.5 feet	20 feet	10 feet	20 feet
R-4	1,000	15 feet	7.5 feet	20 feet	10 feet	20 feet
R-5	1,000	15 feet	7.5 feet	20 feet	10 feet	20 feet

13. Accessory uses in the R-R and R-1 Districts may receive a Conditional Use Permit to exceed the 1,500 square foot maximum gross area. However, no such structure shall exceed 4,000 square feet in gross area and shall adhere to all height, setback, and aesthetic requirements. In order to grant the Conditional Use Permit in the RR or R-1 District, exceeding 1, 500 square feet of gross floor area the Common Council must find:
 - a. There is a demonstrated need and potential for continued use of the structure for the purpose stated.
 - b. The proposed structure has an evident function related to a one-family, low-density residential district.

- c. The proposed structure shall be designed and maintained in a manner that is compatible with the adjacent residential uses and does not present a hazard to public health, safety and general welfare.
- d. No commercial or home occupations shall be conducted within the proposed structure.

Sec. 27-41. Prohibited Dwelling Units.

No garage, tent, trailer, recreational vehicle, basement home, or accessory structure shall at any time be used as a dwelling unit. Existing uses shall comply with this section within (12) months following enactment of this chapter.

Sec. 27-42. Relocating Buildings.

A. Permit Required

Every person shall before raising, holding up, or moving any building, obtain a building permit and a zoning permit. Applications for such permits shall indicate the origin and destination of such building, and the route over which the moving of such building shall occur. The application shall also indicate the location of the lot on which the building is to be placed, the dimensions of the lot, and the proposed location of the building on the lot along with setback distances. No permit allowing a structure to be moved shall be issued unless and until the following conditions are complied with and approved by the Zoning Administrator and Building Inspector.

- 1. The applicant shall fill out the building permit and zoning permit applications.
- 2. An inspection and review of the proposed building shall be conducted and approved by the Building Inspector or his representative.
- 3. The building after being moved shall be made to comply with all aspects of the State building, plumbing, mechanical and electrical codes and other pertinent state and local rules, regulations, and ordinances.
- 4. The Zoning Administrator shall review the zoning permit application to determine compliance with all the minimum requirements of the Zoning District in which it is to be located.

B. Electrical Correction Requirements.

In every case in which permits are issued that require the removal or displacement of any electrical wires or other conduits it shall be the duty of the person, association, or corporation owning, operating or controlling the wires to remove or displace them, as may be necessary to allow such building relocation.

The person to whom the permits are issued shall notify the person, association, or corporation owning, operating, or controlling the wires to remove or displace them. The owner of the relocated building or mover shall pay all expenses incurred by the City or any third party in connection with moving the building including, but not limited to, the cost of removing, displacing, and reattaching the wires.

C. Application Procedure.

The Zoning Administrator and Building Inspector shall review the applications and may approve the applications if all zoning and building regulations have been met. If the applicant objects to the findings of the Zoning Administrator or Building Inspector he may request that the Planning Commission review the application. The Planning Commission shall review the applications and make its recommendations to the City Council within 60 days of receipt of the applications. The City Council shall take action to approve or disapprove the applications within 30 days after receiving the recommendations of the Planning Commission.

- D. The City Forester shall be advised of the route to be taken in moving any relocated building. All moving or trimming of trees or shrubs within the street right-of-ways or on public property made necessary by the move shall be done by the City Forester at the expense of the applicant. Should such moving, trimming, or replanting of trees or shrubs cause the death of such trees or shrubs the applicant shall replace them at his expense. Prior to moving the building, the City may in its sole discretion require the applicant to deposit with the City a reasonable amount of money to cover the expenses for which the applicant is responsible under this paragraph. Any such sum not expended shall be refunded to the applicant.
- E. The applicant shall be responsible for the payment of all expenses associated with the application process, the moving of the structure, and all other related expenses.

Sec. 27-43. Soil Erosion and Sedimentation Control.

A. General Regulations.

1. All development shall conform to the natural limitations presented by the topography and soil in order to create the best potential for preventing soil erosion.
2. Erosion and siltation control measures shall be coordinated during the different stages of development.
3. Land shall be developed in increments or workable size so that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one time and no exposure shall exceed sixty (60) days unless extended by the City Council.

4. Where the topsoil is removed, sufficient top soil shall be set aside for re-spreading over the developed area. The topsoil shall be restored to a depth of four (4) inches and shall be of a quality at least equal to the soil quality prior to development.
5. Public and private properties adjacent to the development site shall be protected from the affects of sedimentation. Any violation of this provision must be corrected by the owner to the satisfaction of the City within five (5) days of receiving written notification from the City. If the violation is not remedied within the time period specified, the City may correct the problem and assess the costs incurred to the property owner.

Sec. 27-44. Preservation of Natural Resources.

A. Waterways.

1. Natural drainage systems shall be used if feasible for storage and flow of runoff. Stormwater drainage may be discharged to marshlands, swamps, retention basins, or other treatment facilities. Diversion of stormwater to marshlands or swamps shall be considered for existing or planned surface drainage. Marshlands and swamps used for stormwater shall provide for natural or artificial water level control. Temporary storage areas or retention basins scattered throughout developed areas shall be encouraged in order to reduce peak flow, erosion damage, and construction cost.
2. The widths of a constructed waterway shall be sufficiently large to channel runoff from a ten (10) year storm. Adequacy shall be determined by the expected runoff when full development of the drainage area is reached.
3. No fences or structures shall be constructed across the waterway that will reduce or restrict the flow of water.
4. The banks of the waterway shall be protected with permanent vegetation.
5. The banks of the waterway shall not exceed five (5) feet horizontal to one (1) foot vertical.
6. The gradient of the waterway bed shall not exceed a grade that will result in a velocity that will cause erosion of the banks of the waterway.
7. The bed of the waterway shall be protected with turf, sod, or concrete. If turf or sod will not function properly, rip-rap may be used. Rip-rap shall consist of quarried limestone, field stone (if random rip-rap is used) or construction materials and concrete. The rip-rap shall be no smaller than two (2) inches square

nor larger than two (2) feet square. Construction materials shall be used only in those areas where the waterway is not used as part of a recreational trail system.

8. If the flow velocity in the waterway is such that erosion of the turf sidewall will occur and the velocity cannot be decreased via velocity control structures, then other materials may replace turf on the sidewalls. Either gravel or rip-rap would be allowed to prevent erosion at these points.
9. Development of housing and other structures shall be restricted from the area on either side of the waterway.

B. Sediment Control of Waterways

1. To prevent sedimentation of waterways, pervious and impervious sediment traps, and other sediment control structures shall be incorporated throughout the watershed.
2. Temporary pervious sediment traps may consist of bales of hay with a low spillway embankment section of sand and gravel that permits a slow movement of water while filtering sediment. Such structures would serve as temporary sediment control features during the construction phase of development.
3. Permanent impervious sediment control structures shall consist of sediment basins (debris, de-silting basins or silt traps) and shall be utilized to remove sediment from runoff prior to its disposal in any permanent body of water.

Sec. 27-45. Tree, Shrub, and Woodland Preservation.

The following restrictions shall apply to all developments.

- A. Structures and other amenities shall be located in such a manner that the greatest number of trees shall be preserved.
- B. Prior to the granting of a zoning permit and building permit, it shall be the duty of the person seeking the permit to demonstrate that there are no feasible or prudent alternatives to the cutting of trees on the site and that if trees are cut, the person will restore the density of trees to that which existed before development but in no case shall such person be compelled to raise the density above ten (10) trees per acre.
- C. Forestation, reforestation, or landscaping shall utilize a variety of tree species and shall not utilize any species presently under disease epidemic. Species planted shall be hardy under local conditions and compatible with the local landscape.
- D. Development, including grading and contouring shall take place in such a manner that the root zone aeration stability of existing trees shall not be affected and shall provide existing trees with a watering area equal to not less than one-half (1/2) the crown area.

- E. Notwithstanding the above, the removal of trees seriously damaged by storms or other acts of God, or diseased trees is allowed.

Sec. 27-46. Traffic Control and Sight Distance.

A. Intersection with Traffic Controls.

On any corner lot at a street intersection which has some form of traffic control, there shall be no obstruction to traffic visibility within the clear sight triangle which is formed by the intersecting streets and a straight line joining the two center lines at points thirty-five (35) feet in distance from their point of intersection.

B. Intersection without Traffic Controls

On any corner lot, in all districts at a street intersection which does not have any form of traffic control there shall be no obstruction to the traffic visibility within the clear sight triangle which is formed by the intersection of the centerline of the two intersecting streets and a straight line joining the two centerlines at points a given number of feet in distance from their points of intersection. The distance from such points of intersection are specified in the following table for various speeds in miles per hour of enforced speed limit.

Distance Measurement for Clear Sight Triangle

Miles per hour	Distance Measurement
20	44 feet
30	88 feet
40	120 feet
50	156 feet
60	174 feet

- C. Existing uses shall comply with this section within twelve (12) months following enactment of this chapter.

Sec. 27-47. Vacated Streets; Affect on Zoning District.

Whenever any street, alley, easement, or public way is vacated by official action, the zoning district abutting the centerline of such vacated area shall not be affected by such proceeding.

Sec. 27-48. Access and Access Drives.

- A. Permit Required.

1. New access drives may be placed no closer than five (5) feet to any side yard property line and no closer than ten (10) feet from any rear lot line.
2. Access drives shall consist of bituminous, concrete, or other paving materials. Crushed rock or gravel shall be prohibited in the design of new access drives or the improvement of existing drives.
3. Existing access and access drives may be improved without a permit so long as the improved surface is not increased along the adjoining side yard property line and the improved surfacing shall be no closer than one (1) foot from the adjoining side-yard property line.
4. Access onto any public road or street shall be no less than ten (10) feet in width and no greater than thirty (30) feet in width.
5. Following the adoption of this Section, property owners with existing access onto public roads or streets shall not be granted additional access, unless such access is from a public alley.
6. Proposed access drives to principal structures which traverse wooded, steep or open fields shall be constructed and maintained to a width and base material depth sufficient to support access by emergency vehicles. In such cases, further review may be required by the City Engineer.
7. The number and type of access drives onto major streets may be controlled and limited by the City in the interests of public safety and efficient traffic flow.
8. Access onto any County or State Aid roadways shall require initial review by the Engineer of the respective agencies. In this case, the appropriate location, size, and design of the proposed access shall be taken into consideration.
9. New principal use structures shall not be granted a Certificate of Occupancy until all the requirements of this Section are met.

Sec. 27-49. Private Sanitary Sewer Systems.

The standards set forth in the Minnesota Pollution Control Agency's "Standards for Sewage Treatment" 6MCAR 4.8040 are hereby adopted by reference. If there are any inconsistencies between the standards found in this chapter and the state standards or if the state standards are amended, the state standards as amended shall govern.

Sec. 27-50. Manufactured Homes.

Manufactured homes shall be permitted in R-3 and R-4 residential districts as set forth in Article VII, only if they meet the following minimum standards:

- A. Exceed twenty-four (24) feet in width.
- B. Have a minimum floor area of 800 square feet.
- C. The dwelling is placed on a permanent foundation.
- D. All other requirements of state law and City codes are met.

Sec. 27-51. Recreation Vehicles.

- A. Location.

Recreation vehicles exceeding 16 feet in length shall only be parked or stored in the residential district as follows:

- 1. The recreation vehicle must be owned or leased by the property owner or tenant.
- 2. The recreation vehicle must be currently registered and licensed.
- 3. The recreation vehicle shall be parked or stored on a hard surfaced area.
- 4. The recreation vehicle shall be parked or stored entirely on the owners or tenants property.
- 5. The recreation vehicle shall be parked or stored so not to extend beyond property lines.
- 6. The recreation vehicle shall be parked so not to obstruct visibility.
- 7. The recreation vehicle and hard surfaced parking shall not be within five (5) feet of side property line. In the case of a corner lot, there shall be one side and one rear yard.
- 8. The recreation vehicle shall be stored in the rear yard except if not assessable, the recreation vehicle shall be allowed to be parked or stored in the front driveway or adjacent to the front driveway in the side yard.
- 9. No recreation vehicle shall be permitted to be parked in any area of the lot in front of the primary structure.
- 10. The recreation vehicle shall not be permitted to block any egress exits.
- 11. Recreation vehicles shall not be permanently connected to any utility service.
- 12. Recreation vehicles may not be used as a dwelling except for occasional use by the owner, tenants, friends, relatives, or guests not to exceed fourteen (14) days.

B. Public Property.

Recreation vehicles, boats, or associated equipment shall not be parked on any public street, right-of-way easement, or other public property overnight except in those public areas specifically designed for overnight storage or enroute stops. Parking of vehicles in authorized areas shall not exceed ten (10) consecutive days or nights.

C. Construction use.

A recreation vehicle or mobile home may be allowed in any district where such vehicle is used as an office connected with construction where a building permit has been granted for the construction work.

D. Existing uses shall comply with this section within twelve (12) months after the adoption of this chapter.

Sec. 27-52. Premises Identification - House Numbers.

Approved address numbers shall be placed on all new and existing buildings in such a manner as to be plainly visible and legible from the road or street fronting the property. The numbers shall contrast with their background and be a minimum of four inches in height. Such numbers shall also conform to requirements of the U.S. Postal Service and requirements of the Minnesota State Fire Code.

Article IX. Manufactured Home Parks

Sec. 27-53. Performance Standards.

A. Soils and Topography

Conditions of soil, ground water level, drainage and topography shall not create hazards to the property or to the health and safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion shall be subject to unpredictable and/or sudden flooding.

B. Sewage Disposal and Water Supply

All manufactured homes shall be connected to a central water supply and a central sanitary sewer system in accordance with the plumbing code. All water and sewer systems shall be constructed in accordance with plans and specifications approved by the City and the Minnesota State Department of Health.

C. Refuse

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

D. Fuel Systems

All fuel systems shall be maintained from a common central source metered to the individual mobile home site and maintained in accordance with applicable codes and regulations governing such system.

Sec. 27-54. Fire Protection.

- A. Manufactured home parks shall be kept free of litter, rubbish, and flammable material.
- B. Fires shall be made only in stoves, incinerators, and other equipment intended for such purposes and in compliance with Minnesota State Fire and Building Codes.
- C. Fire hydrants shall be installed if the park water supply system is capable of serving them. Fire hydrants, if provided, shall be located within five hundred (500) feet of any manufactured home, service building, or other structure in the park. Fire hydrant locations and watermain size shall be approved by the City.

Sec. 27-55. Manufactured Home Park Lots.

- A. Each manufactured home lot shall contain at least five thousand (5,000) square feet of land area for the exclusive use of the occupant and shall be at least fifty (50) feet wide.
- B. Manufactured homes shall be placed upon lots so that there shall be at least five (5) feet from the side lot line, fifteen (15) feet between the front of the manufactured home and front lot line, and twenty (20) feet between the rear of the manufactured home and the rear lot line.
- C. The area occupied by a manufactured home or other structure shall not exceed fifty percent (50%) of the total area of a manufactured home lot; land may be occupied by a manufactured home, a vehicle, a utility shed or building, a carport, an awning, or other structure unless otherwise restricted by the provisions of this chapter.
- D. No more than two (2) motor vehicles shall be stored or kept on any manufactured home lot. No vehicle shall be dismantled, nor shall any mechanical work except for very minor repair work be done on any vehicle on a manufactured home lot; nor shall any vehicle that is not in an operable condition be parked, stored, or kept on a manufactured home lot or in a manufactured home park, except a vehicle that became inoperable when it was in

the manufactured home park, and then it shall not be parked in that condition for a period of more than seven (7) days.

E. Each lot shall be landscaped.

Sec. 27-56. Manufactured Home Park Design.

A. Streets.

1. All manufactured home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each manufactured home lot. Such access shall be provided by streets, driveways, or other means.
2. Entrance to manufactured home parks shall be designed to minimize congestion and hazards, and allow free movement of traffic on adjacent streets. No parking shall be permitted on the park entrance street for a distance of one hundred (100) feet from its point of intersection with a public street.
3. Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the following minimum requirements.
 - a. All streets shall be at least twenty-four (24) feet in width.
 - b. Dead end streets shall be limited in length to five hundred (500) feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least ninety (90) feet. All dead end streets shall be marked with approved signs at the entrance to the dead end street.
4. All streets shall be provided with a paved concrete or bituminous surface. Pavement edges shall be protected to prevent raveling of the wearing surface and shifting of the pavement base. Street surfaces shall be maintained in a satisfactory condition.
5. Longitudinal grades of all streets shall range between .04% and 8.00%. Transverse grades of all streets shall be sufficient to insure adequate transverse drainage.
6. Streets within fifty (50) feet of an intersection shall be at right angles to the crossing street.
7. A distance of at least eighty-five (85) feet shall be maintained between the centerline of offset intersecting streets within the park. Intersections of two (2) or more streets at one point shall be avoided.
8. All parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as approved by the City.

B. Walkways.

1. All manufactured home parks shall be provided with pedestrian walkways that are durable and maintainable between individual manufactured homes and park streets, and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.
2. A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of five (5) feet. All manufactured homes shall be connected to a park walkway system, paved streets, paved driveways, or parking spaces connected to a paved street.

C. Parking - Each manufactured home lot shall have an off-street parking space for at least two (2) automobiles. Each space shall be a minimum of ten (10) feet in width by twenty (20) feet in length and located on the side yard area of the lot.

D. Landscaping and Screening - A landscaped area shall be adequately maintained around each manufactured home park. Exposed ground surfaces other than walks, streets, and driveways shall be protected with a vegetative growth that is capable of preventing soil erosion and eliminating objectionable dust. All manufactured home parks adjacent to industrial, commercial, or residential land uses shall be provided with screening such as fences or natural growth along the property boundary lines separating the park from such adjacent use.

E. Lots.

1. The area of the manufactured home lot shall be improved to provide adequate support for the placement and tie-down of manufactured homes, thereby securing the structure against uplift, sliding, rotation, and over-turning.
2. The manufactured home lot shall not heave, shift, or settle unevenly under the weight of the manufactured home due to frost action, inadequate drainage, vibration, or other forces acting upon the structure.
3. A manufactured home lot that is at any time without a manufactured home located upon it after the enactment of this chapter shall be provided with anchors and tie-downs such as cast-in-place concrete foundations or runways, screw augers, arrowhead anchors, or other such devices.
4. Anchors and tie-downs shall be placed in accordance with the manufactured home specifications or directions. Each anchor shall be able to sustain a minimum tensile strength of two thousand eight hundred (2,800) pounds or as approved by

the Minnesota State Uniform Mobile Home Standards Code, whichever is more restrictive.

F. Structures.

1. Every structure in the manufactured home park shall be developed and maintained. The exterior of every structure shall be kept in good repair. Multi-purpose portable fire extinguishers shall be kept in all service buildings and other locations conveniently and readily accessible for use by all occupants. All manufactured homes shall also require a smoke detector.
2. The area beneath all manufactured homes shall be maintained. The exterior of every structure shall be kept in good repair. Multi-purpose portable fire extinguishers shall be kept in all service buildings and other locations conveniently and readily accessible for use by all occupants.

G. Community Building and/or Storm Shelter and Storage Areas.

1. Each manufactured home park shall have at least one (1) central community building with central heating which must be maintained. This building shall be lighted during all hours and shall contain public telephones and mail boxes, and public toilet facilities. The building shall be constructed in accordance with the Minnesota State Building Code.
2. All manufactured home parks shall have an area for storage of such items as boats, trailers, recreational vehicles, and other equipment not generally stored within each manufactured home and/or utility building on the manufactured home lot. This storage area shall be screened with a fence, berm, or trees and shrubs.

Sec. 27-57. Park Management.

- A. The operator of a manufactured home park shall operate the park in compliance with this chapter and shall provide supervision to maintain the park, its facilities, and equipment in good repair and in a clean and sanitary condition.
- B. The operator shall notify park occupants of all applicable provisions of this chapter and inform them of their duties and responsibilities under this chapter.
- C. An adult caretaker must be able to be contacted, and is responsible for the maintenance of the park.
- D. Unless otherwise set forth in Minnesota State Statutes, each park shall have an on-site office or location for the use of the operator distinctly marked and such marking shall be illuminated during all hours of darkness.

- E. The operator of every manufactured home park shall maintain a registry in the office of the manufactured home park indicating the name and address of each permanent resident. Each manufactured home site shall be identified by either number, letter, or both.
- F. The corners of each manufactured home shall be marked by survey stakes.
- G. A plat of the manufactured home park shall be displayed at the manufactured home park office and be illuminated during all hours of darkness.
- H. Signs located in the park to advertise the location and row of manufactured homes are limited to one location in the park and must conform to the sign requirements of this chapter as they may be amended from time to time.

Sec. 27-58. Inspection of Manufactured Home Parks.

- A. The Zoning Administrator and Building Inspector shall have the power to inspect the register containing a record of all residents of the manufactured home park.
- B. It shall be the duty of the park management to give the Zoning Administrator or Building Inspector free access to all lots at reasonable times for the purpose of inspection.
- C. Whenever, upon inspection of any manufactured home park, the Zoning Administrator or Building Inspector finds that conditions or practices exist which are in violation of any provision of the City Code, the Zoning Administrator or Building Inspector shall give notice in writing to the manufactured home park management that such conditions or practices must be corrected within such time specified in the notice of the Zoning Administrator or Building Inspector.

Sec. 27-59. Notice of Transfer.

Every operator of a manufactured home park shall give notice in writing to the Zoning Administrator and Building Inspector within seventy-two (72) hours after having sold, transferred, given away or otherwise disposed of an interest in or control of any manufactured home park. Such notice shall be made to the Zoning Administrator and Building Inspector to include the name and address of the person succeeding to the ownership or control of such manufactured home park.

Sec. 27-60. Grandfather Clause.

Existing manufactured home parks on the date of adoption of this chapter shall not have to comply with the required lot sizes, setbacks, and tie-down requirements except as specifically set forth in Section 27-56, paragraph 5.c. All other provisions must be met within two (2) years following enactment of this chapter.

Article X. Apartments, Townhouses, and other Multi-Family Structures

All multi-family structures located in the R-3 and R-4 districts shall be subject to the following standards.

Sec. 27-61. Standards for Multi-Family Structures.

All requests for zoning permits, building permits, or conditional use permits shall be accompanied by the following information as may be reasonably required by the Zoning Administrator and Building Inspector.

- A. Proposed and existing building locations, adjoining property locations, dimensions and elevations, all signs, structures, entry areas, storage sites, streets, sidewalks, alleys, parking lots, and other structural improvements to the site.
- B. Circulation plans for both pedestrian and vehicular traffic.
- C. Fences and screening devices.
- D. Solid waste disposal provisions and facilities.
- E. Utilities such as gas, telephone, sewer, and water.
- F. Storm drainage plans.
- G. Firefighting and other public safety facilities and provisions such as hydrant locations and fire lanes.
- H. Data pertaining to numbers of dwelling units, size, lot area, and ratios.
- I. Exterior wall materials and design information.
- J. A one (1) foot contour topographical map of the existing site.
- K. A grading plan illustrating the proposed grade changes from the original topographical map. All site area, when fully developed, shall be completely graded so as to adequately drain and dispose of all surface water, storm, and groundwater in such manner as to preclude large scale erosion, unwanted ponding, and surface chemical runoff.
- L. A recreation plan illustrating in detail all recreational facilities and structures.
- M. A soil erosion control plan for the construction period. Areas within the construction zone shall be fenced with construction fencing to prohibit heavy machinery and/or

materials from being placed on areas not to be disturbed during construction. This shall, at a minimum, include all slopes in excess of eighteen percent (18%).

Sec. 27-62. Parking Requirements.

- A. Two (2) parking spaces per unit shall be provided on the same site as the dwelling unit. Each space shall not be less than nine (9) feet wide and twenty (20) feet in length, or as approved by the Zoning Administrator and each space shall be served adequately with access drives.
- B. Parking spaces shall not be located within ten (10) feet of the side or rear lot line.
- C. Bituminous or concrete driveways and parking areas with curbing shall be required.

Sec. 27-63. Landscape Provisions.

The design shall make use of all land contained in the site. All of the site shall be related to the circulation, recreation, screening, building, storage, and landscaping, so that no portion of the site remains undeveloped.

Sec. 27-64. Screening.

- A. Screening to a height of at least six (6) feet shall be required where: a) any off-street parking area is within thirty (30) feet of an adjoining residential zone; or, b) where the driveway to a parking area is within fifteen (15) feet of an adjoining residential zone.
- B. All exterior storage shall be screened. The exterior storage screening required shall consist of a fence having at least 30% light transference or other structure but shall not extend within twenty (20) feet from any lot line, street, or alley.
- C. Sidewalks shall be provided from parking, loading, and recreation areas to the entrances of the building.

Article XI. Parking

Sec. 27-65. Location, Off-Street Parking.

All accessory off-street parking facilities required herein shall be located as follows:

- A. Spaces accessory to one and two-family dwellings on the same lot as the principal use served.
- B. Spaces accessory to multiple family dwellings on the same lot as the principal use or within two hundred (200) feet of the main entrance to the principal building served.

Sec. 27-66. General Provisions, Off-Street Parking.

- A. Access drives may be placed adjacent to property lines except that drives consisting of crushed rock or other non-finished surfacing shall be no closer than five (5) feet from any side or rear lot line.
- B. When accessory off-street parking facilities are permitted to be located outside of the lot in which the principal use served is located, they shall be owned or controlled, either by deed or long-term lease by the owner of the principal use and the owner of the principal use shall file a recordable document with the City Council requiring the owner and his or her heirs and assigns to maintain the required number of off-street parking spaces during the existence of such principal use.
- C. Required off-street parking spaces in any district shall not be utilized for open storage of goods or for the storage of vehicles for sale or rent.
- D. Parking of vehicles shall not be allowed on lot areas that are not designed for off-street parking.
- E. In residential areas, off-street parking areas shall not be located on that portion of the lot directly in front of the primary structure.

Sec. 27-67. Design and Maintenance of Off-Street Parking Areas.

- A. Parking areas shall be designed so as to provide adequate access to a public alley or street. Such driveway access shall not exceed thirty (30) feet in width and shall be located so as to cause the least interference with traffic movement.
- B. All off-street parking areas designed to have head-in parking along the property line shall provide a bumper curb not less than five (5) feet from the side property line or a guard of normal bumper height not less than three (3) feet from the side property line. When such area is for six (6) spaces or more, a curb or fence not over six and one-half (6-1/2) feet height shall be erected along the front yard setback line and grass or planting shall occupy the space between the sidewalk and curb or fence.
- C. When a required off-street parking space for four (4) cars or more is located adjacent to a residential district, a fence not less than four (4) feet nor greater than six (6) feet having at least 30% light transfer shall be erected along the residential district property line.
- D. It shall be the sole responsibility of the operator and owner of the principal use, uses and/or building to remove accumulations of ice and snow and to maintain in a neat and adequate manner the parking space and access ways.

- E. A parking space shall be not less than three hundred (300) square feet per vehicle.
- F. Off-street parking areas shall be improved with a concrete, bituminous paving stone or equally 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 lots for cars, trucks, and other equipment.

Sec. 27-68. Truck Parking in Residential Areas.

No motor vehicle bearing a commercial license and no commercially licensed trailer shall be parked or stored in a residential district or on a public street except when loading, unloading or rendering a service. Recreation vehicles and pickup trucks are not restricted by the terms of this provision, provided that they do not carry any hazardous materials.

Sec. 27-69. Other Parking in Residential Areas.

Parking in residential areas (off-street and on-street) shall be limited to the use of the residents of those homes, except for short-term parking (eight (8) hours or less) and guest parking. The number of cars parked on or in front of a residential lot shall not exceed twice the number of licensed drivers residing on the premises.

Sec. 27-70. Minimum Required Off-Street Parking Spaces.

One and two family residences	Two (2) spaces per dwelling.
Multiple family dwellings	Two (2) spaces per dwelling.
Business and professional offices	One (1) space for each two hundred (200) square feet of gross floor space.
Medical and dental clinics	Two (2) spaces per examining room, plus one (1) space for each full-time employee.
Hotel or motel	One (1) space per unit, plus one (1) space per full-time employee.
Elementary & Junior High Schools	One (1) space for every two (2) full-time employees.
High Schools	One (1) space for every four (4) students and one (1) space for every two (2) full-time employees.
Colleges	At least one (1) space for every two (2) full-time employees, plus one (1) space for every three (3) students.

Hospital	At least one (1) space for every three (3) hospital beds, plus one (1) space for each full-time employee other than doctors, plus one (1) space for each resident and regular staff doctor.
Drive-in food establishment	One (1) space for every fifteen (15) square feet of gross floor area in the building allocated to drive-in.
Bowling alley	Six (6) spaces for each alley, plus additional spaces as may be required herein for related uses such as a restaurant.
Automobile service station	At least two (2) off-street parking spaces plus four (4) off-street parking spaces for each service stall.
Retail store	At least one (1) off-street parking space for each two hundred fifty (250) square feet of gross floor area.
Restaurants, cafes, bars	One (1) parking space for every three (3) persons allowed in the establishment as determined by the State Building Code occupancy load.
Undertaking establishments	Ten (1) spaces for each chapel or parlor, plus one (1) space for each funeral vehicle maintained on the premise. Aisle space shall also be provided off the street for making up a funeral procession.
Industrial, warehouse, storage handling of bulk goods	At least one (1) space for each full-time employee on maximum shift or one (1) space for each two thousand (2,000) square feet of gross floor area, whichever is larger.
Uses not specifically noted and conditional uses	As may be reasonably determined by the Zoning Administrator.

The Zoning Administrator may require additional off-street parking spaces for any proposed use. For the purposes of assessing the appropriate number of parking spaces to be provided, the Zoning Administrator and applicant shall consider the following:

- A. The average traffic demand generated by other similar uses.
- B. The availability of public parking in the area.
- C. The anticipated ability of the site and/or building to accept intensive land use in the future.
- D. The availability of on-site expansion areas which could accommodate additional future parking spaces without adversely affecting the compatibility of the use in the neighborhood.
- E. The minimum parking standards as established by this chapter.

The applicant may apply for a Conditional Use Permit to reduce the minimum number of off-street parking spaces provided for in this section or as may be required by the Zoning Administrator.

Sec. 27-71. Off-Street Loading and Unloading.

- A. Location

All required loading berths shall be off-street and shall be located on the same lot as the building use to be served. A loading berth shall be located in such a manner as to comply with Section 27-46 of this chapter and at least fifty (50) feet from a residential district unless within a building. Loading berths shall not occupy the required front yard space.

- B. Size

Unless otherwise specified in this chapter, a required loading berth shall be not less than twelve (12) feet in width, and fifty (50) feet in length exclusive of aisle and maneuvering space.

- C. Required Loading Space

as may be reasonably determined by the Zoning Administrator.

- D. Access

Each required loading berth shall be located with access to a street or public alley in a manner which will have the least interference with traffic.

- E. Surfacing

All loading berths and access ways shall be improved with concrete or asphalt material to control dust and drainage.

F. Accessory Use

Any space allocated as a loading berth or maneuvering area so as to comply with the terms of this chapter shall not be used for the storage of goods or inoperable vehicles, or be included as a part of the space requirements necessary to meet the off-street parking area.

Article XII. Signs

Sec. 27-72. Permitted Uses.

Signs are a permitted accessory use in all districts, subject to the following regulations:

- A. A sign is a structure or a part of a structure for the purpose of applying height regulations.
- B. Except for traffic control, all signs are prohibited within the public right-of-way or easements, except that the City may grant a license or a conditional use permit to locate signs and decorations on or within the right-of-way for a specified time.
- C. Signs attached to buildings abutting the right-of-way and parts of the superstructure thereof may extend in the Central Business District (B-1) into the right-of-way a distance not to exceed eighteen (18) inches. All such signs shall be building face surface mounted signs.
- D. Illuminated signs shall not be permitted within Residential Districts, with the exception of churches or public facilities.
- E. Illuminated signs or devices giving off an intermittent or rotating beam consisting of a collection or concentration of rays of light shall not be permitted in any district.
- F. For purposes of selling or leasing property in any district, a sign not to exceed six (6) square feet per surface may be placed within the front yard of such property to be sold or leased. Such signs shall not be less than five (5) feet from the property line unless flat against the structure.
- G. For the purpose of selling or advertising lots in any new subdivision, all signs designed for such purpose shall not exceed 32 sq. ft. in area. All such signs shall be removed when 75% of all lots in the new subdivision are either sold or built upon.
- H. Signs existing on the effective date of this chapter that do not conform to the regulations set forth in this chapter are a non-conforming use.
- I. The area of a sign within the frame shall be used to calculate the square footage except that width of a frame exceeding twelve (12) inches shall constitute advertising space, or should such letters or graphics be mounted directly on a wall or fascia or in such manner as to be without a frame, the dimensions for calculating the square footage shall be in the

area extending six (6) inches beyond the periphery formed around such letters or graphics in a plane figure, bound by straight lines connecting the outermost points thereof, and each surface utilized to display a message or to attract attention shall be measured as a separate sign. Any symbols, flags, pictures, wording, figures, or other forms of graphics painted on or attached to windows, walls, awnings, free standing structures, suspended by balloons or kites, or on persons, animals, or vehicles shall be considered a sign.

- J. Signs shall not be attached by an adhesive nor painted on a building or fence but shall be on a separate frame or attached to a permanent fixture.
- K. The source of light for any illuminated sign shall not be directed into any street or property used or zoned for residential purposes.
- L. Election signs are permitted in all districts; however, they shall be removed within two (2) weeks following election day.

Sec. 27-73. Signs in Residential Districts.

- A. Signs in Residential Districts shall be permitted but subject to the following regulations:
 - 1. One (1) nameplate sign for each dwelling and such sign shall not exceed two (2) square feet in area per surface, and no sign shall be constructed as to have more than two (2) surfaces.
 - 2. One (1) nameplate sign for each dwelling group of three (3) or more units, and such sign shall not exceed six (6) square feet in area per surface and no sign shall be so constructed as to have more than two (2) surfaces.
 - 3. One (1) nameplate sign for each permitted principal use or use by conditional use permit other than residential and such sign shall not exceed thirty (30) square feet in area per surface.
- B. Symbols, statues, sculptures, and integrated architectural features on non-residential buildings may be illuminated by floodlights provided the direct source of light is not visible from the public right-of-way or adjacent residential property.
- C. No commercial advertising shall be allowed in Residential districts.

Sec. 27-74. Signs in Other Districts.

- A. Name plate signs and business signs are permitted subject to the following regulations:
 - 1. In any zoning district other than a General Industry (I) zoning district, the square footage of sign space per building shall not exceed two (2) square feet for each front foot of property, one (1) square foot of each foot of property siding on a street, and two (2) square feet for each foot of rear footage.

2. No individual sign shall exceed two hundred (200) square feet of area per lot side in any zoning district other than a General Industry (I) zoning district.
3. Such signs attached to a building located within a General Industry (I) zoning district shall not have an aggregate surface area in excess of twenty (20) percent of the total surface area of the building wall to which it is attached. Freestanding ground signs associated with a building located within a General Industry (I) zoning district shall not have an aggregate surface area in excess of twenty (20) percent of the total surface area of the building wall to which said sign lie adjacent.

Sec. 27-75. Sign Maintenance.

- A. The owner of any sign shall be required to have said sign properly painted and maintained.
- B. The owner or lessee of any sign or the owner of the land on which the sign is located shall keep the grass, weeds, and other growth cut and the area free from refuse between the sign and the street, and also for a distance of six (6) feet behind and at the ends of said sign.

Sec. 27-76. Obsolete Signs.

Any sign which no longer advertises a bona fide business conducted or a product sold shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure or land upon which the sign may be found within thirty (30) days after written notice from the Zoning Administrator.

Sec. 27-77. Unsafe or Dangerous Signs.

Any sign which becomes structurally unsafe or endangers the safety of a building or premises, or endangers the public safety shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure, or land upon which the sign is located within ten (10) days after written notification from the Zoning Administrator.

Article XIII. Motor Vehicle Service Station Standards

Sec. 27-78. Setbacks.

The building or buildings shall be set back at least thirty-five (35) feet from the street right-of-way. Near residential districts, the service station buildings, sign, and pumps shall be a minimum of twenty-five (25) feet from adjoining residential property. In commercial areas, the structures shall be set back at least ten (10) feet from adjoining property.

Sec. 27-79. Curbs and Gutters.

Curbs and gutters shall be installed on all streets giving access to the station. There shall be a six (6) inch curb along all interior driveways.

Sec. 27-80. Boundary Line Fencing and Screening.

When adjacent to a residential district, there shall be a screening along the boundary of the property lying adjacent to such residential district in accordance with Sec. 27-39 of this chapter.

Sec. 27-81. Vehicles.

No vehicle shall be parked on the premises other than those utilized by employees or awaiting service. No vehicle shall be parked or be awaiting service longer than fifteen (15) days.

Sec. 27-82. Screening Exterior Storage.

All areas utilized for the storage or disposal of trash, discarded parts, and similar items shall be fully screened. All structures and grounds shall be maintained in an orderly, clean, and safe manner.

Sec. 27-83. Existing Uses, Compliance.

Existing uses shall comply with Section 27-80 thru 27-82 within one (1) year following enactment of this chapter.

Article XIV. Mining and Extraction

The purpose of this Article is to provide appropriate controls for land disturbed by the mining and extraction of gravel, sand, or other mineral resources in order to minimize conflicts with adjacent land uses; to insure that the area so affected is restored for the conservation, development, management and appropriate use of all natural resources; to be compatible for multiple purposes; to aid in the maintenance or improvement of the tax base; protect the health, safety, and general welfare of the citizens; and to preserve the natural aesthetic character of the City.

Sec. 27-84. Administration.

- A. A Conditional Use Permit shall be required for all mining and extraction operations. The Zoning Administrator and the City Engineer or Water Resource Engineer shall review the permit and the site for compliancy every eighteen (18) months at the expense of the current property owner and shall be billed directly from the City for such services. The owner/applicant shall contact the City immediately if change of ownership or property boundaries occur and shall provide the appropriate Certificate of Surveys, Documents of Dedication and any additional supporting documentation as requested by the Zoning Administrator. Existing operations of any size within the City of Le Sueur shall obtain a conditional use permit within one (1) year after the date of enactment of this Article. The City shall require a performance bond from the applicant to insure that the requirements of this Article and the Conditional Use Permit are adhered to. The bond amount shall be determined at an amount sufficient to completely restore the property to its natural aesthetic value at the most intense use of the property and that amount shall be determined by a Engineer registered in the State of Minnesota.

- B. The following information shall be provided by the owner/applicant of the affected site:
 1. Name and address of the entity requesting the Conditional Use Permit and the current owner of the property affected by such mining and extraction operations.
 2. Certificate of Survey signed by a Land Surveyor registered in the State of Minnesota dated within twelve (12) months of the date of the application for the Conditional Use Permit.
 3. Complete legal description and acreage of the area to be affected by the mining and extraction operation.
 4. The following maps shall be required of the site and shall include all areas within 1,000 feet of the site. All maps shall be drawn at a scale of 1 to 100 feet unless otherwise stated below:
 - a. Map A - Existing conditions to include:
 - (1) Contour map at two (2) foot intervals.

- Existing vegetation.
 - (2) Existing drainage and permanent water areas.
 - (3) Existing structures.
 - (4) Existing wells.
 - (5) All property owners within 1,000 feet of the site.
- b. Map B - Proposed operations to include:
- (1) Structures to be erected. Such structures shall be subject to all Zoning and Building Code regulations and permitting procedures.
 - (2) Exact location of sites to be mined indicating depth of proposed excavation.
 - (3) Exact storage location of mined materials, indicating maximum height of deposits.
 - (4) Exact location of stationary machinery to be used in the mining operation.
 - (5) Exact location of vehicle parking and access roads. Additional review by the County and/or the State may be required.
 - (6) Truck routes and approximate hours of travel.
 - (7) Location of storage of explosives.
 - (8) Erosion and sediment control structures.
- c. Map C – Staging Plan to include:
- (1) Final grade of proposed site showing elevations and contour lines at two (2) foot intervals.
 - (2) Location and species of vegetation to be replaced.
 - (3) Written Reclamation and Staging plan.
 - (4) Written Final Development Plan.
5. The following plans shall be submitted in written form and shall be required at the time of application:
- a. Soil, erosion, and sediment control.
 - b. Dust and noise control.
 - c. A complete description of all phases of the proposed operation to include an estimate of duration of the mining and excavation operation, location and approximate acreage of each stage, and specific time schedule for reclamation.
 - d. Recycling Plan for concrete or any other forms of aggregate.
 - e. Additional supporting documents as requested by the Zoning Administrator.

Sec. 27-85. Continuation of Mining and Excavation Conditional Use Permits.

- A. Immediate cessation of all mining and excavations shall be ordered by the City if the owner/applicant of such operation fails to adhere to any of the provisions of the Conditional Use Permit.
- B. An increase in the intensity of the operations agreed-upon in the Conditional Use Permit shall require the owner/applicant to apply for a new Conditional Use Permit at the expense of the owner/applicant.
- C. All City and County property owners and residents within 1,000 feet of the mining and excavation operation shall be notified of the Public Hearing for the Conditional Use Permit. County Planning and Zoning Administrators shall also be notified and resulting comments shall be taken under advisement by the City.

Sec. 27-86. Use Restrictions.

In addition to obtaining a Conditional Use Permit for mining and excavation of gravel, sand, and other minerals, individual Conditional Use Permits shall also be required for the following activities to be conducted on the site where the mining and excavation activities are located:

- A. The crushing, washing, refining, or processing of materials.
- B. In stone quarries, the production or manufacturing of veneer stone sills, lintels, cut flagstone, hearth stones, paving stones, and similar architectural or structural stone and the storing or stockpiling of such products on the site.
- C. The manufacture of concrete building blocks or other similar blocks, the production or manufacture of lime products, the production of ready mix concrete and any similar production or manufacturing processes which might be related to the mining and excavation operation.

The Zoning Administrator may recommend additional performance standards as part of the issuance of a Conditional Use Permit.

Sec. 27-87. Performance Standards.

Conditional Use permits approved under this Article for mining and excavation operations shall be subject to the following performance standards:

- A. Weeds and any other unsightly or noxious vegetation shall be cut or trimmed according to City regulations in order to maintain a reasonably neat appearance and to minimize seeding on adjacent property.

- B. All equipment used for mining and excavation operations shall be constructed, maintained, and operated in such manner as to minimize as far as practicable noise, dust, and vibrations adversely affecting the surrounding property.
- C. The mining operation shall be conducted in such a manner as to minimize interference with the surface water drainage within, and outside of the boundaries of the City.
- D. Safety fencing may be required by the City around all or a portion of the mining and excavation operation.
- E. To minimize problems of dust and noise and to shield mining and extraction operations from public view, a vegetative screening barrier shall be required between the mining and excavation site and adjacent properties. A screening barrier may also be required between the mining and excavation site and any public road location within 500 feet of any mining and excavation or processing operation.
- F. Processing of gravel or minerals shall not be conducted closer than 200 feet from the property line or closer than 200 feet from any residential, commercial, or industrial structure. Mining and excavation operations shall not be conducted closer than 100 feet from the boundary of any zoning district where such operations are not permitted. Mining operations shall not be conducted closer than 100 feet from the right-of-way line of any existing or platted street, road, or highway, except that excavating may be conducted within such limits in order to reduce the elevation thereof to conform to the existing or platted street, road, or highway.
- G. Access to the site shall be provided from secondary roadways and shall be subject to review by the County or State Engineer.

Sec. 27-88. Land Rehabilitation.

Rehabilitation of mining and excavation sites shall commence immediately after mining and excavations cease. Rehabilitation shall be completed within one (1) year after commencement. The following standards shall apply:

- A. Removal of building structures and plants:
 - 1. All building structures and equipment incidental to such operation shall be dismantled and removed by and at the expense of the mining and excavation operator last operating such building structures and equipment within the following period of time:
 - a. Within sixty (60) days after the termination of mining operation;
 - b. or within sixty (60) days after abandonment of such operation for a period of ninety (90) days or more;

2. A temporary conditional use permit may be granted for those building structures and equipment required to process previously mined materials stored on the site. Such temporary conditional use permit shall allow such continued use for a period of no greater than one (1) year after which said building structures and equipment shall be removed.

B. Surface Grading

The peaks and depressions of the area shall be graded and back-filled to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding and which will minimize erosion. Grading of finished slopes shall not exceed acceptable civil and/or environmental engineering standards and practices.

- C. Reclamation and staging shall begin after the mining or excavation of 25% of the total area to be mined or excavated, or four (4) acres, whichever is less. Once this area has been depleted of the mine as deposits, it shall be sloped and seeded in accordance with the preliminary mining plan.
- D. Reclaimed areas shall be surfaced with soil of a quality at least equal to the top soil of the land areas immediately surrounding and to a depth of at least six (6) inches. The top soil shall be seeded, sodded, and planted. Such planting shall adequately retard soil erosion.
- E. Following the completion of the reclamation project, the Zoning Administrator shall be notified and given the opportunity to inspect the site with assistance of the City Engineer or Water Resource Engineer in order to determine if the site is in compliance with the approved reclamation plan and all Final Condition. If the site is not in accordance with the reclamation plan, the Zoning Administrator shall notify the owner/applicant of deficiencies in written form and such deficiencies shall be corrected at the expense of the owner. If the site is in accordance with the plan, the Zoning Administrator shall issue a letter of acceptance within thirty (30) days to the owner/applicant.
- F. Failure to comply with the terms of the Staging or Final Development Plan shall result in the City exercising the bond in order to properly restore the site to comply with conditions in the Permit.

Article XV. Home Occupations

Sec. 27-89. General Regulations.

A home occupation must meet the following criteria.

- A. The use does not exceed 25% of the floor space of the dwelling or accessory building.
- B. The use does not involve electrical or mechanical equipment that would change the fire rating of the dwelling or the fire district in which the dwelling is located.

- C. The use does not require alterations or special construction in the dwelling.
- D. The use does not cause a measurable increase in any of the utilities.
- E. The use does not create noise, dust, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the area in question under normal circumstances where no home occupation exists.
- F. The use does not create visible or audible interference in radio or television receivers.
- G. The use does not create greater vehicular or pedestrian traffic than is normal for the area in which it is located.
- H. The use does not display, either inside or outside the dwelling, materials, goods, supplies, or equipment related to the home occupation.
- I. The use is continuous, in contrast to occasional uses such as garage sales, auctions, or temporary stands for the sale or display of merchandise.
- J. The use shall not involve advertising signs on the premises or other on-site advertising which calls attention to the fact that the dwelling is being used for business purposes.
- K. The use complies with any applicable restrictive covenants as well as State and Federal Laws.
- L. Day Care as herein defined shall require a home occupation permit as well as State License approvals.

Sec. 27-90. Home Occupation Permit.

The person conducting or wishing to conduct a home occupation must file for the application.

Home occupations shall require a home occupation application, a home occupation zoning permit, and a building permit. All existing and new home occupations will be required to obtain such permits once and existing home occupations must secure such permits within six (6) months after the passage of this chapter.

Article XVI. Satellite Dish Antennas

Sec. 27-91. Standards.

Satellite dish antennas shall be a permitted use in each district subject to the following standards and requirements:

- A. Dish antennas shall not be allowed in the front or side yards.
- B. Dish antennas exceeding four (4) feet in diameter shall require a conditional use permit. Temporary installations of thirty (30) days or less shall not require a conditional use permit.
- C. Advertising messages shall not be allowed on any dish antennas located in a residential district.
- D. Dish antennas shall be treated as accessory structures for purposes of setback requirements.

Article XVII. Swimming Pools

Sec. 27-92. Standards.

Swimming pools shall be a permitted use in each district subject to the following standards and requirements:

- A. The pool shall be constructed at least ten (10) feet from all property lines in all districts.
- B. A six (6) foot high perimeter security fence shall be installed and maintained around the pool at all times.
- C. The fence shall have a maximum 3" spacing between intermediate rails and the fence shall not be more than 3" off the ground.
- D. A permanent fence shall be in place a minimum of thirty (30) days after the pool is completed.
- E. No construction of fences or accessory buildings shall be placed on or over any public utilities, or on any easements.
- F. A lockable gate shall be installed.
- G. Failure to complete the swimming pool construction project within twelve (12) months from approval of the zoning and building permits shall be a violation of this chapter.

Article XVIII. Parks, Open Space, and Public Use

Sec. 27-93. Park Land Fund.

- A. Any person or persons applying for a building permit to construct any new residential, commercial, or industrial building, excluding additions, alterations, repairs, or modifications shall pay to the City a Park Land and Recreational Area Development Assessment in accordance with the following schedules:

Residential

Total Units Constructed	Assessment
1	\$200/unit
2, 3, 4	\$150/unit
5 or more	\$100/unit

Commercial & Industrial

Project Valuation as established by State Building Code Cost Averages - most recent yearly schedule.	Assessment
	Project value x .0025 with minimum \$200.00 with maximum \$2,500.00

- B. The requirements of this section shall also apply to construction of a manufactured home park. The owner of each manufactured home lot shall pay an assessment in the amount of \$75.00. Such assessment shall be due and payable upon the issuance of the permit to construct such park, or at the time the park is altered by adding lots thereto.
- C. Money collected under the Park Land and Recreation Area Development Assessment shall be placed in a special Park Land Fund for the purpose of future park land acquisition, the development, improvement and enlargement of existing park lands and to equip new or existing parks as well as other park projects as defined and approved by the City.

Article XIX. Dog Kennels

Sec. 27-94. General Provisions

- A. All dog kennels within the City of Le Sueur shall be subject to the following criteria, to-wit:
1. All dog kennels shall be constructed of chain link fencing or equal.
 2. Dog kennels shall require a place of shelter and bedding for the dog as required by M.S.A. 343.40 as it may be amended from time to time.
 3. Dog kennels shall be neat and clean of manure, trash and rubbish and maintained in good order.
 4. Dog kennels shall be required to be located in back or side yards, never in front yards.
 5. All abandoned dog kennels must be dismantled and removed from the premises.
- B. All dog kennels within the corporate limits of the City of Le Sueur shall comply with this section within 30 days after the effective date of this chapter.

Article XX. Enforcement

Sec. 27-95. Administrative Remedies.

- A. Whenever the Zoning Administrator determines that there are grounds to believe that there has been a violation of any provision of this chapter the Zoning Administrator shall give notice of such alleged violation to the person so accused as hereinafter provided. Such notice shall:
1. Include a statement of the reasons for its issuance.
 2. Allow such time as the Zoning Administrator deems appropriate for the performance of any act required. If work cannot be completed within such time, extensions may be granted at the discretion of the Zoning Administrator if reasons for hardships do prevail and can be verified and the health, safety, and welfare of the community is not endangered.
 3. Be served upon the person so accused of such violation; provided that such notice shall be deemed to have been properly served upon such person when a copy thereof has been sent by registered mail to his last known address, or when he has been served with such notice by any method authorized or required by the laws of this State.

- B. Any person affected by any notice which has been issued in connection with the enforcement of any provisions of this chapter may request and shall be granted a hearing on the matter before the Common Council, provided that such person shall file in the office of the City Clerk a written petition requesting such hearing, setting forth a brief statement of the grounds therefore, within ten (10) days after the day the notice was served. Failure to file such petition within such ten (10) day period shall be deemed to be a waiver of such hearing concerning the decision of the Zoning Administrator. Upon receipt of such petition, the Council shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice must be modified or withdrawn. If such notice is not modified or withdrawn by the Common Council the person affected must comply with any conditions set forth in the notice.
- C. Whenever the Zoning Administrator finds that an emergency exists which required immediate action to protect the public health, safety, or welfare, he may without notice or hearing issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding any other provision of this chapter, such order shall be effective immediately, but upon petition to the Zoning Administrator, an interested party shall be afforded a hearing before the Zoning Administrator as soon as possible.
- D. The use of these Administrative remedies by the Zoning Administrator shall not change the illegal character of the act or omission of the affected person and the City may proceed under Section 27-96 hereof.

Sec. 27-96. Violations, Penalties.

- A. Any firm, person, or corporation who violates any of the provisions of this chapter shall be guilty of a misdemeanor. Each day that a violation is permitted to exist shall constitute a separate offense. All violations shall be considered a nuisance. The City may through the issuance of an injunction stop any violation of this chapter.
- B. When dealing with lands located in a flood plain district and when a violation of this chapter is discovered or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of this chapter. As soon as it is reasonably possible, this information shall be submitted to the appropriate Department of Natural Resources and Federal Emergency Management Agency Office along with the City's plan of action to correct the violation to the degree possible. The City must act in good faith to enforce these official controls and to correct violations of this chapter to the extent possible so as not to jeopardize the City's eligibility in the National Flood Insurance Program.

Article XXI. Adult Uses

Sec. 27-97. Definitions

- A. **Adult Uses.** Adult uses include adult bookstores, adult motion picture theaters, adult motion picture rental, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse/sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of “specified sexual activities” or “specified anatomical areas” which are capable of being seen by members of the public.
- B. **Specified Anatomical Areas:**
1. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola.
 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- C. **Specified Sexual Activities:**
1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexual-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or
 2. Clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence.
 3. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation.
 4. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast.
 5. Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such persons.

6. Erotic or lewd touching, fondling or other sexually-oriented contact with an animal by a human being.
 7. Human erection, urination, menstruation, vaginal, or anal irrigation.
- D. Adult Uses-Accessory. A use, business, or establishment having ten percent (10%) or less of its stock in trade or floor area allocated to, or twenty percent (20%) or less of its gross receipts derived from adult use.
 - E. Adult Uses-Principal. A use, business, or establishment having more than 10% of its stock in trade or floor area allocated to, or more than twenty percent (20%) of its gross receipts derived from, any adult use.
 - F. Adult Use-Body Painting Studio. An establishment or business which provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a patron when such body is wholly or partially nude in terms of “specified anatomical areas.”
 - G. Adult Use-Bookstore. A building or portion of a building used for the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, or motion picture film if such building or portion of a building is not open to the public generally but only to one or more classes of the public excluding any minor by reason of age or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas.”
 - H. Adult Use-Cabaret. A building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building excludes minors by virtue of age or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction, or description of “specified sexual activities” or “specified anatomical areas.”
 - I. Adult Use-Companionship Establishment. A companionship establishment which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk or discussion between an employee, representative, or agent of the establishment and a customer, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
 - J. Adult Use-Conversation/Rap Parlor. A conversation/rap parlor which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk, or discussion, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

- K. Adult Use-Health/Sport Club. A health/sport club which excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
- L. Adult Use-Hotel or Motel. Adult hotel or motel means a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas.”
- M. Adult Use-Massage Parlor, Health Club. A massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
- N. Adult Use-Mini-Motion Picture Theater. A building or portion of a building with a capacity for less than fifty (50) persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.
- O. Adult Use-Modeling Studio. An establishment whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in “specified sexual activities” or display “specified anatomical areas” while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.
- P. Adult Use-Motion Picture Arcade. Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled or operated still or motor picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing “specified sexual activities” or “specified anatomical areas.”
- Q. Adult Use-Motion Picture Theater. A building or portion of a building with a capacity of fifty (50) or more persons used for presenting material in such building or portion of a building as a prevailing practice and excludes minors by virtue of age or if such material is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.
- R. Adult Use-Novelty Business. A business which has as a principal activity the sale of devices which stimulate human genitals or devices which are designated for sexual stimulation.
- S. Adult Use-Sauna. A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing,

utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

- T. Adult Use-Steam Room/Bathhouse Facility. A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent if such building or portion of a building restricts minors by reason of age or if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

Sec. 27-98. Purpose.

The nature of adult uses is such that they are recognized as having adverse secondary characteristics, particularly when they are accessible to minors and located near residential property or related residential uses such as schools, day care centers, libraries or parks. Furthermore, the concentration of adult uses has an adverse effect upon the use and enjoyment of adjacent areas. The nature of adult uses requires that they not be allowed within certain zoning districts, or within minimum distances from each other or residential uses. Special regulation of adult uses is necessary to ensure that the adverse secondary effects would not contribute or enhance criminal activity in the area of such uses nor will it contribute to the blighting or downgrading of the surrounding property and lessening of its value.

Sec. 27-99. General Provisions.

Adult uses as defined in this Article shall be subject to the following general provisions:

- A. In no instance shall the application or interpretation of this Article be construed to allow an activity otherwise prohibited by law.
- B. Adult uses, either principal or accessory, shall be prohibited from locating in any building which is also utilized for residential purposes.
- C. An adult use which does not qualify as an adult use accessory, shall be classified as an adult use-principal.

Sec. 27-100. Adult Use, Principal.

- A. Adult use-principal shall be permitted a permitted use in the Commercial/Light industry (C-I) Zoning District, subject to the location criteria outlined in Section 27-100.2 hereof.
- B. Adult use-principal shall be located at least three hundred fifty (350) radial feet, as measured in a straight line from the closest point of the property line of the building upon which the adult use-principal is located to the property line of:

1. A zoning district in which residential uses other than lodging services are specifically listed as a permitted or conditional use.
 2. A licensed day care center.
 3. A public or private educational facility classified as an elementary, junior high or senior high.
 4. A public library.
 5. A public park.
 6. Another adult use-principal.
 7. Any church or church related organization.
- C. No adult use-principal shall be located in the same building or upon the same property as another adult use-principal. This limitation does not apply to any business or establishment that contains more than one adult use-principal as of November 21, 2001.
- D. Adult use-principal shall adhere to the following sign regulations in addition to the sign regulations of Article 12 of this Chapter.
1. Sign messages shall be generic in nature and shall only identify the name of the business.
 2. Signs shall comply with the requirements of size and number for the district in which they are located.
- E. Adult use-principal shall be limited to 7:00 a.m. to 12:30 p.m. for its hours of operation. A differing time schedule may be approved by the City Council, if it can be satisfactorily demonstrated by the operator to the City Council that all of the following apply:
1. Will not adversely impact or affect uses or activities within three hundred fifty (350) feet of the building or property in or upon which the adult use occurs.
 2. Will not result in increased policing and related service calls.
 3. Is critical to the operation of the business.

Sec. 27-101. Adult Uses, Accessory.

Adult Uses, Accessory, shall be permitted in all commercial districts, provided the accessory use conforms with the provisions of this Subdivision.

- A. Adult use-accessory shall:

1. Comprise no more than ten percent (10%) of the floor area of the establishment in which it is located.
 2. Comprise no more than twenty percent (20%) of the gross receipts of the entire business operation.
 3. Not involve or include any activity except the sale or rental of merchandise.
- B. Adult use-accessory shall restrict and prohibit access to minors by the physical separation of such items from areas of general public access:
1. **Movie Rentals.** Display areas shall be restricted from general view and shall be located within a separate room, the access of which is in clear view and under the control of the person responsible for the operation.
 2. **Magazines.** Publications classified or qualifying as adult uses shall not be physically accessible to minors and shall be covered with a wrapper or other means to prevent display of any material other than the publication title.
 3. **Other Use.** Adult uses-accessory not specifically cited shall comply with the intent of this Article subject to the approval of the Zoning Administrator.
- C. Adult use-accessory shall be prohibited from both internal and external advertising and signs of adult materials and products.

Sec. 27-102. Nonconforming Adult Use-Principal or Accessory.

Adult uses which are in existence prior to November 21, 2001, shall be classified as legal nonconforming uses and may continue in accordance with the provisions of this Chapter. If an adult use becomes nonconforming because of rezoning or the amendment of this chapter, the adult use shall be considered legal nonconforming and may continue in accordance with the provisions of this Chapter. In no instance, shall a legal nonconforming adult use be allowed to structurally expand the use on the lot on which it is located when the use becomes legally nonconforming, or expand the adult use to include another lot on which the adult use was not located when it became legally nonconforming.

If the building in which a legal nonconforming adult use is located is destroyed by any means to an extent of greater than fifty percent (50%) of its market value, or if the building in which the legally nonconforming adult use is vacant for more than twelve (12) months, an adult use shall not be re-established unless it is in conformance with this Article.

Sec. 27-103. Separability of Provisions.

The invalidity or unenforceability of any term, phrase, clause, paragraph, restriction, or other provision of this ordinance shall in no way affect the validity or enforceability of any other provision of this Article.

This Chapter shall become effective upon its adoption and publication according to law and repeals any previous ordinance or previous code provisions adopted by the City relating to zoning.

Adopted this 8th day of June, 1992 by the City of Le Sueur.

/s/ John K. King
Mayor

ATTEST:

/s/ Kathleen M. Johannsen
City Clerk