

CHAPTER 10

LAND USE REGULATION (ZONING)

The City Council of Alexandria does ordain that the Ordinance commonly known as the "Zoning Ordinance of the City of Alexandria" be enacted to read as follows:

Section 10.01 Title and Application

Subd. 1. **Title.** This Ordinance shall be known as the "Alexandria Zoning Ordinance" except as referred to herein, where it shall be known as "this Ordinance."

Subd. 2. **Intent and Purpose.** The intent of this Ordinance is to protect the public health, safety and general welfare of the community and its people through the establishment of minimum regulations governing development and use. This Ordinance shall divide the City into use districts and establish regulations in regard to location, erection, construction, reconstruction, alteration and use of structures and land. Such regulations are established to protect such use areas; to promote orderly development and redevelopment; to provide adequate light, air and convenience of access to property; to prevent congestion in the public right-of-way; to prevent overcrowding of land and undue concentration of structures by regulating land, buildings, yards and density of population; to provide for compatibility of different land uses; to provide for administration of this Ordinance; to provide for amendments; to prescribe penalties for violation of such regulations; and to define powers and duties of the City staff, the Board of Adjustment and Appeals, the Planning Commission, and the City Council in relation to the Zoning Ordinance.

Subd. 3. **Relation to Comprehensive Municipal Plan.** It is the policy of the City of Alexandria that the enforcement, amendment, and administration of this Ordinance be accomplished with due consideration of the recommendations contained in the Comprehensive Municipal Plan as developed and amended from time to time by the Planning Commission and City Council of the City. The Council recognizes the Comprehensive Municipal Plan as the Policy for responsibility to regulate land use and development in accordance with the policies and purpose as set forth.

Subd. 4. **Standard, Requirement.** Where the conditions imposed by any provisions of this Ordinance are either more or less restrictive than comparable conditions imposed by other ordinance, rule or regulation of the City, the ordinance, rule or regulation

which imposes the more restrictive condition, standard, or requirements shall prevail.

Subd. 5. **Interpretation.** In their interpretation and application, the provisions of this Ordinance shall be held to the minimum requirements for the promotion of the public health, safety and welfare.

Subd. 6. **Scope.** No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this Ordinance.

Subd. 7. **Occupancy, Building Permit.** Except as herein provided, no building, structure or premises shall hereafter be used or occupied and no building permit shall be granted that does not conform to the requirements of this Ordinance.

Subd. 8. **Uses Not Provided For Within Zoning Districts.** Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such case the City Council or the Planning Commission, on their own initiative or upon request, may conduct a study to determine if the use is acceptable and if so what zoning district would be most appropriate and the determination as to conditions and standards relating to development of the use. The City Council, Planning Commission or property owner, upon receipt of the staff study shall, if appropriate, initiate an amendment to the Zoning Ordinance to provide for the particular use under consideration or shall find that the use is not compatible for development within the City.

Subd. 9. **Authority.** This Ordinance is enacted pursuant to the authority granted by the Municipal Planning Act, Minnesota Statutes, Sections 462.351 to 462.363.

Subd. 10. **Separability.** It is hereby declared to be the intention of the City that the several provisions of this Ordinance are separable in accordance with the following:

A. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.

B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or other structure, such

judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

Subd. 11. **Rules.** The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

A. The singular number includes the plural, and the plural the singular.

B. The present tense includes the past and the future tenses, and the future the present.

C. The word "shall" is mandatory while the word "may" is permissive.

D. The masculine gender includes the feminine and neuter.

Source: Ord. 338-2nd Series
Effective Date: 2/08/93

Section 10.02. **Definitions.** The following words and terms, wherever they occur in this Ordinance, shall be interpreted as herein defined. Additional definitions are provided in Section 10.16 "FP" Flood Plain Management District, Section 10.17 "S" Shoreland District and Section 10.24 Regulation of Signs.

1. **Accessory Building or Use.** A building or use reasonably related to, customarily incidental, appropriate and subordinate to the principal use of land or buildings and located on the same lot as the principal use.

Source: Ord. 646-2nd Series
Effective Date: 11/13/09

1.1 **Active Recreation.** Activities of a formal nature and often performed with others, requiring equipment and taking place at prescribed places and sites.

2. **Address Sign.** A sign communicating street address only, whether written or in numerical form.

3. **Adult 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."

4. **Adult Bookstore.** A business or establishment engaging in the barter, rental, or sale of items or merchandise consisting of printed matter, pictures, slides, records, audiotapes, videotapes, computer or video disks, motion picture film or any other similar materials, if such shop is not open to the public generally but only to one or more classes of the public, excluding any minor by reason of age, and if a substantial 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."

5. **Adult Cabaret.** An establishment or business which provides dancing or other live entertainment, if such dancing or other live entertainment is distinguished or characterized by an emphasis on the performance, presentation, display, depiction or description of "specified sexual activities" or "specified anatomical area" and also means an erotic dance studio as in Section 4.33 of the City Code.

6. **Adult Companionship Establishment.** An establishment or business 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 of the establishment or business and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

7. **Adult Conversation/Rap Parlor.** A conversation/rap parlor which excludes minors by reason of age, 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."

8. **Adult Entertainment Facility.** A building or space in which an admission is charged for the entrance, or food or non-alcoholic beverages are being sold or intended for consumption, and in which may be observed live presentation or entertainment distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

9. **Adult 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 or provided in any form which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specific sexual activities or specified anatomical areas.

10. **Adult Massage Parlor, Health/Sport Club.** A massage parlor or health/sport club which restricts minors by reason by age or law, 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."

11. **Adult Mini-Motion Picture Theater.** A business or establishment in an enclosed building with a capacity for less than 50 persons used for presenting visual media material if such business as a prevailing practice excludes minors by virtue of age or law, or if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

12. **Adult Modeling Studio.** An establishment or business 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.

13. Adult 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 motion picture machines, projectors or other image-producing devices show images to five 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.

14. Adult Motion Picture Theaters. A business or establishment in an enclosed building with a capacity of 50 or more persons used for presenting visual media material if said business as a prevailing practice excludes minors by virtue of age or law, and if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

15. Adult Novelty Business. A business which has as a principal activity the sale of material or devices which stimulate human genitals or devices which are designed for sexual stimulation or which depict or which relate to "specified sexual activities" or "specified anatomical areas."

16. Adult Sauna/Steam Room/Bathhouse. A business which excludes minors by reason of age, and 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 sauna is distinguished or characterized by an emphasis on "specified sexual activities" or specified anatomical areas."

17. Adult Uses and Sexually Oriented Business. Adult uses and sexually oriented businesses include but are not limited to adult body painting studios, adult bookstores, adult cabarets, adult companionship establishments, adult conversation/rap parlors, adult entertainment facilities, adult establishments, adult massage parlor, health/sport clubs, adult hotels or motels, adult mini-motion picture theaters, adult modeling studios, adult motion picture arcades, adult motion picture theaters, adult novelty businesses, adult saunas/steam rooms/bathhouses and 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.

18. **Agriculture Uses.** Those uses commonly associated with the growing of produce on farms. These include: field crop farming; pasture for hay; fruit growing; tree, plant, shrub, or flower nursery without building; truck gardening; roadside stand for sale in season of products grown on premises; and livestock raising and feeding, but not including fur farms, commercial animal feed lots, and kennels.

19. **Alley.** A public right-of-way less than thirty (30) feet in width which affords a secondary access to abutting property.

20. **Apartment.** A room or suite of rooms which is designed for, intended for, or occupied as a residence by a single family or an individual, and is equipped with cooking facilities. Includes dwelling unit and efficiency unit.

21. **Aquifer Recharge Areas.** All land surface areas which by nature of their surface and/or subsurface soil characteristics are determined to contribute to the replenishment of subsurface water supplies.

22. **Area Identification Sign.** A free standing sign which identifies the name of a neighborhood, a residential subdivision, a multiple residential complex consisting of three (3) or more structures, shopping center consisting of five (5) or more separate business concerns, an industrial area, an office complex consisting of three (3) or more structures or any combination of the above, located on contiguous property.

23. **Artificial Obstruction.** Any obstruction which is not a natural obstruction (see obstruction).

23.1 **Assisted Living Facility.** A facility registered with the Minnesota Department of Health (DOH) where individualized home care aide services or home management services are provided to residents either by the management or by providers under contract with the management.

Source: Ord. 706-2nd Series
Effective Date: 10/13/14

24. **Automobile Repair - Major.** General repair, rebuilding or reconditioning engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint job; vehicle steam cleaning.

25. **Automobile Repair - Minor.** Minor repairs, incidental body and fender work, painting and upholstering, replacement of parts and motor services to passenger automobiles and trucks not exceeding nine thousand (9,000) pounds gross weight, but not including any operation specified under "Automobile Repair - Major".

26. **Automobile Wrecking or Junk Yard.** Any place where two (2) or more vehicles not in running condition and/or not licensed, or parts thereof, are stored in the open and are not being restored to operation or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof; and including any commercial salvaging and scavenging of any other good, articles or merchandise.

27. **Banners and Pennants.** Attention getting devices which resemble flags and are of a paper, cloth or plastic-like consistency.

28. **Basement.** A portion of a building located partially underground but having less than one-half (1/2) its floor to ceiling height below the average land grade.

29. **Bench Signs.** A sign which is affixed to a bench such as at a bus stop.

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

a. Part or all of the feature is located in a shoreland area;

b. The slope rises at least 25 feet above the ordinary high water level of the waterbody;

c. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and

d. The slope must drain toward the waterbody.

31. **Bluff Impact Zone.** A bluff and land located within 20 feet from the top of the bluff.

32. **Boarding (House) Home - Foster Children.** A family dwelling where children out of their own homes are cared for.

33. **Boarding House.** A building other than a hotel where, for compensation and by prearrangement for definite periods, meals or lodging and meals are provided to three (3) or more persons, not of the principal family therein, pursuant to previous arrangements and not to anyone who may apply, but not including a building providing these services for more than ten (10) persons.

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

35. **Buildable Area.** The portion of a lot remaining after wetlands, bluffs, land below ordinary high water level and required setback areas have been eliminated.

36. **Building.** Any structure used or intended for supporting or sheltering any use or occupancy.

37. **Building Height.** A distance to be measured from the mean ground to the top of a flat roof, to the mean distance of the highest gable on a pitched or hip roof, to the deck line of a mansard roof, to the uppermost point on all other roof types.

38. **Building Line.** The line measured across the width of the lot at the point where the principal structure is placed in accordance with setback provisions.

39. **Building Width.** The shortest horizontal distance of the smallest wall of a building as measured at right angles to its longest walls. Width measurements shall not take into account overhangs and other projections beyond the principal walls.

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

41. **Business Sign.** Any sign which identifies a business or group of businesses, either retail or wholesale, or any sign which identifies a profession or is used in the identification or promotion of any principal commodity or service, including entertainment, offered or sold upon the premise where such sign is located.

42. **Canopy and Marquee Signs.** Any message or identification which is affixed to projection or extension of a building or structure, erected in such a manner as to provide a shelter or cover over the approach to any entrance of a store, building, or place of assembly.

43. **Carport.** A canopy constructed of metal or other materials supported by posts either ornamental or solid and completely open in three (3) sides.

44. **Cellar.** That portion of a building having more than one-half (1/2) of the floor to ceiling height below the average land grade.

45. **Channel.** A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct water either continuously or periodically.

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

47. **Clear-Cutting.** The removal of an entire stand of trees.

48. **Club or Lodge.** A club or lodge is a non-profit association of persons who are bona fide members paying annual dues, use of premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises providing adequate dining room space and kitchen facilities are available. Serving of alcoholic beverages to members and their guests shall be allowed, providing such serving is secondary and incidental to the operation of the dining room for the purpose of serving food and meals and providing further that such serving of alcoholic beverages is in compliance with the applicable Federal, State and Municipal laws.

49. **Commercial, Agricultural.** The use of land for the growing and/or production of field crops, livestock and livestock products.

50. **Commercial Recreation.** Includes all uses such as, but not limited to, 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.

51. **Conditional Use.** A use, which because of special problems of control the use presents, requires reasonable, but special, unusual and extraordinary limitations peculiar to the use for the protection of the public welfare and the integrity of the municipal land use plan.

52. **Conditional Use Permit.** A permit issued by the Council in accordance with procedures specified in this Ordinance, as a flexibility device to enable the Council to assign dimensions to a proposed use or conditions surrounding it after consideration of adjacent uses and their functions and the special problems which the proposed use presents.

53. **Condominium.** A multiple dwelling containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling is subject to the provisions of the Minnesota Condominium Law, Minnesota States, Sections 515.01 to 515.19.

54. **Construction Sign.** A non-illuminated sign announcing the names of architects, engineers, contractors, or other individuals or firms involved with the construction, alteration, or other repair of a building (but not including any advertisement of any product) or announcing the character of the building enterprise, or the purpose for which the building is intended.

55. **Convenience Food Establishment.** An establishment which serves food in or on disposable or edible containers in individual servings for consumption on or off the premises.

56. **Cooperative (Housing).** A multiple family dwelling owned and maintained by the residents. The entire structure and real property is under common ownership as contrasted to a condominium dwelling where individual units are under separate individual occupant ownership.

57. **Court.** An unoccupied open space other than a yard which is bounded on two (2) or more sides by the walls of the building.

58. **Crowding Potential.** The ratio of total acreage to shore miles.

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

60. **Deck.** A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet above ground.

61. **Department Store.** A business which is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed enclosed and are exhibited and sold directly to the customer for whom the goods and services are furnished.

62. **Deposition.** Any rock, soil, gravel, sand or other material deposited naturally or by man into a waterbody, watercourse, floodplains or wetlands.

63. **Distinguished or Characterized by an Emphasis On.** Means the dominant or principal theme of the object described by such phrase.

64. **District.** A section or sections of the City for which the regulations and provisions governing the use of buildings and lands are uniform for each class of use permitted therein.

65. **Diversion.** A channel that intercepts surface water runoff and that changes the accustomed course of all or part of a stream.

66. **Dog Kennel.** Any place where three (3) dogs or more over six (6) months of age are boarded, bred and/or offered for sale, except a veterinary clinic.

66.1 **Domestic Partnership.** A domestic partnership is a legal or personal relationship between individuals who live together and share a common domestic life but are not joined in a traditional marriage, a common law marriage, or a civil union.

67. **Draining.** The removal of surface water or groundwater from land.

68. **Dredging.** To enlarge or clean-out a waterbody, watercourse, or wetland.

69. **Drive-in Establishment.** An establishment which accommodates the patron's vehicle from which the occupants may receive a service or in which products purchased from the establishment are intended to be consumed while the vehicle is parked at the establishment and which establishment offers no or limited interior seating and/or service to accommodate its patrons. (Note: Does not include drive-through establishments, which offer both window or curb service as well as interior seating and/or service.)

70. **Dwelling.** A building or portion thereof, designated exclusively for residential occupancy, including one-family, two-family and multiple family dwellings, but not including hotels, motels and boarding houses.

71. **Dwelling, Group Quarters.** A dwelling unit that houses not more than five (5) unrelated persons per unit and which complies with the design standards set forth in Section 10.23.

72. **Dwelling, Manufactured and Mobile Home.** A detached residential dwelling unit designed to be transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 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 a permanent foundation when connected to required utilities, and included the plumbing, heating, air conditioning, and electrical systems contained herein; except that the term includes any structure which meets all requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under M.S. 327.31 thru M.S. 327.35. Such structures which do not comply with the design standards set forth in Section 10.03, Subd. 4H of this Ordinance shall be allowed only in the R-4 zoning district.

73. **Dwelling, Multiple (Apartment).** A building designed with three (3) or more dwelling units exclusively for occupancy by three (3) or more families living independently of each other but sharing hallways and main entrances and exits.

74. **Dwelling, Single-Family.** A detached dwelling unit designed exclusively for occupancy by one (1) family including site built and manufactured homes which comply with the design standards set forth in Sec. 10.03, Subd. 4H of this Ordinance.

75. **Dwelling Site.** A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

76. **Dwelling, Two-Family.** A dwelling exclusively for occupancy by two (2) families living independently of each other which comply with the design standards set forth in Sec. 10.03, Subd. 4I of this Ordinance.

77. **Dwelling Unit.** A residential building or portion thereof intended for occupancy by a family but not including hotels, motels, nursing homes, seasonal cabins, boarding or rooming houses, tourist homes or trailers.

78. **Efficiency Apartment.** A dwelling unit consisting of one (1) principal room exclusive of bathroom, hallway, closets, or dining alcove.

79. **Elderly (Senior Citizen) Housing.** A public agency or privately owned or controlled multiple dwelling building with occupancy limited to persons over fifty-five (55) years of age.

80. **Encroachment Line.** The lateral limits or line drawn along each side and generally parallel to a stream or other body of water, which delineates the floodway and within which the flood-carrying capacity of the stream or other body of water is to be preserved. Its location, if along a stream, should be such that the floodway between them will effectively carry and discharge a flood not less than a regional flood.

81. **Equal Degree of Encroachment.** A method of determining the location of encroachment lines so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows. This is determined by considering the effect of encroachment on the hydraulic efficiency of the flood plain along both sides of a stream for a significant reach.

82. **Essential Services.** The erection, construction, alteration, or maintenance of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems by public utilities, municipal or other governmental agencies, but not including buildings.

83. **Extractive Use.** The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minn. Stat. Sections 93.44 to 93.51.

84. **Family.** An individual or two (2) or more persons related by blood, marriage, domestic partnership or adoption, including foster children and domestic staff employed on a full-time basis, living together as a permanent household. This definition of family is established for the purpose of preserving the character of residential neighborhoods by controlling population density, noise, disturbance and traffic congestion, and shall not be applied so as to prevent the City from making reasonable accommodation where the City determines it necessary to afford handicapped persons living together in a permanent household equal access to housing pursuant to the Federal Fair Housing Amendments Act of 1988.

85. **Farm.** A tract of land which is principally used for commercial agriculture, all of which is owned and operated by a single family, individual or corporation.

86. **Farm Dwelling.** A single family dwelling located on a farm which is used or intended for use by the owner, a relative of the owner, or a person employed thereon.

87. **Fence.** A barrier forming a boundary enclosing some area.

88. **Filling.** The act of depositing any rock, soil, gravel, sand, or other material so as to fill or partly fill a waterbody, watercourse, or wetland.

89. **Flashing Sign.** An illuminated sign upon which the artificial light is not kept constant in terms of intensity or color at all times when the sign is illuminated.

90. **Flood.** A temporary increase in the flow or state of a stream or in the stage of a lake that results in the inundation of ordinary drying area.

91. **Flood Frequency.** The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded. By strict definition, such estimates are designated "exceedence frequency", but in practice the term "frequency" is used. The frequency of a particular stage or discharge is usually expressed as having a probability of occurring once within a specified number of years.

92. **Flood Fringe.** That portion of the flood plain outside the floodway.

93. **Flood Plain.** The areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.

94. **Flood Profile.** A graph or longitudinal plot of water surface elevations of a flood event along a reach of a stream or river.

95. **Flood Proofing.** Combination of structural provisions, changes, or adjustments to the properties and structures subject to flooding primarily for the reduction or delineation of flood damage.

96. **Floodway.** The channel of the watercourse and those portions of the adjoining flood plains which are reasonably required to carry and discharge the regional flood.

97. **Floor Area.** The sum of the gross horizontal area of several stories of the building measured from the exterior faces of the exterior walls.

98. **Floor Area (livable).** The same as "floor area" defined above, except measured from the interior face of the interior walls excluding all areas occupied by cellars, garages, porches, unoccupied attics, stairways, basements, storage, utility, and heating rooms.

99. **Floor Area Ratio (FAR).** The floor of a building or buildings on that zoning lot divided by the area of such zoning lot, or, in the case of planned unit developments or group housing projects, by the gross site areas.

100. **Forest Land Conversion.** The clear cutting of forested lands to prepare for a new land use other than re-establishment of a subsequent forest stand.

101. **Forestry.** The management, including logging of a forest, woodland, or plantation, and related research and educational activities, included in the construction, alteration or maintenance of wood roads, skid roads, landing fences.

102. **Garage-Private.** An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises, and in which no business service or industry is carried on; provided that not more than one-half (1/2) of the space may be rented for the private vehicles of persons not resident on the premises, except that all the space in a garage of one (1) or two (2) car capacity may be so rented.

103. **Garage-Public.** A building or portion of a building, except any herein defined as a private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire and which any sale of gasoline, oil and accessories is only incidental to the principal use.

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

105. **Grade (Adjacent Ground Elevation).** The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

106. **Grading.** Changing the natural or existing topography of land.

107. **Guest Cottage.** A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

108. **Guest Room.** A room occupied by one (1) or more guests for compensation and in which no provision is made for cooking, but not including rooms in a dormitory for sleeping purposes primarily.

109. **Hardship.** The property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance. Undue hardship also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.

110. **Holiday Signs.** Signs or displays which contain or depict a message pertaining to a national or state holiday, and no other matter.

111. **Home Occupation.** Any occupation or profession carried on by a member of the family residing on the premise provided that the use clearly incidental as secondary to the use of the dwelling for dwelling purposes. (See Section 10.03, Subd. 9).

112. **Hotel.** Any building or portion thereof occupied as the more-or-less temporary abiding place of individuals and containing six (6) or more individuals for compensation, whether the compensation be paid directly or indirectly.

113. **Housekeeping Unit.** A living unit located in a motel, motor hotel, or hotel which includes a kitchenette with a range hood vented to the outside.

114. **Identification Signs.** Signs in all district which identify the business or owner, or manager or resident and set forth the address of the premises where the sign is located and which contain no other material.

115. **Illuminated Sign.** Any sign which is lighted by an artificial light source either directed upon it or illuminated from an interior source.

116. **Impervious Surface.** An artificial or natural surface through which water, air, or roots can not penetrate.

117. **Individual Property Sale or Rental Signs.** Any on-premise sign announcing the name of the owner, manager, Realtor, or other person directly involved in the sale or rental of the property or announcing the purpose for which it is being offered.

118. **Industrial Use.** A permitted, accessory or conditional use allowed in the "I" Industrial District.

119. **Informational/Directional Sign.** Any sign giving information to employees, visitors, or delivery vehicles, but containing no advertising. May include name of business but must predominantly represent a directional or informational message.

120. **Institutional Sign.** A sign or bulletin board which identifies the name and other characteristics of a public, semi-public, or private institution on the site where the sign is located. Institutions shall include churches, hospitals, nursing homes, schools, and other non-profit and charitable organizations.

121. **Integral Signs.** Names of buildings, date of construction, commemorative tablets and the like, which are of a permanent type of construction and which are an integral part of the building or the structure.

122. **Intensive Vegetative Clearing.** The complete removal of trees or shrubs in a continuous patch, strip, row or block.

123. **Intermittent.** A stream or portion of a stream that flows only in direct response to precipitation.

124. **Licensed Child Care or Day Care Facility.** A business or facility holding a license pursuant to Minnesota Statutes, Chapter 245 A, as amended, and/or Minnesota Rules Chapter 9502 or 9503, as amended.

125. **Lodging House.** A building other than a hotel, where for compensation for definite periods, lodging is provided for three (3) or more persons not of the principal family, but not including a building providing this service for more than ten (10) persons.

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

127. **Lot.** Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of this zoning regulation, having not less than the minimum area required by this Zoning Ordinance for a building site in the district in which such lot is situated and having its principal frontage on a street, or a proposed street approved by the Council.

128. **Lot (Of Record).** A parcel of land, whether subdivided or otherwise legally described, as of the effective date of this Ordinance, or approved by the City as a lot subsequent to such date and is occupied by or intended for occupancy by one (1) principal building or principal use together with any accessory buildings and such open spaces as required by this Ordinance and having its principal frontage on a street, or a proposed street approved by the Council.

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

130. **Lot, Corner.** A lot situated at the junction of and abutting on two (2) or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is one hundred thirty-five (135) degrees or less.

131. **Lot, Depth.** The shortest horizontal distance between the front lot line and the rear lot line, measured from a ninety (90) degree angle from the street right-of-way within the lot boundaries.

132. **Lot, Frontage.** The front of a lot shall be, for purposes of complying with this Ordinance, that boundary, abutting a public right-of-way, having the least width.

133. **Lot, Interior.** A lot, other than a corner lot, including through lots.

134. **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 right-of-way.

135. **Lot, Through.** A lot fronting on two parallel streets.

136. **Lot, Width.** The shortest horizontal distance between the side lot lines measured at right angles to the lot depth.

137. **Manufacturing/Heavy.** The manufacturing, compounding, processing, packaging, treatment or assembly of products and materials that may emit objectionable and offensive effluents beyond the lot of which the use is located.

138. **Marquee-Canopy.** A permanent roofed structure attached to and supported by the building and projecting over public property.

139. **Medical and Dental Clinic.** A structure intended for providing medical and dental examinations and service available to the public. This service is provided without overnight care available.

140. **Mining Operations.** The removal from the land of stone, sand and gravel, coal, salt, iron, copper, nickel, granite, petroleum products or other materials for commercial, industrial or governmental purposes.

141. **Minor.** Any person under the age of eighteen (18) years.

142. **Mobile Home, Independent.** A mobile home which is constructed to utilize a public water and sewer system, an external source for heating and shall be equipped with a stool, shower or tub, and laundry facilities.

143. **Mobile Home Park, Dependent.** An approved Mobile Home Park which has underground utility service to each site and also restroom and washing facilities as specified by the State of Minnesota.

144. **Mobile Home Park, Independent.** An approved Mobile Home Park which has underground utility service to each site and only permits independent mobile homes.

145. **Motel/Motor Hotel.** A building or group of detached or attached buildings containing guest rooms or units, each of which has a separate entrance directly from the outside of the building, or corridor, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of transient guests traveling by automobile.

146. **Motion Sign.** Any sign which revolves, rotates, has any moving parts, or gives the illusion of motion.

147. **Motor Fuel Station.** A place where gasoline is stored only in underground tanks, kerosene or motor oil and lubricants or grease, for operation of automobiles, are retailed directly to the public on premises, and including minor accessories and services for automobiles, but not including automobile major repairs and rebuilding.

148. **Motor Freight Terminal (Truck Terminal).** A building in which freight brought by motor truck is assembled and sorted for routing in intra-state and interstate shipment.

149. **Name Plate.** A sign indicating the name and address of a building or the name of an occupant thereof and the practice of a permitted occupation therein.

150. **Natural Drainage System.** All land surface areas which by nature of their contour configuration, collect, store, and channel surface water run-off.

151. **Natural Obstruction.** Means any rock, tree, gravel or analogous natural matter that is an obstruction and has been located within a waterbody, watercourse, or wetland by a non-human cause.

152. **Non-Conforming Structure or Use.** Any structure or use which on the effective date of this Ordinance does not, even though lawfully established, conform to the applicable conditions if the structure or use was to be erected under the guidance of this Ordinance.

153. **Normal High Water Mark.** A continuous mark of reference at an elevation where land and water meet for some period of record; is commonly that point where the vegetation changes from predominantly aquatic to predominantly terrestrial.

154. **Nursing Home (Rest Home).** A building having accommodations where care is provided for two (2) or more invalids, infirmed, aged convalescent or physically disabled persons that are not of the immediate family; but not including hospitals, clinics, sanitariums, or similar institutions.

155. **Obstruction.** Any dam, wall, wharf, embankment, levee, dike, pile, abutment projection, excavation, channel modification, culvert, building, wire, fence, stock pile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, lake, depression, wetland, water course, or regulatory flood plain which may impede, retard, or change the direction of

the flow of water, or reduce the amount of flood water storage either in itself or by catching or collecting debris carried by such water.

156. **Off-Street Loading Space.** A space accessible from the street, alley or way, in a building or on the lot, for the use of trucks while loading or unloading merchandise or materials. Such space shall be of such size as to accommodate one (1) truck of the type typically used in the particular business.

157. **On-Premise Sign.** A sign located on the premise or property of an individual, business or organization when the sale or lease of the premise or the identification, products or services of the individual, business or organization are the subject of the sign.

158. **Open Sales Lot.** Any open land used or occupied for the purpose of buying, selling and/or renting merchandise and for the storing of same prior to sale.

158.1 **Open Space.** An area of land or water set aside, or reserved for use by residents of the development. An expanse of lawn, trees, plants, and other natural areas. Any landscaped area of the site including: required yards, setbacks and walkways. Open space does not include parking, driveways, or buildings used for dwelling purposes.

159. **Open Space Recreation Uses.** Recreational use particularly oriented to and utilizing the character of the area, including hiking and riding trails, primitive camp sites, campgrounds, way-side rests, parks, and recreational areas.

160. **Ordinary High Water Level.** The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the band of channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

161. **Out-Patient Care.** Medical examination or service available to the public in a hospital. This service is provided without overnight care and shall be considered a separate, independent, principal use when combined or operated in conjunction with a hospital.

162. **Parapet.** A low wall which is located perpendicular to (extension of front wall) a roof of a building.

163. **Parking Ramp.** An accessory structure designed and used for the storage of motor vehicles at, below and/or above grade.

164. **Parking Space.** An area, enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one (1) automobile, which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an automobile.

164.1 **Passive Recreation.** Activities that involve inactive or less energetic activities, such as walking, sitting and picnicking, etc. These activities have less potential impact on surrounding land uses.

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

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

167. **Place of Worship.** A building or space that is principally used as a place where people of the same faith or religion regularly assemble for worship.

168. **Planned Unit Development.** A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses. (See Section 10.21.)

169. **Planning Commission.** The Planning Commission of the City of Alexandria, Minnesota.

170. **Political Campaign Signs.** Signs or posters announcing the candidate(s) seeking political office and/or political issues, and data pertinent thereto.

171. **Portable Sign.** A sign so designed as to be movable from one location to another and which is not permanently attached to the ground, sales display device, or structure.

172. **Principal Use.** The main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be either permitted or conditional.

173. **Projecting Sign.** A sign, other than a wall sign, which is affixed to a building and which extends perpendicular from the building wall.

174. **Protected Waters.** Any waters of the State as defined in Minn. Stat. Section 105.37, Subd. 14, including any lake, pond or floodage of ten (10) or more acres in size and any river or stream having a total drainage area of two (2) or more square miles in size.

175. **Public Library.** Any library open to the public organized pursuant to Minnesota Statutes, Chapter 134, as amended.

176. **Public Park.** A park, playground, beach, or recreation or community center in the City owned or leased or used wholly or in part by the City, county, state, school district, or federal government for recreation purposes.

177. **Public Sign.** Signs of a public, non-commercial nature, to include safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques, and the like, when signs are erected by or on order of a public officer or employee in the performance of official duty.

178. **Public Uses.** Uses owned or operated by municipal, school districts, county, state, or other governmental units.

179. **Public Waters.** Any waters as defined in Minn. Stat. Section 103G.005, Subdivisions 14 and 15 and limited to:

a. All water basins assigned to shoreland management classification by the commissioner pursuant to Section 105.485, except wetlands less than 80 acres in size which are classified as natural environment lakes.

b. All waters of the state which have been finally determined to be public water or navigable waters by a court of competent jurisdiction.

c. All meandered lakes, except for those which have been legally drained.

d. All water basins previously designated by the commissioner for management for a specific purpose such as trout lakes and game lakes pursuant to applicable laws.

e. All water basins designated as scientific and natural areas pursuant to Section 84.033.

f. All water basins located within and totally surrounded by publicly owned lands.

g. All water basins where the State of Minnesota or the federal government holds title to any of the beds or shores, unless the owner declares that the water is not necessary for the purpose of public ownership.

h. All water basins where there is a publicly owned and controlled access which is intended to provide for public access to the water basin; and

i. All natural and altered-natural watercourses with a total drainage area greater than two square miles, except that trout streams officially designated by the commissioner shall be public waters regardless of the size of their drainage area.

j. All types 3, 4 and 5 wetlands, as defined in United States Fish and Wildlife Service Circular No. 29 (1971 edition), not included within the definition of public water, which are ten or more acres in size in unincorporated area or 2½ or more acres in incorporated area.

180. **Reach.** A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or manmade obstruction. In an urban area, the segment of a stream or river between two (2) consecutive bridge crossings would most typically constitute a reach.

181. **Real Estate Development Sign.** A business sign placed on premises of a subdivision or other real estate development.

182. **Real Estate Sign.** A business sign placed upon a property advertising that particular property for sale, for rent, for lease, or sold.

183. **Recreation, Field, or Building.** An area of land, water, or any building in which amusement, recreation or athletic sports are provided for public or semi-public use, whether temporary or permanent, except a theater, whether provision is made for the accommodation of an assembly or not. A golf course, arena, baseball park, stadium, circus or gymnasium is a recreation field or building for the purpose of this Ordinance.

183.1. **Recreation Space.** A centrally located place designed and equipped for the conduct of sports, informal recreation and/or leisure time activities. It provides areas for aerobic exercises, game courts, swimming, etc. The number and type of spaces should be chosen to anticipate tenant mix. Both active and passive recreation activities can be considered recreation space.

184. **Recreational Camping Area.** Any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of recreational camping vehicles free of charge or for compensation.

185. **Recreational Equipment.** Items that are used off the road including but not limited to boats, canoes, and snowmobiles.

186. **Recreational Vehicle.** A vehicle or portable structure used in amusement, vacation, or recreational activities including but not limited to travel trailers, motor homes, camping trailers, snowmobiles, boats, bicycles and motorcycles.

187. **Regional Flood.** A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the one hundred (100) year recurrence interval.

188. **Regulatory Flood Protection Elevation.** The regulatory flood protection elevation shall be the elevation of no lower than 1 foot above the elevation of the regional flood.

189. **Residential Facility.** Any facility, public or private, which for gain or otherwise provides one or more persons with a 24 hour per day substitute for care, food, lodging, training, education, supervision, habitation, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the person's 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, maternity shelters, group homes, residential programs, supportive living residences for functionally impaired adults, or school for handicapped children.

190. **Restaurant.** An establishment which serves food in or on non-disposable dishes to be consumed primarily while seated at tables or booths with the building.

191. **Roof Line.** Is defined as the top of the coping; or, when the building has a pitched roof, as the intersection of the outside wall with the roof.

192. **School.** An elementary, middle or secondary school as defined in Minn. Stat. §120A.05, as amended, or a nonpublic school or nonsectarian nonpublic school as defined in Minn. Stat. §123B41, Subd. 9 and Subd. 10, as amended.

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

194. **Sewer System.** Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

195. **Shopping Center.** An integrated grouping of commercial stores, under single ownership or control.

196. **Shore Impact Zone.** Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.

197. **Shoreland.** Land located within the following distances from public waters; 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

198. **Sign.** The use of any words, numerals, figures, devices, or trademarks by which anything is made known such as are used to show an individual, firm, profession, or business, and are visible to the general public.

199. **Sign Area.** That area within the marginal lines created by the sign surface which bears the advertisement or, in the case of messages, figures or symbols attached directly to the part of a building, which is included in the smallest geometric figure which can be made to circumscribe the message, figure or symbol displayed thereon.

200. **Sign Structure.** The supports, foundations, uprights, bracing and framework for a sign, including the sign area.

201. **Significant Historic Site.** Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minn. Stat. Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

202. **Slope.** Means the degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

203. **Specified Anatomical Areas.**

a. 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; and

b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

204. Specified Sexual Activities.

a. 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 sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty; or

b. Clearly depicted human genitals in the state of sexual stimulation; arousal or tumescence; or

c. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or

d. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast; or

e. 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; or

f. Erotic or lewd touching, fondling or other sexually-oriented contact with any animal by a human being; or

g. Human excretion, urination, menstruation, vaginal or anal irrigation.

205. Steep Slope. Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this ordinance. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more,

that are not bluffs.

206. **Story.** That portion of a building included beneath the upper surface of a floor and upper surface of floor next above, except that the top-most story shall be that portion of the building included between the upper surface and the top-most floor and ceiling or roof above. If the finished floor level directly above a basement or cellar, or unused underfloor space is more than six (6) feet above grade as defined herein for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such basement, cellar, or unused underfloor space shall be considered as a story. For the purposes of this section, every twelve (12) feet of vertical elevation above grade shall be considered a story.

207. **Street Frontage.** The proximity of a parcel of land to one or more streets. An interior lot has one (1) street frontage and a corner lot has two (2) frontages.

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

209. **Substandard Use.** Any use existing prior to the date of this Ordinance which is permitted within the applicable zoning district but does not meet the minimum lot area and length or water frontage, structure setbacks, or other dimensional standards of this Ordinance.

210. **Surface Water-Oriented Commercial Use.** The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

211. **Surface Waters - General Development (GD).** Those waters whose shores are presently characterized by industrial or commercial or high density residential development.

212. **Surface Waters - Recreational Development (RD).** Those waters characterized by medium density residential development with or without limited service-oriented commercial development.

213. **Surface Waters - Natural Environment (NE).** Those waters whose shores are presently characterized by low density, single-family residential development.

214. **Temporary Sign.** Any sign which is erected or displayed for a specified period of time.

215. **Toe of the Bluff.** The lower point of a 50-foot segment with an average slope exceeding 18 percent.

216. **Top of the Bluff.** The higher point of a 50-foot segment with an average slope exceeding 18 percent.

217. **Townhomes/Townhouses.** Structures housing one (1) or more dwelling units of not more than two (2) stories each and either detached or contiguous to each other only by sharing of one (1) common wall, such structures to be of the town or row house type as contrasted to multiple dwelling structures. No single contiguously connected structure shall contain in excess of eight (8) dwelling units and each dwelling unit shall have separate and individual front and rear entrances, separate utilities and property description/parcel identification.

218. **Upland.** Means all lands at an elevation above the normal high water mark.

219. **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, and shall include the performance of such activity as defined by the performance standards of this Ordinance.

220. **Useable Open Space.** A required ground area or terrace area on a lot which is graded, developed, landscaped and equipped and intended and maintained for either active or passive recreation or both, available and accessible to and useable by all persons occupying a dwelling unit or rooming unit on the lot and their guests. Such areas shall be grassed and landscaped or covered only for a recreational purpose. Roofs, driveway and parking areas shall not constitute useable open space.

221. **Used Auto Parts.** The processing, storage, and sale of second hand or used automobile or other vehicle parts provided such use is established entirely within enclosed buildings.

222. **Variance.** A waiver from the literal provisions of the Ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the Ordinance.

223. **Vegetation.** Means the sum total of plant life in some area; or a plant community with distinguishable characteristics.

224. **Wall Graphics.** A sign which is painted directly on an exterior wall surface.

225. **Wall Letters.** A sign composed of individual letters which are attached separately on a wall surface.

226. **Wall Sign.** A sign which is affixed to the exterior wall of a building. A wall sign does not project more than eighteen (18) inches from the surface to which it is attached, nor extend beyond top of parapet wall.

227. **Waste Transfer Station.** An intermediate waste facility in which waste collected from any source is temporarily deposited to await transportation to another facility.

228. **Waterbody.** Means a body of water (lake, pond) in a depression of land or expanded part of a river, or an enclosed basin that holds water and is surrounded by land.

229. **Watercourse.** Means a channel or depression through which water flows, such as rivers, streams, or creeks, and may flow year-around or intermittently.

230. **Water-Oriented Accessory Structure or Facility.** A small, aboveground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boat houses, gazebos, screen houses, fish houses, pump houses, and detached decks.

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

232. **Wetland.** A surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 edition).

233. **Wildlife.** All free living animals.

234. **Yard.** An open space on the lot which is unoccupied and unobstructed from its lowest level to the sky. A yard extends along a lot line at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.

235. **Yard, Front.** A yard extending across the front of the lot between the side of lot lines and lying between the front line of the lot and the nearest line of the building.

236. **Yard, Rear.** A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.

237. **Yard, Side.** A yard between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard.

238. **Zoning Administrator.** A person appointed by the City Council to enforce the Zoning Ordinance.

239. **Zoning Map.** The map or maps incorporated into this Ordinance as part thereof, and as amended, designating the zoning districts.

Source: Ord. 586-2nd Series
Effective Date: 8/14/06

240. **Pollinator Habitat.** Flowering and non-flowering plants, including both native and non-native species, that provide pollen- and nectar-rich forage resources for butterflies, bees, and other insects, including bunch grasses at not more than 50% of the plant mix., and to exclude any noxious vegetation as provided in Section 9.55, Subd.1.F of this Code.

Source: Ord. 780-2nd Series
Effective Date: 12-26-17

Section 10.03 **General Provisions.**

Subd. 1. **Non-Conforming Buildings, Structures and Uses.**

A. **Purpose.** It is the purpose of this section to provide for the regulation of non-conforming buildings, structures and uses and to specify those requirements, circumstances and conditions under which non-conforming buildings, structures and uses will be operated and maintained. The zoning Ordinance establishes separate districts, each of which is an appropriate area for the location of uses which are permitted in that district. It is necessary and consistent with the establishment of these districts that non-conforming buildings, structures and uses not be permitted to continue without restriction. Furthermore, it is the intent of this Section that all non-conforming uses shall be eventually brought into conformity.

Source: 338-2nd Series
Effective Date: 2/8/93

B. Any structure or use lawfully existing upon the effective date of this Ordinance may be continued at the size and in the manner of operation existing upon such date except as herein after specified or subsequently amended. Existing nonconformities may be enlarged provided the City Council upon recommendation by the Planning Commission approves such enlargement.

Source: 540-2nd Series
Effective Date: 11/8/04

C. Nothing in this Ordinance shall prevent the placing of a structure in safe condition when said structure is declared unsafe by the Building Inspector providing the necessary repairs shall not constitute more than fifty (50) percent of fair market value of such structure. Said value shall be determined by the City Assessor.

D. No non-conforming building, structure or use shall be moved to another lot or to any other part of the parcel of land upon which the same was constructed or was conducted at the time of this Ordinance adoption unless such movement shall bring the non-conformance into compliance with the requirements of this Ordinance.

E. When any lawful non-conforming use of any structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to any non-conforming use.

F. A lawful non-conforming use of a structure or parcel of land may be changed to lessen the non-conformity of use. Once a non-conforming structure or parcel of land has been changed, it shall not thereafter be so altered to increase the non-conformity.

Source: Ord. 338-2nd Series
Effective Date: 2/08/93

G. If at any time a non-conforming building, structure or use shall be destroyed to the extent of more than fifty (50) percent of its fair market value, said value to be determined by the City Assessor, and no building permit has been applied for within 180 days of when the property is destroyed, then without further action by the Council, the building and the land on which such building was located or maintained shall, from and after the date of said destruction, be subject to all the regulations specified by these zoning regulations for the district in which such land and buildings are located. Any building, which is damaged to an extent of less than fifty (50) percent of its value, may be restored to its former extent. Estimate of the extent of damage or destruction shall be made by the Building Inspector.

Source: Ord. 540-2nd Series
Effective Date: 11/8/04

H. Whenever a lawful non-conforming use of a structure or land is discontinued for a period of one (1) year, following written notice from an authorized agent of the City, any future use of said structure or land shall be made to conform with the provisions of this Ordinance.

I. Normal maintenance of a building or other structure containing or related to a lawful non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not physically extend or intensify the non-conforming use.

J. Alterations may be made to a building containing lawful non-conforming residential units when they will improve the livability thereof, provided they will not increase the number of dwelling units or size or volume of the building.

Subd. 2. **General Building and Performance Requirements.**

A. **Purpose.** The purpose of this section of the Zoning Ordinance is to establish general development performance standards. These standards are intended and designed to assure compatibility of uses; to prevent urban blight, deterioration and decay; and to enhance the health, safety and general welfare of the residents of the community.

B. **Dwelling Unit Restrictions.**

1. No cellar, basement, garage, tent or accessory building shall at any time be used as an independent residence or dwelling unit, temporarily or permanently.

2. Basements may be used as living quarters or rooms as a portion of residential dwellings.

3. Tents, play houses or similar structures may be used for play or recreational purposes.

C. **Platted or Unplatted Property.**

1. Any person desiring to improve property shall submit to the Building Inspector a survey of said premises and information on the location and dimensions of existing and proposed buildings, location of easements crossing the property, encroachments, and any other information which may be necessary to insure conformance to City Ordinances.

2. All buildings shall be so placed so that they will not obstruct future streets which may be constructed by the City in conformity with existing streets and according to the system and standards employed by the City.

3. A lot of record existing upon the effective date of this Ordinance in a Residence District, which does not meet the requirements of this Ordinance as to area or width may be utilized for single family detached dwelling purposes provided the measurements of such area or width are within seventy (70) percent of the requirements of this Ordinance. If in a group of two (2) or more contiguous lots of record under a single ownership, any individual lot does not meet the minimum lot area or width requirements of this Ordinance, such individual lot cannot be considered as a separate parcel of land for purposes of sale or development, but must be combined with adjacent lots under the same ownership so that the combinations of lots will equal one or more

parcels of land each meeting the lot width or area requirements of this Ordinance.

Source: Ord. 335-2nd Series
Effective Date: 2/08/93

4. Except in the case of an Industrial District as provided for in Section 10.15 and Section 10.16, and a Planned Unit Development as provided for in Section 10.21 of this ordinance, not more than one principal structure shall be located on a lot. The words "principal building" shall be given their common ordinary meaning; in case of doubt or any question of interpretation, the decisions of the Zoning Administrator shall be final, subject to the right to appeal to the Planning Commission and the City Council.

Source: Ord. 500-2nd Series
Effective Date: 2/10/03

5. On a through lot (a lot fronting on two (2) parallel streets), both street lines shall be front lot lines for applying the yard and parking regulations of this Ordinance.

D. Accessory Buildings, Uses and Equipment.

1. An accessory building shall be considered an integral part of the principal building if it is connected to the principal building by a covered passageway.

2. No accessory buildings shall be erected or located within any required yard other than the rear yard.

Source: Ord. 335-2nd Series
Effective Date: 2/08/93

3. Accessory buildings and garages shall not exceed fifteen (15) feet in height and shall be five (5) feet or more from all lot lines except on corner lots the setback shall be twenty (20) feet or line-up with the principal building whichever is less, shall be ten (10) feet or more from any other building or structure on the same lot and shall not be located within a utility easement.

Source: Ord. 371-2nd Series
Effective Date: 4/10/95

Accessory buildings in excess of fifteen (15) feet in height shall be allowed provided the provisions of Section 10.23 are satisfactorily met and that the proposed building meets a setback, from all property lines, of not less than the greater of either the height of the proposed building or the minimum setback established by this code.

Source: Ord. 500-2nd Series
Effective Date: 2/10/03

4. The maximum building size for any accessory building in a residentially zoned area shall not exceed 1,000 square feet for lots less than 1 acre. For lots over 1 acre in size, accessory buildings shall not exceed 5% of the lot area.

5. Each applicant for a building permit to construct any dwellings shall be required to provide off-street parking space for at least one (1) automobile per family to be housed in addition to any garage space to be used.

Source: Ord. 338-2nd Series
Effective Date: 2/08/93

6. Outdoor storage, display, service, sales and rental as authorized by Section 10.11 and 10.15 shall be in conformance with the following:

a. Outdoor sales and display shall only be accessory to a principal nonresidential use that conducts most of its activities on the same parcel within a completely enclosed building or group of buildings, shall be conducted by employees of the principal use, and shall be owned by the owner or lessee of the principal use and not a consignment operation or arrangement.

b. Except as provided in c. below, only merchandise typically used and stored outdoors may be displayed outdoors. Such merchandise may include but is not limited to: automobiles, trucks, boats, trailers, outdoor landscape structures, plant materials, all-terrain vehicles, lawn equipment, outdoor furniture and the like.

c. The provisions of paragraph b. above shall not apply to indoor merchandise (merchandise other than that typically used and stored outdoors) in cases of temporary sales events, such as weekend sidewalk sales, crazy days which may be displayed outdoors during business hours in front of the building.

d. No outdoor display area shall be permitted to obstruct nor encroach upon, a pedestrian walkway, a fire lane, maneuvering aisle, or a parking space necessary to meet the minimum parking requirements of the other use(s) of the lot or parcel.

e. All portions of outside display areas shall be hard surfaced, have adequate grading and drainage and shall be continuously maintained.

f. No storage may exceed the height of any screening wall or fence. Walls or fences shall not exceed 8 feet in height where required.

g. All outdoor sales and service areas be screened from adjoining residential uses or districts by solid fences, walls, buildings, landscaping or any combination or screening elements as approved by the City.

h. Any lighting used to illuminate an outdoor storage display area shall be directed and shielded as to not illuminate any adjacent residential areas.

Source: Ord. 636-2nd Series
Effective Date: 10/13/09

E. Drainage Alternatives. In the case of all apartment, commercial, industrial and institutional developments, drainage plans shall be submitted to the City for review and approval. The City drainage policy is to require storm water management practices to improve water and quality and to control runoff. Wherever possible, vegetated swales, basins or detention ponds should be incorporated in site design to increase filtration and reduce runoff. Design standards for pond areas are based upon the relationship between pond area and impervious area:

<u>Impervious Area %</u>	<u>Pond Area %</u>
0	0.6
10	0.8
20	1.0
30	1.3
40	1.5
50	1.7
60	1.9
70	2.1
80	2.5

90
100

2.7
2.9

Impervious area is the percent of the site which is covered with buildings and hard surfaced parking lots and driveways. Pond area is the pond size as a percent of the site.

F. Site View Clearance. No structure, vehicle, vegetation, sign, fence, or building shall obstruct the vision clearance of street corners, curb cuts or railroad crossings or constitute a traffic hazard. A clear sight triangle or clear view zone shall be maintained at all street and alleyway intersections.

1. Clear View Zone Defined - The triangular area formed by connecting the following three points: the point of intersection of the curb lines extended of intersecting streets, and a point on each curb line 30 feet from the aforementioned point of intersection. If there are no curbs, the edge of the traveled portion of the street shall be used instead of the curb line.

2. Obstruction of Clear View Zone - No owner of a corner lot shall install, set out, maintain, or permit the installation or maintenance of any sign, hedge, fence, tree, shrub, natural growth, building, structure or other obstruction or any part thereof within the clear view zone except as provided in (3, below), in a B-2 "Regional Business" zone, or in an approved PUD.

3. Exceptions - The following obstructions are permitted in the clear view zone.

a. Obstructions less than 48 inches in height above the elevation of the street adjoining the clear view zone as measured from the edge of the traveled portion of the street.

b. Trees pruned to a height of not less than seven feet as measured from the top of the adjoining curb. If there is not a curb, the measurement shall be from the edge of the traveled portion of the street.

c. Regulatory signs erected by the City, County, or State.

d. Freestanding signs if at least seven feet of clearance is maintained between the ground and the bottom of the sign and the sign is supported by a single pylon of 12 inches or less in diameter.

G. Fencing/Screening.

1. No fence or screening shall exceed 6 feet in height in residential areas, 8 feet in height in industrial or commercial areas, or 4 feet in height in the front yard subject to the provisions of Section 10.03.1.

Source: Ord. 689-2nd Series
Effective Date: 10/15/13

2. Fencing or screening required by this Ordinance or the City Council shall be either a solid fence or dense vegetative cover at least six (6) feet but not greater than eight (8) feet in height.

H. Lighting. Outdoor lighting shall be directed or hooded away from adjoining residential areas and from the public street.

Source: Ord. 338-2nd Series
Effective Date: 2/08/93

I. Landscaping Requirements All new structures, new billboards, parking lots, parking lot additions and any new exterior structural alterations and/or additions in excess of 50 percent of assessed valuation within all districts, with the exception of single and two-family residential dwellings and the AO and AP zoning districts, shall meet the following requirements (note that additions to any existing off-street parking required under this code do not require landscaping of the existing contiguous parking area):

Source: Ord. 579-2nd Series
Effective Date: 2/13/06

1. A landscape plan indicating location, numbers, types of landscaping, and design of areas to be landscaped shall be submitted to the Zoning Administrator for review, revision as necessary, and approval. Said plan shall be drawn to scale and shall be approved prior to the issuance of a building permit. This plan shall also show the irrigation system and note the location and type of backflow prevention device, the line sizing, and the number of sprinkler heads.

2. Said landscaping shall be provided and maintained as follows:

LANDSCAPING REQUIREMENTS

<u>DISTRICTS</u>	<u>PERCENTAGE OF TOTAL NET AREA TO BE LANDSCAPED</u>
A. R-1, R-1A, R-2, R-3, R-V/A, R-LD	10%
B. Central Business District (bounded by Fourth Avenue, Eighth Avenue, Fillmore Street, and Hawthorne Street)	0%
C. All other Commercial Districts, including B-1, B-2, and non-residential uses in the RB district	15%
D. Industrial District, including I-1 and I-2	10%

3. Deciduous trees of a minimum caliper of 2 inches, as measured four (4) feet above grade, shall be planted at a minimum rate of 1 tree every 30 feet along street frontages. Additionally, deciduous trees of a minimum caliper of 2 inches, as measured four (4) feet above grade, or coniferous trees of a minimum caliper of 1 inch, as measured four (4) feet above grade and which are not located in parking areas (see 7.A, below) shall be planted at a rate of one tree per 300 square feet of net area (outside of parking areas) in residential districts and one tree per 500 square feet of net area (outside of parking areas) in commercial and/or industrial districts.

4. Except in applicable parking strips, landscaped areas shall have minimum length or width dimensions of 5 feet.

5. Irrigation is encouraged in order to properly maintain the various plant materials approved in the landscape plan.

6. Landscaped areas in parking areas may be counted toward the minimum site landscaping requirements, provided:

a. All landscaped areas are provided with a 6-inch curb or other protective measure as noted in 7.B.3 (below)

b. Landscaping is designed in a manner to visually break up an expanse of paving.

c. Every 500 average square feet of required landscaping shall include at least 1 tree.

d. Landscaping is designed so as not to violate corner sight triangles or other provisions of this Code.

7. Landscaping within Parking Areas

a. Location. Development with parking areas (including accessory drives and aisles) exceeding 5,000 square feet on the same parcel shall provide and maintain landscaped areas based upon the surfaced parking area. Areas under canopies, loading and service areas, and portions of drives with no parking on either side for a distance longer than 25 feet and/or used exclusively as access to loading or service areas, are exempt from this requirement. The landscaping within parking areas shall be provided in addition to buffer requirements of this ordinance.

Areas used for landscaping shall be provided in the amount equivalent to at least 7.5% of the paved parking area, and shall be used for planting either trees or shrubs according to the credits below. Tree planting areas shall be located such that no parking space is farther than 75 feet from a tree trunk.

b. Required Landscaping Materials.

1. Trees shall be credited at the following rates, either in combinations of small and large trees, or with trees only, to add up to the required landscape area:

A. One 2 - 2½ inch caliper, large tree (deciduous) per 250 square feet of required landscaped area. Each large tree shall be located within a minimum growing area of 250 square feet, unencroached upon by impervious pavement, with a minimum dimension of 10 feet. Additional credit may be given for larger trees, up to 4" caliper, when larger growing areas are also provided.

B. One small tree/large shrub or evergreen tree at the rate of one 8-foot tall tree per 125 square feet of required landscaped area. Small trees and evergreen trees shall be located within a minimum growing area of 125 square feet,

unencroached upon by impervious pavement. Small trees/large shrubs may be used to fulfill up to one half of the required trees. Evergreen trees and large shrubs, when used, shall be either pruned or located to facilitate safe sight distances within parking lots.

2. Shrubs shall be credited at the rate of one 15 to 18 inch minimum height evergreen or deciduous shrub per 35 square feet of required landscaped area. This rate may be varied base upon size of installed shrubs or groundcover. Shrubs to meet this requirement must be located within 15 feet of the paved area. Additionally, shrubs shall be located to facilitate safe sight distances within parking lots, and to protect them from overhangs of motor vehicles.

3. Minimum curb radii of 3 feet are required on the corners of all tree islands and medians to allow for free movement of motor vehicles around planting materials. All islands shall have raised edging around them to further protect plants from being run over by motor vehicles, or, if the island is intended for use as a storm water retention area as part of an overall system, may not require raised edging. Medians without raised edging shall include devices to stop vehicles from driving into the planted areas.

4. No more than one tree may be provided per island, unless there is at least the minimum growing area per tree as required above. Large trees shall not normally be planted less than 18 feet apart, and small trees/large shrubs shall not normally be planted less than 12 feet apart.

Source: Ord. 500-2nd Series
Effective Date: 2/10/03

8. Landscaping Providing Pollinator Habitat

a. On parcels larger than five (5) acres, or on adjoining/contiguous parcels under common ownership which total more than five (5) acres, pollinator habitat will be encouraged, but not required, subject to the following:

1. A planting and management plan, consistent with Natural Resources Conservation Service (NRCS) job sheet CP42 be submitted for review and approval.

2. Said plan shall include a buffer area of not less than twenty (20) feet on sites smaller than ten acres, and not less than fifty (50) feet on sites ten acres or

larger; said buffer to consist of non-pollinator habitat plantings which are to be maintained in accordance with the City's nuisance regulations.

3. A license be sought and obtained from the City for the initial installation as per said plan, and then renewed every third year while the installation is in place. Initial license fee to be \$50.00, and fee to be adjusted from time-to-time by action of the City Council.

Source: Ord. 780-2nd Series
Effective Date: 12/26/17

J. **Tree Preservation.**

1. **Findings and purpose statement.** The Council finds it is in the best interest of the city to protect, preserve and enhance the natural environment of the community and to encourage a resourceful and prudent approach to the development and alteration of wooded areas. In the interest of achieving these objectives, the city has established the comprehensive tree preservation regulations herein to promote the furtherance of the following:

a. Protection and preservation of the environment and natural beauty of the city;

b. Assurance of orderly development within wooded areas to minimize tree and habitat loss;

c. Evaluation of the impacts to trees and wooded areas resulting from development;

d. Establishment of minimal standards for tree preservation and the mitigation of environmental impacts resulting from tree removal;

e. Provision of incentives for creative land use and environmentally compatible site design which preserves trees and minimizes tree removal and clear cutting during development; and

f. Enforcement of tree preservation standards to promote and protect the public health, safety and welfare of the community.

2. **Definitions.** For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

a. **Applicant.** Any person or entity who is required to submit and implement an approved tree preservation plan under this section.

b. **Builder.** Any person or entity to whom a building permit is issued for the construction of a single-family residence.

c. **Calipher Inch.** The diameter of replacement trees measured at a height of one foot above the ground level.

d. **Construction Area.** Any area in which movement of earth, alteration in topography, soil compaction, disruption of vegetation, change in soil chemistry or any other change in the natural character of the land occurs as a result of the site preparation, grading, building construction or any other construction activity.

e. **Critical Root Zone or CRZ.** An imaginary circle surrounding the tree trunk with a radius distance of one foot per one inch of tree diameter, such as a 20-inch diameter tree has a CRZ with a radius of 20 feet.

f. **Developer.** Any person or entity other than a builder, as defined herein, who undertakes to improve a parcel of land, by platting, grading, installing utilities or constructing or improving any building thereon.

g. **Development.** Individual lot single-family residence development, single-phase development and two-phase development as those terms are defined herein.

h. **Diameter.** The length of a straight line measured through the trunk of a tree at 54 inches above the ground.

i. **Diameter Inch.** The diameter, in inches, of a tree measured at diameter breast height (4.5 feet from the uphill side of the existing ground level).

j. Drip Line. The farthest distance away from the trunk that rain or dew will fall directly to the ground from the leaves or branches of the tree.

k. Individual Lot Single-Family Residence Development. The process where the construction of a new single-family residence occurs on a single lot.

l. Significant Woodland. A grouping or cluster of coniferous and/or deciduous trees with contiguous crown cover, occupying 500 or more square feet of property, which are comprised of deciduous trees between four inches and 12 inches in diameter or coniferous trees between four feet and 12 feet in height.

m. Single-Phase Development. The process where improvement of the entire site occurs in one continuing process. Activities which can occur during single-phase development include initial site grading; installation of utilities; construction of public streets; construction and grading of drainage ways; filling of any areas; grading of the pad area; utility hookups; construction of buildings, parking lots, driveways, storage areas, recreation areas, private streets; and any other activity within the construction area.

n. Tree. Any of the following type of trees, as each is defined herein:

1. Coniferous/Evergreen Tree. A woody plant which, at maturity, is at least 12 feet or more in height, having foliage on the outermost portion of the branches year-round.

2. Deciduous Tree. A woody plant which, at maturity, is at least 15 feet or more in height, having a defined crown and which sheds leaves annually.

3. Significant Tree. A healthy tree measuring a minimum of six inches in diameter for hardwood deciduous trees, as defined herein; or a minimum of 12 inches in diameter for softwood deciduous trees, as defined herein; or a minimum of 12 feet in height for coniferous/evergreen trees.

4. Hardwood Deciduous Tree. Includes: Ironwood, Catalpa, Oak, Maple hard, Walnut, Ash, Hickory, Birch, Black Cherry, Hackberry, Locust and Basswood.

5. Softwood Deciduous Tree.
Includes: Cottonwood, Poplars/Aspen. Box Elder, Willow, Silver
Maple and Elm.

6. Speciman Tree. A healthy
hardwood deciduous tree measuring equal to or greater than 30
inches diameter and/or a coniferous tree measuring 50 feet or
greater in height.

o. Two-Phase Development. The process
where improvement of the entire site occurs in at least two
distinct phases. Generally, the first phase includes initial site
grading; installation of utilities; construction of public
streets; construction, grading of drainage ways; and filling of
any areas.

The second phase generally includes grading of specific pad
areas; utility hookups; construction of buildings, parking lots,
driveways, storage areas, recreation areas, private streets; and
any other activity within the specific construction zone.

3. Tree preservation plan.

a. Scope of application. The tree
preservation plan shall be submitted to and approved by the city
and implemented in accordance therewith in connection with any of
the following:

1. New development in any zoning
district;

2. New building construction in
any zoning district; and

3. Expansion of any existing
commercial, industrial or institutional building or impervious
surface by 10% or greater square feet, where an approved tree
preservation plan is not on file with the city.

b. Plan requirements. All applicants
shall submit a tree preservation plan prepared in accordance with
the provisions of this subdivision. The tree preservation plan
shall include the following information:

1. The name(s), telephone
number(s) and address(es) of applicants, property owners,
developers and/or builders;

2. Delineation of the buildings, structures or impervious surfaces situated thereon or contemplated to be built thereon;

3. Delineation of all areas to be graded and limits of land disturbance;

4. Size, species and location of all existing significant trees, specimen trees and significant woodlands located within the area to be platted or within the parcel of record; (These significant trees, specimen trees and significant woodlands should be identified in both graphic and tabular form.)

5. Identification of all significant trees, specimen trees and significant woodlands proposed to be removed within the construction area; (These significant trees, specimen trees and significant woodlands should be identified in both graphic and tabular form.)

6. Measures to protect significant trees, specimen trees and significant woodlands;

7. Size, species and location of all replacement trees proposed to be planted on the property in accordance with the tree replacement schedule;

8. Signature of the person(s) preparing the plan; and

9. Location of utility services and easements.

c. Mitigation. In any development that the tree/woodland allowable removal limits are exceeded, the applicant shall mitigate the tree loss by either reforestation of (tree replacement) appropriate areas within the development area, in accordance with the tree replacement schedule, or payment to the city of the sum per diameter inch calculated from the total amount of diameter inches of the required replacement trees in accordance with the tree replacement schedule. The fee per diameter inch shall be set forth in the city fee schedule and the payment thereon shall be deposited into an account designated specifically for tree mitigation.

The form of mitigation to be provided by the applicant shall be determined by the city.

The planting of trees for mitigation shall be in addition to any other landscape requirements of the city.

Significant tree replacement will be calculated by replacing the largest diameter tree first, proceeding down to the smallest diameter significant tree.

d. Required protective measures. The tree preservation plan shall identify and require the following measures to be utilized to protect significant trees, specimen trees and significant woodlands:

1. Installation of snow fencing or polyethylene laminate safety netting or silt fencing placed at the drip line or at the perimeter of the critical root zone (CRZ), whichever is greater, of significant trees, specimen trees and significant woodlands to be preserved. No grade change, construction activity or storage of materials shall occur within this fenced area.

2. Identification of any oak trees requiring pruning between April 15 and July 1. Any oak trees so pruned shall be required to have any cut areas sealed with an appropriate non-toxic tree wound sealant.

3. Prevention of change in soil chemistry due to concrete washout and leakage or spillage of toxic materials, such as fuels or paints.

e. Additional protective measures. The following tree protection measures are suggested to protect significant trees, specimen trees and significant woodlands that are intended to be preserved according to the submitted tree preservation plan and may be required by the city:

1. Installation of retaining walls or tree wells to preserve trees.

2. Placement of utilities in common trenches outside of the drip line of significant trees or use of tunneled installation.

3. Use of tree root aeration, fertilization and/or irrigation systems.

4. Transplanting of significant trees into a protected area for later moving into permanent sites within the construction area.

5. Therapeutic pruning.

f. Review process. The tree preservation plan shall be reviewed by the city to assess the best

possible layout to preserve significant trees, specimen trees and significant woodlands and to enhance the efforts to minimize damage to specimen trees, significant trees and significant woodlands. The applicant shall meet with city staff prior to submission of the development application or prior to application for the grading permit, whichever is sooner, to determine the most feasible and practical placement of buildings, parking, driveways, streets, storage and other physical features, in order that the fewest significant trees, specimen trees and significant woodlands are destroyed or damaged.

g. Performance guarantee. Any applicant of a new development shall provide the required performance guarantee following preliminary approval of the tree preservation plan and prior to any construction and/or grading. The amount of the performance guarantee to be submitted, specific to the tree preservation fulfillments, shall be calculated as follows:

1. Unless the applicant provides tree mitigation in the form of cash dedication, 100% of the cost of completing tree replacement mitigation as determined by the city.

2. An amount to guarantee preservation of all trees identified by the approved tree preservation plan to be preserved. Within 15 feet of the construction zone (measured from the construction limit to the nearest side of the tree): The amount shall be calculated by multiplying the total diameter inches of significant trees and specimen trees to be preserved within this 15 foot zone by the rate of payment of \$25 per diameter inch and the total square feet of significant woodlands to be preserved within the 15-foot zone by the rate of \$1.20 per square foot.

No performance guarantee shall be required for applicants of building permits of single-family residential units.

Following written request by the applicant for acceptance, the performance guarantee will be released upon verification by the city that the tree preservation plan was followed and that the tree replacement schedule was complied with, where necessary, but in no event shall the performance guarantee be released earlier than one year after the date of the project closure.

h. Removal of diseased trees required. Prior to any grading, all diseased, hazard and nuisance trees on

the subject property shall be identified by the Park Department in accordance with the tree disease control and prevention regulations of the City Code. Any and all diseased and nuisance trees so identified shall be removed from the property, at the time of grading, if so directed.

i. Compliance with plan. The applicant shall implement the tree preservation plan prior to and during any construction. The tree protection measures shall remain in place until all grading and construction activity is terminated or until a request is made to and approved by the city.

No significant trees, specimen trees or significant woodlands shall be removed until a tree preservation plan is approved and except in accordance with the approved tree preservation plan as approved by the city. If a significant tree(s), specimen tree(s) or any significant woodlands that were intended to be preserved is removed without permission of the City Park Department or damaged so that it is in a state of decline within one year from date of project closure, a cash mitigation, calculated per diameter inch of the removed/destroyed tree or per total square foot of significant woodlands, in the amount set forth in the city fee schedule, shall be remitted to the city.

The City shall have the right to inspect the development and/or building site in order to determine compliance with the approved tree preservation plan. The city shall determine whether compliance with the tree preservation plan has been met.

4. Allowable tree removal.

a. Tree removal allowance. Specimen tree, significant tree and significant woodland removal shall be in accordance with the city-approved tree preservation plan and in no case shall the amount of removal exceed the following percentages:

1. Single lot development.

(a) single-unit residential: 20%.

(b) Commercial and multi-unit residential: 30%.

2. Multi-lot development.

(a) Single-phase development

process:

Single unit residential:
40%.

Commercial and multi-unit
residential: 47.5%.

(b) Two-phase development:

development: 25%.

(1) Initial site

development:

(2) Individual lot

residential: 20%.

(a) Single unit

multi-unit residential: 30%.

(b) Commercial or

b. Exception.

1. When practical difficulties or practical hardships result from strict compliance with the provisions of this subdivision, the city may permit significant tree, specimen tree and significant woodland removal in excess of the allowable limits. In the event the exception is granted, a reforestation plan or a cash mitigation will be implemented.

2. The city shall determine which form of mitigation shall be utilized.

5. Tree replacement schedule.

Size or Tree Damaged or Destroyed	Number of Replacement Trees		
	Category A	Category B	Category C
Coniferous - 12 to 24 feet high	1	2	4
Coniferous - 24 feet or higher	2	4	8
Hardwood deciduous - 6 to 20 inches diameter	1	2	4
Hardwood deciduous - 21 to 30 inches diameter	2	4	8
Softwood deciduous -	1	2	4

12 to 24 inches diameter			
Softwood deciduous - 24 inches diameter	2	4	8
Specimen tree	3	6	12

a. Size of replacement trees.

1. Category A trees shall be no less than the following sizes:

(a) Deciduous trees: not less than four inches in diameter.

(b) Coniferous trees: not less than 12 feet in height.

2. Category B trees shall be no less than the following sizes:

(a) Deciduous trees: not less than two and one-half inches in diameter.

(b) Coniferous trees: not less than six feet in height.

3. Category C trees shall be no less than the following sizes:

(a) Deciduous trees: not less than one and one-half inches in diameter.

(b) Coniferous trees: not less than four feet in height.

b. Species requirement. Where ten or more replacement trees are required, not more than 50% of the replacement trees shall be of same species of tree without the approval of the city.

c. Warranty requirement. Any replacement tree which is not alive or healthy, as determined by the city, or which subsequently dies due to construction activity within one year after the date of project closure, shall be removed by the applicant and replaced with a new healthy tree meeting the same minimum size requirements within eight months of removal.

K. Portable Storage/Shipping Containers

1. **Purpose.** The purpose of this Section is to provide for the public health, safety and general welfare of the community and its people through the establishment of standards to insure that portable storage/shipping containers as defined herein are used for the short-term, temporary storage and transport of personal property; are not used as accessory buildings; and do not impede vehicular access, traffic flow or circulation, or create public safety hazards. It is the intent of this Section that portable storage/shipping containers be placed on private property unless space is not available, in which case placement within a public right-of-way may be allowed with a right-of-way permit from, and at the discretion of, the Alexandria Public Works Department.

2. **General Regulations:**

a. **Definition.** For the purposes of this section, portable storage/shipping containers shall be defined as any container designed to store or ship personal property and which is typically rented to owners or occupants of residences and intended to be delivered, temporarily used, and removed by truck.

b. Notwithstanding any contrary provision of any City ordinance or regulation, or relevant provisions of the International Building Code which may allow use as a component of a principal residential use, portable storage/shipping containers located outside of a fully-enclosed building or structure shall be regulated in residential zoning districts or for a residential use in any other district with the following restrictions:

1) **Permit.** If the portable storage/shipping container is located on private property, a Portable Storage Unit permit shall be obtained from the City of Alexandria. If the portable storage/shipping container is located on public property, a right-of-way permit shall be obtained from Alexandria Public Works Department.

2) **Maximum number and time limits.** In residential zoning districts or for a residential use in any other district, a maximum of one (1) portable storage/shipping container shall be allowed no more than two

(2) times on any parcel for a period no longer than fourteen (14) consecutive days within in any 12-month period. An extension may be granted by the Alexandria Zoning Administrator for a defined period.

3) **Location or placement.** In residential zoning districts or for a residential use in any other district, portable storage/shipping containers shall be placed on a paved surface in a driveway or parking space and shall meet all minimum setback requirements of the district when possible. When space is not available on site, no more than one (1) portable storage/shipping container may be placed in a public right-of-way in a legal parking space and only with the approval and right-of-way permit from the Alexandria Public Works Department.

4) **Dimensions.** No portable storage/shipping container located in residential zoning districts or a residential use in any other district shall have dimensions greater than twenty (20) feet in length, eight (8) feet in width, and eight (8) feet in height.

5) **Signs.** Other than the required city permit(s) and ownership identification, no advertising sign shall be attached to a portable storage/shipping container.

6) **Maintenance.** All portable storage/shipping containers shall be maintained in a condition free from rust, peeling paint and other visible forms of deterioration.

Source: Ord. 693-2nd Series
Effective Date: 12/23/13

Subd. 3. **Yard Requirements.**

A. **Purpose.** This Section identifies minimum yard spaces and areas to be provided for in each zoning district.

B. **General.** No lot, yard or other open space shall be reduced in area or dimension so as to make such lot, yard or open space less than the minimum required by this Ordinance, and if the existing yard or other open space as existing is less than the minimum required it shall not be further reduced. No required open space provided about any building or structure shall be included as a part of any open space required for another structure.

Source: Ord. 338-2nd Series
Effective Date: 2/08/93

C. **Setbacks.** All setback distances, as listed in

the table below, shall be measured from the appropriate lot line:

<u>District</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
A-0	50	30	50
R-1	30**	10***	30
R-1A	30**	10***	30
R-2	30**	10**	30
R-3	30	10**	30
R-4	30	30	30
R-B	30	10**	30
R-V/A	30**	10***	30
R-LD	30**	10***	30
B-1	30**	10***	20
B-2	0	0	0
I-1	30	30	30
I-2	30	30	30
I-B	30	10	30

** Where adjacent structures within same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one (1) adjacent structure, the front yard minimum setback shall be the average of the required setback and the setback of the adjacent structure. In no case shall the minimum front yard setback exceed thirty (30) feet.

*** Not less than twenty (20) feet from lot line, if lot is on a corner.

Source: Ord. 500-2nd Series
Effective Date: 2/10/03

D. **Exceptions.** The following shall not be considered as encroachments on yard setback requirement.

1. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, and the like provided they do not project more than two (2) feet into a yard.

2. Terraces, steps, uncovered porches, stoops or similar features provided they do not extend above the height of the ground floor level of the principal structure or to a distance less than two (2) feet from any lot line.

3. In side and rear yards: recreational and laundry drying equipment, arbors and trellises, balconies, breezeways, open porches, detached outdoor living rooms, garages,

and air conditioning or heating equipment.

4. Unenclosed architectural projections extending not more than 6 feet into the front yard as measured from the principal structure. A roof or ceiling of a maximum height of one-story shall not be considered as enclosure for the purposes of this subparagraph.

Source: Ord. 338-2nd Series
Effective Date: 2/8/93

Subd. 4. Area and Building Size Regulations.

A. **Purpose.** This section identifies minimum area and building size requirements to be provided for in each zoning district as listed in the table below.

<u>District</u>	<u>Lot Area</u>	<u>Lot Width</u>	<u>Building Height</u>
A-0	1 acre	150	N/A
R-1	12,000	75	2½
R-1A	8,000/12,000*	60/75*	2½
R-2	9,000	60	2½
R-3	15,000	100	3
R-4	1 acre	150	1
R-B	9,000	75	3
R-V/A	40 acres	150	3
R-LD	10 acres	150	3
B-1	9,000**	60**	3***
B-2	9,000**	60**	3***
I-1	20,000	100	3
I-2	20,000	100	3
I-B	20,000	100	3

* In the "R-1A" district, no less than 50% of the newly created lots (a minimum of two per block) must meet or exceed the Area and/or Width requirements for the R-1 district, and no less than 50% (a minimum of two per block) may be as small as 8,000 square feet and/or 60 feet in width.

** Excluding the Central Business District (bounded by Fourth Avenue, Eighth Avenue, Fillmore Street and Hawthorne Street).

*** Buildings may exceed this height providing the provisions of Section 10.23 are satisfactorily met and providing

that the building meets a setback, on all yards and regardless of zoning district, of not less than two times the proposed building height. In no case however, shall a building exceed 150 feet in height.

Source: Ord. 500-2nd Series
Effective Date: 2/10/03

B. Lot Area Per Unit. The minimum land area requirement per unit by dwelling type shall be as follows:

Two Family	5,000 sq. ft.
Townhouses	4,000 sq. ft.
Mobile Homes	4,000 sq. ft.
Group Quarters	3,500 sq. ft.
Multiple Family	2,500 sq. ft.
Elderly Housing	1,000 sq. ft.
Triplex	4,000 sq. ft.

C. Useable Open Space. Each multiple family dwelling site shall contain at least five hundred (500) square feet of useable open space as defined by Section 10.02, Subd. 197 of this Ordinance for each dwelling unit contained thereon.

D. Exceptions. The building height limits established herein for districts shall not apply to the following:

1. Belfries
2. Chimneys or flues
3. Church spires
4. Cooling towers
5. Cupolas and domes which do not contain useable space
6. Elevator penthouses
7. Flag poles
8. Monuments
9. Parapet walls extending not more than three (3) feet above the limiting height of the building
10. Water towers
11. Poles, towers and other structures for essential services
12. Necessary mechanical and electrical appurtenances
13. Television and radio antennas not exceeding twenty (20) feet above roof.

E. **Roof Equipment.** No excluded roof equipment or structural element extending beyond the limited height of a building may occupy more than twenty-five (25) percent of the area of such roof nor exceed ten (10) feet unless otherwise noted.

F. **Minimum Floor Area Per Dwelling Unit.**

1. **Multiple Dwelling Units.** Except for elderly housing, living units classified as multiple dwellings shall have the following minimum floor areas per unit:

Efficiency Units	500 sq. ft.
One Bedroom Units	600 sq. ft.
Two Bedroom Units	720 sq. ft.
More than two bedroom Units	An additional 100 sq. ft. for each additional bedroom

2. **Elderly (senior citizen) housing.** Living units classified as elderly (senior citizen) housing units shall have the following floor areas per unit:

Efficiency Units	440 sq. ft.
One Bedroom Units	520 sq. ft.

G. **Efficiency Apartments.** Except for elderly (senior citizen) housing, the number of efficiency apartments in a multiple dwelling shall not exceed five (5) percent of the total number of apartments. In the case of elderly (senior citizen) housing, efficiency apartments shall not exceed twenty (20) percent of the total number of apartments.

H. **Single Family Dwellings.** All single-family dwellings shall have a minimum building width of at least twenty-four (24) feet, have a minimum first floor area of at least five hundred and seventy-six (576) square feet, and the building footings and foundation must comply with the Minnesota State Building Code.

I. **Two-Family Dwellings and Townhouses.** All two-family dwellings and townhouses shall have a minimum building width of at least twenty-four (24) feet, have a minimum floor area of at least one thousand one hundred fifty-two (1,152) square feet, and the building footings and foundation must comply with the Minnesota State Building Code.

J. **Group Quarters.** The minimum floor area

requirements per dwelling unit for group quarters housing shall be two hundred and seventy (270) square feet for the first occupant and one hundred (100) square feet for each additional occupant. In addition, the building shall have a minimum building width of at least twenty-four (24) feet, have a minimum first floor area of at least five hundred and seventy-six (576) square feet, and the building footings and foundation must comply with the Minnesota State Building Code.

Subd. 5. Off-Street Parking Requirements.

A. **Purpose.** The regulation of off-street parking spaces in these zoning regulations is to alleviate or prevent congestion of the public right-of-way and to promote the safety and general welfare of the public, by establishing minimum requirements for off-street parking of motor vehicles in accordance with the utilization of various parcels of land or structures.

B. **Application of Off-Street Parking Regulations.** The regulations and requirements set forth herein shall apply to all off-street parking facilities in all the zoning districts. The Zoning Administrator may waive these requirements for any existing building occupied and located within the "B-2" District bounded by 4th Avenue to the North, 8th Avenue to the south, Hawthorne Street to the East, and Fillmore Street to the west. The Zoning Administrator may require protective measures including but not limited to loading areas, screening, drainage facilities, lighting, signage and bicycle racks.

C. **Site Plan Drawing Necessary.** All applications for a building or an occupancy permit in all zoning districts shall be accompanied by a site plan drawn to scale and dimensioned indicating the location of off-street parking and loading spaces in compliance with the requirements set forth in this Section.

D. General Provisions.

1. **Floor Area.** The term "floor area" for the purpose of calculating the number of off-street parking spaces required shall be determined on the basis of the exterior floor area dimensions of the buildings, structure or use times the number of floors, minus ten percent (10%).

2. **Reduction of Existing Off-Street Parking Space or Lot Area.** Off-street parking spaces and loading spaces or lot area existing upon the effective date of this Ordinance shall

not be reduced in number or size unless said number or size exceeds the requirements set forth herein for a similar new use.

3. **Non-Conforming Structures.** Should a non-conforming structure or use be damaged or destroyed by fire, it may be re-established if elsewhere permitted in these zoning regulations, except that in doing so, any off-street parking or loading space which existed before shall be retained.

4. **Change of Use or Occupancy of Land.** No change of use or occupancy of land already dedicated to a parking area, parking spaces, or loading spaces shall be made, nor shall any sale of land, division or subdivision of land be made which reduces area necessary for parking, parking stalls, or parking requirements below the minimum prescribed by these zoning regulations.

5. **Change of Use or Occupancy of Buildings.** Any change of use or occupancy of any building or buildings including additions thereto requiring more parking area shall not be permitted until there is furnished such additional parking spaces as required by these zoning regulations.

6. **Accessory Parking.** Off-street parking facilities accessory to residential use shall be utilized solely for the parking of licensed and operable passenger automobiles; no more than one (1) truck not to exceed gross capacity of nine thousand (9,000) pounds; and recreational vehicles and equipment. Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles or equipment or for the parking of automobiles belonging to the employees, owners, tenants, or customers of business or manufacturing establishments.

7. **Calculating Space.**

a. When determining the number of off-street parking spaces results in a fraction, each fraction of one-half ($\frac{1}{2}$) or more shall constitute another space.

b. In stadiums, sports arenas, churches and other places of public assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each twenty-two (22) inches of such seating facilities shall be counted as one (1) seat for the purpose of determining requirements.

c. Should a structure contain two (2) or more types of use, each use shall be calculated separately for determining the total off-street parking spaces required.

8. Stall, Aisle and Driveway Design.

a. Parking Space Size. Each parking space shall be not less than nine (9) feet wide and twenty (20) feet in length exclusive of access aisles, and each space shall be served adequately by access aisles.

b. Within Structures. The off-street parking requirements may be furnished by providing a space so designed within the principal building or one (1) structure attached thereto; however, unless provisions are made, no building permit shall be issued to convert said parking structure into a dwelling unit or living area or other activity until other adequate provisions are made to comply with the required off-street parking provisions of this Ordinance.

c. Except in the case of single, two family and townhouse dwellings, parking areas shall be designed so that circulation between parking bays or aisles occurs within the designated parking lot and does not depend upon a public street or alley. Except in the case of single, two family and townhouse dwellings, parking area design which requires backing into the public street is prohibited.

d. No curb cut access shall be located less than forty (40) feet from the intersection of two (2) or more street right-of-ways. Minimum distance for commercial and industrial uses shall be sixty (60) feet. This distance shall be measured from the intersection of lot lines.

e. Except in the case of single family, two family and townhouse dwellings, parking areas and their aisles shall be developed in compliance with the following standards:

Angle	Stall Width	Stall Depth**	Minimum	
			Driveway Width	Curb Length Per Car
0*	9 ft.	N/A	N/A	22 ft.*
30	9 ft.	18 ft.	11 ft.	18 ft.
45	9 ft.	20 ft.	13 ft.	12 ft. 9 in.
60	9 ft.	21 ft.	18 ft.	10 ft. 5 in.
90	9 ft.	19 ft.	24 ft.	9 ft.

*Parallel parking: 22 feet in length

**The Stall Depth is measured at 90 degrees from the front of the stall to the driveway.

Source: Ord. 338-2nd Series
Effective Date: 2/8/93

For handicapped parking the minimum number of spaces shall be provided based upon the following standards:

<u>PARKING SPACES</u>	<u>NUMBER OF ACCESSIBLE SPACES</u>	<u>NUMBER OF "VAN ACCESSIBLE" SPACES</u>
1-25	1	1
26-50	2	1
51-75	3	1
76-100	4	1
101-150	5	1
151-200	6	1
201-300	7	1
301-400	8	1
401-500	9	1
501-1000	2% of total	1 per 8 spaces
Over 1000	20 + 1 per 100 over 1000	1 per 8 spaces

The handicapped stall shall meet the following design standards:

	<u>STALL WIDTH</u>	<u>VERTICAL CLEARANCE</u>
Standard Accessible Stall	13 feet	80 inches
Van Accessible Stall	16 feet	98 inches

Source: Ord. 342-2nd Series
Effective Date: 5/24/93

f. Each property shall be allowed one (1) curb cut access for each one hundred twenty-five (125) feet of street frontage. All property shall be entitled to at least one

(1) curb cut.

g. **Surfacing.** All areas intended to be utilized for required parking space and driveways (not including fire lanes) shall be surfaced with materials suitable to control dust and drainage. Except in the case of single family and two family dwellings, driveways and stalls shall be surfaced with not less than a six (6) inch Class five base and two (2) inch bituminous topping or five (5) inch concrete with two (2) inch Class five base.

h. **Striping.** Except for single, two family and townhouses, all parking stalls shall be marked with white painted lines not less than four (4) inches wide.

i. **Lighting.** Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjoining property, abutting residential uses and public right-of-ways and be in compliance with Section 10.03, Subd. 2 H of this Ordinance.

j. **Signs.** No sign shall be so located as to restrict the sight lines and orderly operation and traffic movement within any parking lot.

k. **Curbing and Landscaping.** Except for single, two family and townhouses, all open off-street parking shall have a perimeter curb barrier around the entire parking lot, said curb barrier shall not be closer than five (5) feet to any lot line. Grass, plantings or surfacing material shall be provided in all areas bordering the parking area.

l. **Required Screening.** All open, non-residential, off-street parking areas of five (5) or more spaces shall be screened and landscaped from abutting or surrounding residential districts in compliance with Section 10.03, Subd.2 G of this Ordinance.

E. **Maintenance.** It shall be the joint and several responsibility of the Lessee and owner of the principal use, uses or building to maintain in a neat and adequate manner, the parking space, accessways, striping, landscaping, and required fences.

F. **Location.** All accessory off-street parking facilities required by this Ordinance shall be located and restricted as follows:

1. Required accessory off-street parking shall be on the same lot under the same ownership as the principal use being served, except under the provisions of Section 10.03,

Subd. 5 1.

2. Except for single, two family and townhouse dwellings, head-in parking, directly off of and adjacent to a public street, with each stall having its own direct access to the public street, shall be prohibited.

3. There shall be no off-street parking within fifteen (15) feet of any street surface.

4. The boulevard portion of the street right-of-way shall not be used for parking.

Source: Ord. 338-2nd Series

Effective Date: 2/8/93

5. For single and two-family dwellings, licensed and operable passenger automobiles and trucks not exceeding a gross capacity of nine thousand (9000) pounds, parked in the front or side yard, must be parked on driveway areas surfaced with a bituminous, concrete, or paver surface that controls dust and drainage. Recreational vehicles and equipment parked or stored in the front yard or side yard must also be parked and/or placed on the bituminous, concrete or paver driveway. Passenger automobiles and trucks not exceeding a gross capacity of nine thousand (9000) pounds, and recreational vehicles and equipment may be parked and/or placed in rear yards on bituminous, concrete or paver surfaces without regard to setback from property lines or other structures. Passenger automobiles and trucks not exceeding a gross capacity of nine thousand (9000) pounds and recreational vehicles and equipment may be parked and/or placed on grass areas in rear yards only, provided that they shall not be closer than five (5) feet to a property line.

a. Exception: Gravel driveways in existence on the effective date of this ordinance are allowed to continue as a non-conforming use, but may not be expanded, increased or relocated.

Source: Ord. 769-2nd Series

Effective Date: 08/14/17

G. Use of Required Area. Required accessory off-street parking spaces in any district shall not be utilized for open storage, sale or rental of goods, or storage of inoperable vehicles.

Source: Ord. 338-2nd Series
Effective Date: 2/8/93

H. **Number of Spaces Required.** The following minimum number of off-street parking spaces shall be provided and maintained by ownership, easement and/or lease for and during the life of the respective uses hereinafter set forth.

Uses not specified below shall have the parking standards set by the City Planner after review of the proposed use and adjacent uses.

PARKING SPACE STANDARDS

Unless otherwise noted, standards are based on the number of spaces per 1,000 Feet of Gross Floor Area.

Use	Required Parking Spaces
Appliance stores, furniture stores, new and used vehicle showrooms and sales facilities, used car lots, and mobile home and trailer sales rental lots	At least one (1) parking space for each 400 square feet of enclosed floor area and at least one (1) parking space for each three thousand square feet of open lot area devoted to sale and display
Auto Repair	2.5 or 2/bay
Banks and other financial offices with customer services on the premises	4
Beauty and Barber Shops	2/Chair
Billiard/Pool Hall	2/Table
Bowling Alley	5/Lane + any affiliated uses such as bars, restaurants, etc.
Car Wash	0.5/stall; minimum of 2
Churches and mortuaries	1/4 seats
Community Center	1/4 seats in largest place of assembly
Dental and Medical Clinics	4

Dry cleaners, appliance and shoe repair shops, bakeries without customer seating, other similar front counter uses	1.5
Elderly housing	1.5/unit
Greenhouse	1
Group Quarters/Rooming House	1/Occupant
Health/Physical Fitness Facilities	5
Hospital	1.5/bed
Hotel/Motel	1/unit
Housekeeping Unit	1/unit
Industrial, manufacturing, research and testing, processing, assembling	1/employee on maximum shift; office area must meet office use requirements
Laundromat	4
Libraries and museums	3
Lodges	1/3 persons-based on maximum capacity
Manufactured Home	2
Nursing Home	1/4 beds + 1/Employee
Offices, business and professional	3
Recreational Vehicle Park	1.5/site
Residential	
-One and Two-Family Dwellings	2/Dwelling
-Multi-Family	2/Unit
Restaurants, Bars, and Taverns with sales and consumption on the premises	1/3 seats based on maximum capacity
Retail, not otherwise listed	3
Schools	
-Elementary	1/20 students
-Junior High	1/20 students
-High School	1/Faculty & staff and 1/8 students
Shopping Center > 25,000 sq. ft.	4 (based upon gross leasable area)
Skating Rinks and swimming pools	5
Theater	1/4 seats
Veterinary clinics, animal hospitals, and kennels	2
Warehousing, Storage, Wholesaling	1/Employee on the maximum shift or 1 per 2000 square feet, whichever is greater

I. Joint Facilities.

1. Staff may approve one (1) or more businesses to provide the required off-street parking facilities by joint use of one (1) or more sites where the total number of spaces provided are less than the sum of the total required for each business should they provide them separately. When considering a request for such a permit, the staff shall not recommend that such permit be granted nor the Council approve such a permit except when the following conditions are found to exist.

Source: Ord. 545-2nd Series
Effective Date: 2/14/05

a. Up to fifty percent (50%) of the parking facilities required for a theater, bowling alley, dance hall, bar or restaurant may be supplied by the off-street parking facilities provided by types of uses specified as primarily daytime uses in subsection (d) below.

b. Up to fifty percent (50%) of the off-street parking facilities required for any use specified under (4) below as primarily daytime uses may be supplied by the parking facilities provided by the following night-time or Sunday uses; auditoriums incidental to a public or parochial school, churches, bowling alleys, dance halls, theaters, bars or restaurants.

c. Up to eighty percent (80%) of the parking facilities required by this Section for a church or for an auditorium incidental to a public or parochial school may be supplied by the off-street parking facilities provided by uses specified under (d) below as primarily daytime uses.

d. For the purpose of this section the following uses are considered as primarily daytime uses: banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing or shoe repair or service shops, manufacturing, wholesale and similar uses.

e. Conditions required for joint use:

(1) The building or use for which application is being made to utilize the off-street parking

facilities provided by another building or use shall be located within three hundred (300) feet of such parking facilities.

(2) The applicant shall show that there is no substantial conflict in the principal operating hours of the two (2) buildings or uses for which joint use of off-street parking facilities is proposed.

(3) A properly drawn legal instrument, executed by the parties concerned for joint use of off-street parking facilities, duly approved as to form and manner of execution by the City Attorney, shall be filed with the City Clerk and recorded with the Register of Deeds, Douglas County.

J. Off-Site Parking.

1. Any off-site parking which is used to meet the requirements of this Ordinance shall be a conditional use as regulated by Section 10.23 of this Ordinance and shall be subject to the conditions listed below.

2. Off-site parking shall be developed and maintained in compliance with all requirements and standards of this Ordinance.

3. Reasonable access from off-site parking facilities to the use being served shall be provided.

4. The site used for meeting the off-site parking requirements of this Ordinance shall be under the same ownership as the principal use being served or under public ownership.

5. Off-site parking for multiple family dwellings shall not be located more than one hundred (100) feet from any normally used entrance of the principal use served.

6. Off-site parking for non-residential uses shall not be located more than three hundred (300) feet from the main entrance of the principal use being served. No more than one (1) main entrance shall be recognized for each principal building.

7. Any use which depends upon off-site parking to meet the requirements of this Ordinance shall maintain ownership and parking utilization of the off-site location until such time as on-site parking is provided or a site in closer proximity to the principal use is acquired and developed for parking.

K. **Non-Residential Parking Lots.** Any parking which is accessory to a non-residential principal use and which is located in either a "R-1" or "R-2" District shall require a conditional use permit as set forth in Section 10.23 of this Ordinance.

Subd. 6. **Land Reclamation.** Under this Ordinance Land Reclamation is the reclaiming of land by depositing of materials so as to elevate the grade. All land reclamation shall be controlled under the provisions of the State Uniform Building Code and shall require a permit from the City Building Inspector.

Subd. 7. **Mining.** The extraction of sand, gravel, or other material from the land in the amount of four hundred (400) cubic yards or more and removal thereof from the site without processing shall be defined as mining. In all districts the conduct of mining shall be permitted only upon issuance of a conditional use permit. Such permit shall include, as a condition thereof, a plan for a finished grade which will not adversely affect the surrounding land or the development of the site on which the mining is being conducted, and the route of trucks moving to and from the site.

Subd. 8. **Airport Zoning.**

A. **Application.** All policies, provisions and regulations contained in the Alexandria Airport Zoning Ordinance are hereby incorporated through reference.

B. **Effect of Reference.** Any construction, development, or subdivision of land occurring within areas under the jurisdiction of the Alexandria Airport Zoning Ordinance, shall hereafter comply with the provisions of the aforesaid Ordinance in addition to the provisions of this Ordinance.

Subd. 9. **Home Occupations.** All home occupations which meet the minimum standards listed below shall be considered an acceptable and approved home occupation with the intent of this Ordinance.

A. The use is clearly incidental and is secondary to the dwelling.

B. No retail sales of products will be conducted on the premise with the exceptions to auctions, craft sales, seasonal retail products, goods produced in the dwelling and/or garage sales limited to three (3) per year.

Source: Ord. 335-2nd Series
Effective Date: 12/28/95

Garage sales are limited in duration to three (3) consecutive days and the resident holding the sale shall post the days and hours of such sale(s).

Source: Ord. 375-2nd Series
Effective Date: 8/14/95

C. No exterior signs, display products or storage of equipment or materials in connection with the home occupation will be allowed on the premise.

D. No non-resident employees will be employed on the premise.

E. No goods, materials, supplies or items of any kind can be delivered either to or from the premise in connection with the home occupation except in an automobile or van owned by the occupant of the dwelling.

F. The home occupation shall be located within the dwelling or attached garage, but not within a detached accessory building.

G. The home occupation is owned and operated by the occupant of the dwelling.

If the home occupation cannot meet the requirements of this subsection, the Zoning Administrator may request the matter be submitted to the Alexandria Planning Commission and Alexandria City Council as a conditional use application as set forth in Section 10.23 of this Ordinance. In its deliberations, the Planning Commission may recommend and the City Council may approve conditions to ensure the property of the home occupation consistent with the character of the home occupation and the surrounding area.

Subd. 10. **Performance Standards.** All uses shall comply with all Federal and State pollution and nuisance laws and regulations including but not limited to the regulations regarding glare, smoke, dust, odors and noise.

Subd. 11. **Administrative Standards.** Whenever, in the course of the administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decisions, then, unless other standards are provided within this Ordinance, the decisions shall be made so that the result will be consistent with intent and purpose of this Ordinance.

Subd. 12. **Bed and Breakfast Facilities.** This Ordinance shall regulate bed and breakfast facilities under the following requirements:

A. The minimum lot size must be 15,000 square feet plus 1,000 square feet for each guest room over (5) guest rooms.

B. The property owner, manager or operator must reside in the facility.

C. A maximum of five (5) guest rooms are allowed for each facility.

D. The occupants shall include registered guests, the owner, manager or operator, and not more than two (2) employees.

E. All guest rooms must be contained in the principal building.

F. Dining facilities are not open to the public but limited to residents, employees and registered guests.

G. No cooking facilities shall be allowed in the guest rooms.

H. The facility must be inspected by the City Fire Marshal and the City Building Inspector.

I. The building must comply with State of Minnesota health, fire and building codes.

J. A license as a hotel and food facility must be obtained from the State of Minnesota.

K. A city license is required as regulated under

Section 4.39 of the City Code.

L. Signage is limited to one wall or pylon sign not exceeding eight (8) square feet in size and hooded if lighted.

M. Any exterior lighting must be concealed, hooded or screened from adjoining properties.

N. The parking area must be screened from surrounding uses.

O. The parking area must be paved in accordance with Section 10.03, Subd. 5, of the City Code.

P. The facility shall have at least one (1) parking stall per guest room, one (1) parking stall per employee and two (2) parking stalls for the owner, manager or operator.

Q. The City Council, upon review and recommendation by the Planning Commission, shall determine whether or not the proposed facility is consistent with the character of the surrounding area.

R. All conditions pertaining to a specific site are subject to change when the City Council, upon investigation, find that the general welfare and public betterment can be served as well, or better, by modifying the conditions.

S. The provisions of Section 10.23 of the City Code are considered and satisfactorily met.

Source: Ord. 338-2nd Series
Effective Date: 2/08/93

Subd. 13. Adult Uses and Sexually Oriented Businesses.

A. No adult use or sexually oriented business shall be located closer than 1,000 feet from any other adult use or sexually oriented business. The 1,000 feet shall be measured in a straight, horizontal line from the nearest point of the property line of the legal parcel upon which the business is located to the nearest point of the property line of the legal parcel upon which the nearest adult use or sexually oriented business is located, without regard to city, township or county boundaries or intervening structures or objects. Minnesota 2006 Session Law Chapter 240 (codified as Minn. Stat. Chapter 617) does not apply in the City of Alexandria, Minnesota in lieu of the duly enacted City Ordinance

regulating Adult Uses and Sexually Oriented Businesses.

Source: Ord. 589-2nd Series
Effective Date: 11/13/06

B. No adult use or sexually oriented business shall be located closer than 1,000 feet from any residential structure, place of worship, school, public library, public park, licensed child care or day care. The 1,000 feet shall be measured in a straight, horizontal line from the nearest point of the property line of the legal parcel upon which the residential structure, place of worship, school, public library, public park, licensed child care or day care is located to the nearest point of the property line of the legal parcel upon which the adult use or sexually oriented business is located, without regarding to city, township, or county boundaries or intervening structures or objects.

C. No adult use or sexually oriented business shall be located in, or closer than 1,000 feet from the border of, any area zoned "R-1" Single Family Residential, "R-1A" Single Family Residential Affordable, "R-2" Single and Two Family Residential, "R-3" Medium Density Residential, "R-4" Mobile Home Park, "R-B" Residential-Business, "R-V/A" Vacant/Agricultural Residential, or "R-LD" Low Density Residential as set forth in the Alexandria City Code. The 1,000 feet shall be measured in a straight, horizontal line, without regard to city, township, or county boundaries or intervening structures or objects, from the nearest point of the property line of the legal parcel upon which the adult use or sexually oriented business is located.

D. No adult use or sexually oriented business shall sell or dispense intoxicating or non-intoxicating liquors, nor shall it be located within 1,000 feet of a business that sells or dispenses intoxicating or non-intoxicating liquors. The 1,000 feet shall be measured in a straight, horizontal line from the nearest point of the property line of the legal parcel upon which the adult use or sexually oriented business is located to the nearest point of the property line of the legal parcel upon which the business selling or dispensing intoxicating or non-intoxicating liquors is located, without regard to city, township, or county boundaries or intervening structures or objects. No adult use or sexually oriented business shall allow the consumption of non-intoxicating or intoxicating liquors anywhere on the parcel on which the adult use or sexually oriented business is located.

E. No adult use or sexually oriented business shall

engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the adult use or sexually oriented business that is prohibited by any ordinance of the City of Alexandria, the laws of the State of Minnesota or the United States of America. Nothing in this Ordinance shall be construed as authorizing or permitting conduct that is prohibited or regulated by other statutes or other ordinances prohibiting the exhibition, sale or distribution of obscene materials generally, of the exhibition, sale or distribution of specified materials to minors.

F. No adult use or sexually oriented business shall be conducted in any manner that permits the observation, from any property not approved as an adult use or sexually oriented business, any materials depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" by any visual or auditory media, including display, decoration, sign, show window, sound transmission or other means.

G. All adult use or sexually oriented businesses shall prominently display a sign at the entrance and located within two (2) feet of the door opening device of an adult use or sexually oriented business or section of the business devoted to adult book or materials which states: "This business sells or displays material containing adult themes. Persons under eighteen (18) years of age shall not enter".

H. Sign Restrictions.

1. Any signs shall be flat wall or freestanding signs. No sign shall be located on the roof or contain any flashing lights, moving elements or electronically or mechanically changing messages.

2. No sign shall be designed in such a manner as to depict or emphasize "specified sexual activities" or "specified anatomical areas" whether through pictures, words or a combination of both.

3. All other City sign regulations set forth in Section 10.24 of the Alexandria City Code shall also regulate the number, size and location of signs allowed for adult use or sexually oriented businesses.

4. No merchandise, photos or pictures of any products or entertainment characterized by an emphasis on visual display of "specified sexual activities" or "specified anatomical areas" on the premises shall be displayed in the window areas or

any area where they can be viewed from the sidewalk or the public right of way adjoining the building or structure in which the adult use or sexually oriented business is located.

Source: Ord. 536-2nd Series
Effective Date: 6/14/04

I. Minnesota 2006 Session Law Chapter 240 (codified as Minn. Stat. Chapter 617) does not apply in the City of Alexandria, Minnesota in lieu of the duly enacted City Ordinance regulating Adult Uses and Sexually Oriented Businesses.

Source: Ord. 589-2nd Series
Effective Date: 11/13/06

Subd. 14. **Recreational Camping Areas.** This ordinance shall regulate recreational camping under the following requirements.

- A. Minimum number of 20 sites.
- B. Yearly operation to be no more than 180 days.
- C. Secure a state license for operation of the campground.
- D. On-site manager required.

Source: Ord. 558-2nd Series
Effective Date: 6/13/05

Section 10.03.1 **Fences.**

Subd. 1. **Purpose.** The purpose of this Section shall be to provide for the public health, safety and general welfare of the community and its people through the regulation of fences in the City, to prevent fences from being erected that would be a hazard to the public or an unreasonable interference with the use and enjoyment of neighboring property, and to ensure that fences are compatible with existing uses and other zoning restrictions.

Subd. 2. **General Fence Regulations:**

A. Fence Permit. Effective January 1, 2014, fences (boundary or partition) as defined in Section 10 of the Alexandria City Code shall not be constructed without a permit.

B. Permit fees. A fee as set forth from time to time by City Council Resolution shall be charged for a permit issued under this Section for new fences, as well as the replacement of fences in the same location.

C. Application Requirements.

1. The application for the required fence permit shall be accompanied by a certificate of survey clearly describing the location of the proposed fence. Verification of property lines by the permit holder shall be required.

D. General Provisions.

1. In all residential Zoning Districts, a fence not exceeding six (6) feet in height may be erected in the rear yard and side yard areas up to the nearest front corner of the principal building. In residential districts, a fence not exceeding four (4) feet in height may be erected in the front yard, subject to the provisions in 10.03.1.1.02 Subd. 4.3 (below). In the event that a deck or porch is located on the front of the structure, the six (6) foot tall fence section located along the side lot line(s) shall terminate at the front corner of the principal building as

opposed to the front of the porch/deck addition.

2. In all zoning districts a fence constructed of maintenance-free materials, or capable of being maintained from within the perimeter of the fence, may be constructed on the side or rear yard property line. A fence requiring maintenance from outside the perimeter of the fence shall be installed or constructed no closer than two (2) feet from the side or rear yard property line.
3. On riparian (lakeshore) lots, a fence not exceeding four (4) feet in height may be erected on the side lot lines behind (landward) the line drawn across the line of the principal building nearest the ordinary high water line of the lake. No fence shall be placed within the structure setback area as regulated by Section 10.20 of the City Code.
4. Fences shall not be permitted within any right-of-way, clear view triangle area, within the site visibility area adjacent to railroads, or below the 100-year floodplain of any lake, river or wetland.
5. If the fence is located along a boundary between two (2) properties, both sides shall be well maintained by the owner of the fence.
6. All posts and supporting structures of a fence shall face inward towards the property on which the fence is constructed. All posts and supporting structures shall be located entirely upon the fence owner's property.
7. Barbed wire fences shall be prohibited in all zoning districts with the exception of essential service structures, provided a conditional use permit is obtained.
8. Fences shall be residential in nature, such as chain link, wrought iron, vinyl, or board and picket.
9. Wood, plastic, vinyl or other type of slats when used in combination with chain link fencing shall not be permitted within business or industrial districts.
10. Corn cribbing (snow) fences shall be prohibited in the residential zoning districts of the City during the months of April through October for any purpose other

than marking areas for tree preservation as part of an approved plan.

11. Fences up to ten (10) feet in height may be permitted to enclose public tennis courts or as back stops for public athletic fields provided all other requirements of this Section are met. A conditional use permit shall be required for fences taller than ten (10) feet for private courts or athletic fields.
12. Fences which include a security gate at a point where access is provided to the property and principal building may be approved if necessary and appropriate as part of a site plan review.
13. No fence shall obstruct natural drainage. No fence shall be placed within an easement that obstructs or impedes the free flow of surface water from, or in any drainage easements.

E. Special Provisions. Ornamental and/or privacy fences (not designed or serving as a boundary or partition fence) and enclosing only a limited portion (25% or less) of a side yard, rear yard or front yard, are allowed without requiring a permit. Ornamental fences includes such things as split rail, picket, and brick wall fences, but not such things as chain link fences. The maximum allowed height for an ornamental brick wall is three (3) feet, for a split rail, picket or wrought iron fence four (4) feet, and for a privacy fence around a patio, hot tub, pool, etc., six (6) feet.

Subd. 3. It is the intent of this Section to allow the continuation of such non-conforming fences until they are discontinued as provided herein. However, it is not the intent of this Section to encourage the survival of non-conforming fences and such fences that are declared to be incompatible with permitted fences within the City. Such fences shall be regulated by the following provisions:

- A. An existing fence not allowed by this Section in the district within which it is located, except when required by law or ordinance, shall not be enlarged, extended, reconstructed, or structurally altered unless such fence is changed

to comply with the requirements of this Section. Maintenance of a non-conforming fence will be allowed when this includes necessary repair and incidental alterations which do not expand or intensify the non-conformity.

Source: Ord. 689-2nd Series
Effective Date: 10/15/13

Section 10.03.2. Solar Energy Systems

Subd. 1. **Purpose.** This ordinance permits, as an accessory use, solar energy systems, while protecting the health, safety and welfare of city residents and the property interests of adjacent and surrounding land uses through appropriate zoning and land use controls.

Subd. 2. **Definitions:**

- A. Building-integrated solar energy system. A solar energy system that is directly incorporated into the building by replacing typical building materials.
- B. Ground-mounted solar energy system. A solar energy system that is installed onto the ground directly or by means of brackets or poles.
- C. Roof-mounted solar energy system. A solar energy system mounted to a house or other building.
- D. Solar energy system. A set of devices whose primary purpose is to provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation or water heating.
- E. Solar thermal system. A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs of the building.

Subd. 3. **Performance Standards**

- A. Permitted accessory use. Solar energy systems are allowed as an accessory use in all zoning districts, subject to the following requirements:

1. Standards

- a) Height. Roof-mounted solar energy systems shall not project beyond the peak of the roof and shall not be more than two (2) feet above the roof surface to which they are attached. EXCEPTION: Low-slope (at or less than 1:12 pitch) roofs may have a roof-mounted solar energy system extending not more than thirty-nine (39) inches above the roof surface, or extending to the height of the roof's parapet, without regard to projection and set back not less than three

(3) feet from the roof edge. Ground-mounted solar energy systems shall not exceed fifteen (15) feet in height.

- b) Location. Ground-mounted solar energy systems must be located in the side or rear yard only.
- c) Setbacks. Ground mounted solar energy systems shall be set back the minimum distance required for an accessory structure in the zoning district in which the system is installed.
- d) Coverage. Roof-mounted solar energy systems shall not cover more than 80 percent of the total area of the roof. Solar energy systems must have three (3) feet of clearance around all edges to facilitate emergency responder access.
- e) Feeder Lines. All power exterior electrical or other service lines must be buried below the surface of the ground.
- f) Exemption. Building-integrated solar energy systems are exempt from the requirements of this section and shall be regulated as any other building element.

2. Safety

- a) Compliance with building/zoning codes. All solar energy systems shall comply with the Minnesota Building Code and any local building and/or zoning code requirements.
- b) Compliance with electric code. All solar energy systems shall comply with the National Electrical Code.
- c) Compliance with plumbing code. All solar thermal systems shall comply with the Minnesota State Plumbing Code.
- d) Certifications. Solar energy system components shall be certified by Underwriters Laboratories Inc. and the Solar Rating and Certification Corporation. The city reserves the right to deny a building permit for proposed solar energy systems deemed to have inadequate certification.

3. Approval

- a) Permits. The erection, alteration, improvement, reconstruction, and/or movement of a solar energy system requires a building permit from the city.

b) Utility Notification. The owner of a solar energy system that will physically connect to a house or other building's electrical system and/or the electric utility grid must enter into a signed interconnection/power purchase/standby agreement with the utility prior to the issuance of a building permit.

4. Abandonment

a) If the solar energy system remains nonfunctional or inoperative for more than twelve consecutive months, the system shall constitute a public nuisance. The owner shall obtain a demolition permit and remove the abandoned system at their expense. Removal includes the entire structure, including collector, mount, and transmission equipment.

5. Easements

a) It shall be the responsibility of the property owner to secure any desired solar easement to protect solar access for the system (per Minnesota Statutes Section 500.30).

6. Aesthetics. All solar energy systems shall use colors that blend with the color of the roof or other structure. Reflection angles from collector surfaces shall be oriented so as not to interfere with the use and enjoyment of other properties. Where necessary, screening may be required to address glare.

Source: Ord. 757-2nd Series
Effective Date: 12/12/16

Section 10.04 **General District Provisions.**

Subd. 1. **Establishment of Districts.** The following zoning classifications are hereby established within the City of Alexandria.

A. Residential Districts.

1. R-1, Single Family Residential District
2. R-1A, Single Family Residential Affordable District
3. R-2, Single and Two Family Residential District
4. R-3, Medium Density Residential District
5. R-4, Mobile Home Park District
6. R-B, Residential - Business District
7. R-V/A, Vacant/Agricultural Residential District
8. R-LD, Low Density Residential District

Source: Ord. 500-2nd Series
Effective Date: 2/10/03

B. Business Districts.

1. B-1, General Business District
2. B-2, Regional Business District

C. Industrial Districts.

1. I-1, Light Industrial District
2. I-2, Heavy Industrial District
3. I-B, Industrial Business District

D. Special Districts.

1. PUD, Planned Unit Development District
2. FP, Flood Plain Management District
3. A-O, Agriculture-Open Space District
4. W, Wetland Systems District
5. S, Shoreland District
6. AP, Airport Business
7. CDB, Central Business District
8. WHP, Wellhead Protection

Source: Ord. 751-2nd Series
Effective Date: 09/12/16

Subd. 2. **Map.** The location and boundaries of the districts established by this Ordinance are hereby set forth on the Zoning Map entitled "Zoning Map of Alexandria". Said map on file with the Zoning Administrator, and hereinafter referred to as the "Zoning Map", which map and all of the notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein and thereby made a part of this Ordinance by reference.

Subd. 3. **Annexed Territory.** Annexed territory shall be in the R-1 District, unless special action is taken to place it in another district.

Subd. 4. **Zoning District Boundaries.** Zoning district boundary lines of this Ordinance follow lot lines, railroad right-of-way lines, the center of water courses or the corporate limit lines, all as they exist upon the effective date of this Ordinance.

A. Appeals and questions of doubt concerning the exact location of a zoning district boundary line shall be heard by the City Council serving as the Board of Adjustment and Appeals.

B. When any street, alley or other public right-of-way vacated by official action of the City, the zoning district abutting the center line of said alley or other public right-of-way shall not be affected by such proceeding.

Section 10.05 **"A-O" Agricultural - Open Space District.**

Subd. 1. **Purpose.** The "A-O" Agricultural - Open Space District is intended to provide a district which will allow suitable areas of the City to be retained and utilized in open space and/or agricultural uses, prevent scattered non-farm uses from developing improperly, secure economy in government expenditures for public utilities and service.

Subd. 2. **Permitted Uses.** The following are permitted uses in an "A-O" District:

A. Agriculture, including farm dwellings and agricultural related buildings and structures subject to Minnesota Pollution Control Standards, but not including commercial feed lots or other commercial operations.

B. Public parks, recreational areas, wildlife areas and game refuges.

C. Nurseries and tree farms.

D. Essential services.

Subd. 3. **Accessory Uses.** The following are permitted accessory uses in an "A-O" District:

A. Operation and storage of such vehicles, equipment, and machinery which are incidental to permitted or conditional uses allowed in this district.

B. The boarding or renting of rooms to not more than two (2) persons.

C. Living quarters of persons employed on the premises.

D. Home occupation as regulated by Section 10.03, Subd. 9 of this Ordinance.

E. Communication transmission and reception systems including but not limited to satellite dishes, towers, and/or antennas provided that any ground based device is located in the rear yard, if located on corner lots no closer than five (5) feet from all adjoining lot lines, and its location is reviewed by local utility companies. In addition, no satellite dishes shall be located on residential roofs nor exceed fifteen (15) feet in total

height in residential areas. Any person may request a variance to these requirements as set forth under Section 10.25 of this Ordinance. The City Council may require appropriate conditions as necessary to maintain the character of the surrounding area.

F. Fencing, screening, and landscaping as regulated by Section 10.03, Subd. 2G of this Ordinance.

G. Structures located in the "S" Shoreland District as regulated by Section 10.20, Subd. 5B of this Ordinance.

H. Signs in compliance with Section 10.24 of this Ordinance.

Subd. 4. **Conditional Uses.** The following are conditional uses in the "A-0" District: (Requires a conditional use permit based upon the procedures, factors, findings and conditions set forth in and regulated by Section 10.23 of this Ordinance.)

A. Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community.

B. Commercial outdoor recreational areas including golf courses and club house country clubs, swimming pools and similar facilities.

C. Commercial riding stables, dog kennels and similar uses.

Source: Ord. 338-2nd Series
Effective Date: 2/08/93

D. Recreational Camping Areas.

Source: Ord. 558-2nd Series
Effective Date: 6/13/05

E. Airports (public only).

Source: Ord. 338-2nd Series
Effective Date: 2/08/93

Subd. 5. **Interim Uses.** Interim uses are not allowed in the "A-O" District.

Source: Ord. 518-2nd Series
Effective Date: 10/14/03

Section 10.06. **"R-1" Single Family Residential District.**

Subd. 1. **Purpose.** The purpose of the "R-1" Single Family District is to provide for low density single family detached residential dwelling units and directly related, complementary uses.

Subd. 2. **Permitted Uses.** The following are permitted uses in an "R-1" District:

- A. Single family detached dwellings.
- B. Licensed day care facilities serving twelve (12) or fewer persons and a licensed group family day care facility serving fourteen (14) or fewer children.
- C. A licensed residential facility serving six (6) or fewer persons.
- D. Public parks and playgrounds.

Subd. 3. **Accessory Uses.** The following are permitted accessory uses in an "R-1" District:

A. Private garages, parking spaces and car ports for licensed and operable passenger cars and trucks not to exceed a gross capacity of nine thousand (9,000) pounds, as regulated by Section 10.03, Subd. 5 (Off-Street Parking) of this Ordinance. Private garages are intended for use to store the private passenger vehicles of the family or families resident upon the premises, and in which no business service or industry is carried on. Such space can be rented to non-residents of the property for private passenger vehicles and/or non-commercial vehicles, trailers, or equipment if sufficient off-street parking is in full compliance with this Ordinance is provided elsewhere on the property. Such garage shall not be used for the storage of more than one (1) commercial vehicle owned or operated by a resident per dwelling unit.

- B. Recreational vehicles and equipment.
- C. Home occupations are regulated by Section 10.03, Subd. 9 of this Ordinance.
- D. Non-commercial greenhouses and conservatories.
- E. Swimming pools, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.

F. Tool houses, sheds and similar buildings for storage of domestic supplies and non-commercial recreational equipment.

G. Boarding or renting of rooms to not more than one (1) person.

H. Communication transmission and reception systems including but not limited to satellite dishes, towers, or antennas provided that any ground cased device is located in the rear yard, if located on corner lots no closer than five (5) feet from all adjoining lot lines, and its location is reviewed by local utility companies. In addition, no satellite dishes shall be located on residential roofs not exceed fifteen (15) feet in total height in residential areas. Any person may request a variance to these requirements as set forth under Section 10.25 of this Ordinance. The City Council may require appropriate conditions as necessary to maintain the character of the surrounding area.

I. Fencing, screening, and landscaping as regulated by Section 10.03, Subd. 2G of this Ordinance.

J. Structures located in the "S" Shoreland District as regulated by Section 10.20, Subd. 5B of this Ordinance.

K. Signs in compliance with Section 10.24 of this Ordinance.

L. Essential Services.

M. Non-residential parking lots as regulated by Section 10.03, Subd, 5K of this Ordinance.

Subd. 4. **Conditional Uses.** The following are conditional uses in the "R-1" District: (Requires a conditional use permit based upon the procedures, factors, findings and conditions set forth in and regulated by Section 10.23 of this Ordinance.)

A. Public or semi-public recreational buildings and neighborhood or community centers; public and private educational institutions limited to elementary, junior high and senior high schools; and religious institutions such as churches, chapels, temples and synagogues.

B. Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community.

C. Residential planned unit development as regulated by Section 10.21 of this Ordinance.

D. Group Quarters limited to one (1) dwelling unit.

E. Bed and Breakfast facility and regulated by Section 10.03, Subd. 12 of this Ordinance.

Source: Ord. 338-2nd Series
Effective Date: 2/08/93

F. Townhomes or townhouses as defined by Section 10.02, Subdivision 194, and proposed for parcels or lots of record of 32,670 square feet or smaller, provided that the regulations and requirements of Section 10.23 are satisfactorily completed and met, and townhomes or townhouses as defined by Section 10.02. Subdivision 194 and proposed for parcels of larger than 32,670 square feet, provided the regulations and requirements of Section 10.21 are satisfactorily completed and met.

Source: Ord. 477-2nd Series
Effective Date: 11/26/01

Subd. 5. **Interim Uses.** Interim uses shall be the same as the conditional uses in the "R-1" District.

Source: Ord. 518-2nd Series
Effective Date: 10/14/03

Section 10.065. **"R-1A" Single Family Residential Affordable District.**

Subd. 1. **General Provisions**

A. **Lands to Which Ordinance Applies.** This Ordinance may apply as an overlay district to all lands within the jurisdiction of the City of Alexandria shown on the Official

B. Zoning Map as being located within the boundaries of the "R-1", Single Family Residential Zoning district, which are not less than ten (10) acres in size, either in individual parcel or in a combination of parcels which are contiguous to each other.

C. **Purpose.** The purpose of the "R-1A" Single Family Residential Affordable District is to provide for low density single family residential dwelling units and directly related, complementary uses, with reduced lot size and street requirements.
1/08/14 THIS PAGE REPLACES PAGE 10-84

D. **Permitted Uses.** All permitted uses as allowed in the "R-1", Single Family Residential District.

E. **Accessory Uses.** All accessory uses as allowed in the "R-1", Single Family Residential District.

F. **Conditional Uses.** All conditional uses as allowed in the "R-1", Single Family Residential District.

Source: Ord. 460-2nd Series
Effective Date: 5/14/01

G. **Interim Uses.** All interim uses as allowed as conditional uses in the "A-0" and "R-1" Districts.

Source: Ord. 518-2nd Series
Effective Date: 10/14/03

H. **Design Standards.**

1. All property in this district shall be subdivided in accordance with lot and block design, with all lots fronting on a dedicated public street and served by a dedicated twenty (20) foot alley in the rear.

2. Public Street Right of Way: The dedicated public street right of way in this district shall not be less than fifty (50) feet in width.

3. Utility Easements: There shall be a permanent utility easement of not less than eight (8) feet in width, located on both sides of the dedicated public street right of way in this district.

4. Utility Locations: All utilities shall be located in either the public right of way or the required utility easement.

5. Paved Street Width: All public streets located in this district shall have a minimum paved width of twenty-eight (28) feet.

6. Sidewalks Required: All public streets located in this district shall provide hard surfaced sidewalks, not less than six (6) feet in width, located within the street right of way but separated from the traveled portion of the street by a planting strip of not less than five (5) feet in width.

7. Curb Access/Parking: No property located in this district shall have curb access from the dedicated public street, except as is required to comply with Federal or State accessibility laws. There shall be no on-street parking on any public street in this district.

8. Garages/Accessory Buildings: No detached accessory building or garage in this district shall be located in any other than a rear yard.

9. The provisions of this Section may be waived by the City in instances demanding appropriate action to address unusual circumstances or unanticipated conditions.

Source: Ord. 460-2nd Series
Effective Date: 5/14/01

Section 10.07. **"R-2" Single and Two Family Residential District.**

Subd. 1. **Purpose.** The purpose of the "R-2" Single and Two Family Residential District is to provide for low to moderate density one and two unit dwellings and directly related, complementary uses.

Subd. 2. **Permitted Uses.** The following are permitted uses in an "R-2" District:

A. All permitted uses allowed in an "R-1" District.

B. Two family dwelling units.

Subd. 3. **Accessory Uses.** The following are permitted accessory uses in an "R-2" District:

A. All accessory uses as allowed in an "R-1" District.

Subd. 4. **Conditional Uses.** The following are conditional uses in the "R-2" District: (Requires a conditional use permit based upon the procedures, factors, findings and conditions set forth in and regulated by Section 10.23 of this Ordinance.)

A. All conditional uses, subject to the same conditions as allowed in an "R-1" District.

B. Townhouses as defined by Section 10.02, Subd. 194 of this Ordinance provided that the regulations and requirements of Section 10.21, Subd. 2N, are satisfactorily completed and met.

C. Conversion of single family homes into multi-family dwelling.

D. Nursing Homes, public and private educational institutions limited to junior high and senior high schools, vocational technical schools, and assisted living facilities.

Source: Ord. 706-2nd Series
Effective Date: 10/13/14

E. Group Quarters containing two (2) or less dwelling units.

Source: Ord. 338-2nd Series
Effective Date: 2/08/93

Subd. 5. **Interim Uses.** All interim uses as allowed as conditional uses in the "A-0" and "R-1" Districts.

Source: Ord. 518-2nd Series
Effective Date: 10/14/03

Section 10.08 **"R-3" Medium Density Residential District.**

Subd. 1. **Purpose.** The purpose of the "R-3" Medium Density Residential District is to provide for medium density housing in multiple family structures and directly related, complementary uses.

Subd. 2. **Permitted Uses.** The following are permitted uses in an "R-3" District:

A. Multiple family dwelling structures containing twelve (12) or less dwelling units.

B. Boarding houses as defined by Section 10.02, Subd. 18 and limited to not more than ten (10) persons.

C. Licensed day care facilities serving twelve (12) or fewer persons and a licensed group family day care facility serving fourteen (14) or fewer children.

D. A licensed residential facility serving six (6) or fewer persons.

E. Public parks and playgrounds.

F. Elderly housing structures containing twelve (12) or less dwelling units.

G. Group Quarters containing twelve (12) or less dwelling units.

Subd. 3. **Accessory Uses.** The following are permitted accessory uses in an "R-3" District:

A. All permitted accessory uses allowed in an "R-2" District.

B. Off-street loading.

Subd. 4. **Conditional Uses.** The following are conditional uses in the "R-3" District: (Requires a conditional use permit based upon the procedures, factors, findings and conditions set forth in and regulated by Section 10.23 of this Ordinance.)

A. All conditional uses allowed in an "R-2" District.

B. A licensed day care facility serving over twelve (12) persons, a licensed group family day care facility serving over fourteen (14) children, or a licensed residential facility serving over six (6) persons.

C. Multiple family dwelling structures containing over twelve (12) units.

D. Elderly housing structures containing over twelve (12) units.

Source: Ord. 338-2nd Series
Effective Date: 2/08/93

E. Townhomes or townhouses as defined by Section 10.02, Subdivision 194, provided that the regulations and requirements of Section 10.23 are satisfactorily completed and met.

Source: Ord. 477-2nd Series
Effective Date: 11/26/01

Subd. 5. **Interim Uses.** All interim uses as allowed as conditional uses in the "A-0" and "R-1" Districts.

Source: Ord. 518-2nd Series
Effective Date: 10/14/03

Section 10.09 **"R-4" Mobile Home Park District.**

Subd. 1. **Purpose.** The purpose of the "R-4" Mobile home Park District is to provide for mobile home uses and directly related uses.

Subd. 2. **Permitted Uses.** The following are permitted uses in an "R-4" District:

A. **Mobile home park (independent or dependent).**

1. **General provisions:**

a. No mobile home for residential purposes shall be permitted on any site within the City of Alexandria unless said site is part of an approved mobile home court or unless it is located on land purchased by the mobile home owner served by utilities as required by state law, and such land has been, prior to passage of this Ordinance, specially developed and formally platted for the placement of mobile homes.

b. Mobile homes shall not be used for residential purposes in the City if they:

(1) Do not conform to the requirements of the Vehicle Code of the State of Minnesota.

(2) Are in an unsanitary condition or have an exterior in bad repair.

(3) Are structurally unsound and do not protect the inhabitants against all elements.

03/01/17 THIS PAGE REPLACES PAGE 10-91

(4) Do not have adequate sewage facilities as required by the City Council in accordance with Pollution Control Agency regulations.

c. All land areas shall be:

(1) Adequately drained.

(2) Landscaped to control dust.

(3) Clean and free from refuse, garbage, rubbish or debris.

d. No tents shall be used for other than recreational purposes in a mobile home park.

e. There shall be no outdoor camping anywhere in a mobile home park.

f. Access to mobile home parks shall be as approved by the City.

g. All structures (fences, sidewalks, roads, storage, cabana, or other) shall require a building permit from the Alexandria Building Inspector.

h. The area beneath a mobile home coach shall be enclosed except that such enclosure must have access for inspection.

i. Laundry and clothing shall be hung out to dry only on lines located in Council approved areas established and maintained exclusively for that purpose.

j. Where the mobile home court is dependent, it shall have an adequate central community building with the following features:

- (1) Laundry drying areas and machines
- (2) Laundry washing machines
- (3) Showers
- (4) Public toilets and lavatories

Such buildings shall have central heating and be maintained in a safe, clean, and sanitary condition.

2. **Site Plan Requirements:**

a. Legal description and size in acres of the proposed mobile home court.

b. Location and size of all mobile home sites, dead storage areas, recreation areas, laundry drying areas, roadways, parking sites, and all setback dimensions (parking spaces, exact mobile home sites, etc.).

b. Detailed landscaping plans and specifications.

- d. Location and width of sidewalks.
- e. Plans for sanitary sewage disposal, surface drainage, water systems, electrical service, and gas service.
- f. Location and size of all street abutting the mobile home park and all driveways from such streets to the mobile home park.
- g. Road construction plans and specifications.
- h. Plans for any and all structures.
- i. Such information as required or implied by these mobile home court standards or requested by public officials.
- j. Name and address of developer or developers.
- k. Description of the method of disposing of garbage and refuse.
- l. Detailed description of maintenance procedures and grounds supervision.
- m. Details as to whether all of area will be developed at once or whether it will be developed a portion at a time.

3. Design Standards:

a. Site:

(1) Each mobile home site shall contain at least four thousand (4,000) square feet of land area for the exclusive use of the occupant:

Width: No less than forty (40) feet
Depth: No less than one hundred (100) feet

(2) Each mobile home site shall have frontage on an approved roadway and the corner of each mobile home site shall be marked and each site shall be numbered.

b. Setbacks:

(1) No unit shall be parked closer than five (5) feet to its side lot lines nor closer than twenty (20) feet to its front lot line, or within ten (10) feet of its rear lot line.

(2) No unit, off-street parking space, or building shall be located within thirty (30) feet of the exterior boundary of any mobile home court.

c. Parking:

(1) Each mobile home site shall have off-street parking space for two (2) automobiles.

(2) Each mobile home park shall maintain a hard surfaced off-street parking lot for guests of occupants in the amount of one (1) space for each five (5) coach sites.

(3) Access drives off roads to all parking spaces and coach sites shall be hard surfaced.

d. Utilities:

(1) All mobile homes shall be connected to a public water and sanitary sewer system or a private water and sewer system approved by the State Department of Health.

(2) All installations for disposal of surface storm water must be approved by the City.

(3) All utility connections shall be as approved by the City.

(4) The source of fuel for cooking, heating, or other purposes at each mobile home site shall be as approved by the City.

(5) All utilities shall be underground; there shall be no overhead wires or supporting poles except those essential for street or other lighting purposes.

(6) No obstruction shall be permitted that impedes the inspection of plumbing, electrical facilities, and related mobile home equipment.

(7) The method of garbage, waste, and trash disposal must be approved by the City.

(8) Owner shall pay any required sewer connection fees to the City.

e. Internal Roads and Streets:

(1) Roads shall be hard surfaced as approved by the City.

(2) All roads shall have a hard surfaced (mountable, roll type) curb and gutter.

(3) All streets shall be developed with a roadbed of not less than twenty-four (24) feet in width. If parking is permitted on the street then the roadbed shall be at least thirty-six (36) feet in width.

f. Recreation: All mobile home courts shall have at least ten (10) percent of the land areas developed for recreational use (tennis courts, children's play equipment, swimming pool, golf green, etc.) developed and maintained at the owner/operator's expense.

g. Landscaping:

(1) Each site shall be properly landscaped with trees, hedges, grass, fences, windbreaks, and the like.

(2) A compact hedge, redwood fence, or landscaped area shall be installed around each mobile home park and be maintained in first class condition at all times as approved.

(3) All areas shall be landscaped in accordance with landscaping plan approved by the City Council.

h. Lighting:

(1) Artificial light shall be maintained during all hours of darkness in all buildings containing public toilets, laundry equipment, and the like.

Subd. 3. **Accessory Uses.** The following are permitted accessory uses in an "R-4" District:

A. Recreational vehicles and equipment.

B. Swimming pools, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.

C. Communication transmission and reception systems including but not limited to satellite dishes, towers, or antennas provided that any ground based device is located in the rear yard, if located on corner lots no closer than five (5) feet from all adjoining lot lines, and its location is reviewed by local utility companies. In addition, no satellite dishes shall be located on residential roofs nor exceed fifteen (15) feet in total height in residential areas. Any person may request a variance to these requirements as set forth under Section 10.25 of this Ordinance. The City Council may require appropriate conditions as necessary to maintain the character of the surrounding area.

Subd 4. **Conditional Uses.** The following are conditional uses in the "R-4" District: (Requires a conditional use permit based upon the procedures, factors, findings and conditions set forth in and regulated by Section 10.23 of this Ordinance.)

Source: Ord. 338-2nd Series
Effective Date: 2/08/93

Subd. 5. **Interim Uses.** All interim uses as allowed as conditional uses in the "A-0" and "R-1" Districts.

Source: Ord. 518-2nd Series
Effective Date: 10/14/03

Section 10.10 **"R-B" Residential-Business District.**

Subd. 1. **Purpose.** The purpose of the "R-B" Residential Business District is to provide for the high density residential use and for the transition in land use from residential to low intensity business allowing for the intermixing of such uses.

Subd. 2. **Permitted Uses.** The following are permitted uses in an "R-B" District:

- A. All permitted uses allowed in "R-3" District.
- B. Club or lodge without the serving of food or beverage.
- C. Multiple family dwelling.

Subd. 3. **Accessory Uses.** The following are permitted accessory uses in an "R-B" District:

- A. All permitted accessory uses as allowed in an "R-3" District.

Subd. 4. **Conditional Uses.** The following are conditional uses in the "R-B" District: (Requires a conditional use permit based upon the procedures, factors, findings and conditions set forth in and regulated by Section 10.23 of this Ordinance.)

- A. All conditional uses, subject to the same conditions, as allowed in an "R-3" District.

B. Hospitals, medical offices and clinics, dental offices and clinics, professional offices and commercial (leased) offices (limited to appraisers, architects, attorneys, certified public accountants, clergymen, dentists, engineers, manufacturers' representatives, physicians, real estate agents, and other similar uses which have no storage of merchandise, and are service oriented with no retail sale of goods on the premises), and funeral homes and mortuaries.

C. Nursing homes and similar group housing, but not including hospitals, sanitariums or similar institutions.

D. Parking facilities for adjacent commercial or multiple dwelling establishments.

E. Apartment Density Bonus. Except for elderly housing, a maximum of ten percent (10%) reduction in square feet of lot area per unit for multiple family dwellings of ten (10) units or more is required in Section 10.03, Subd. 4 of this Ordinance based upon the following bonus features and square foot reduction:

<u>Bonus Feature</u>	<u>Square Reduction Per Unit</u>
1. Type two construction	100 square feet
2. Elevator serving each floor	50 square feet
3. Two-thirds (2/3) of the required fee free parking underground or within the principal structure (not including attached or detached garages)	150 square feet
4. Indoor recreation and social rooms equal to twenty-five (25) square feet per unit or seven hundred fifty (750) square feet total, whichever is greater.	50 square feet
5. Major outdoor recreational facilities such as swimming pools, tennis courts or similar facilities requiring a substantial investment equaling at minimum five (5) percent of the construction cost of the principal structure.	20 square feet

F. Buildings combining residential and non-residential uses allowed in this District.

G. Elderly (senior citizen) housing.

H. Single family detached dwellings, including additions to existing single family dwellings and single family new construction on vacant lots.

I. Buildings in excess of three (3) stories or thirty-five (35) feet provided that:

1. The site is capable of accommodating the increased intensity of use.

2. The increased intensity of use does not cause an increase in traffic volumes beyond the capacity of the surrounding streets.

3. Public utilities and services are adequate.

4. For each additional story over three (3) stories or for each additional ten (10) feet above thirty-five (35) feet, from the side yard set back requirements shall be increased five (5) feet, except for elderly public housing.

5. The provisions of Section 10.23, Subd. 1 E of this Ordinance are considered and satisfactorily met.

J. Barber shops.

K. Beauty parlors.

L. Convenience grocery store.

M. Laundromat.

Source: Ord. 338-2nd Series
Effective Date: 2/08/93

Section 10.10.01 **"R-V/A" Vacant/Agricultural Residential District.**

Subd. 1. **Purpose.** The purpose of the "R-V/A" Vacant/Agricultural Residential District is to provide for extremely low-density residential uses in former or current agricultural areas, along with directly related, complementary uses.

Subd. 2. **Permitted Uses.** All permitted uses as allowed in the "A-0", Agricultural - Open Space District and the "R-1", Single Family Residential District.

Subd. 3. **Accessory Uses.** All accessory uses as allowed in the "A-0", Agricultural - Open Space District and the "R-1" Single Family Residential District.

Subd. 4. **Conditional Uses.** All conditional uses as allowed in the "A-0", Agricultural - Open Space District and the "R-1" Single Family Residential District.

Source: Ord. 500-2nd Series
Effective Date: 2/10/03

Subd. 5. **Interim Uses.** All interim uses as allowed as conditional uses in the "A-0" and "R-1" Districts.

Source: Ord. 518-2nd Series
Effective Date: 10/14/03

Section 10.10.02 **"R-LD" Low Density Residential District**

Subd. 1. **Purpose.** The purpose of the "R-LD", Low Density Residential District is to provide for very low density residential uses in former or current agricultural areas, along with directly related, complementary uses.

Subd. 2. **Permitted Uses.** All permitted uses as allowed in the "A-0", Agricultural - Open Space District and the "R-1", Single Family Residential District.

Subd. 3. **Accessory Uses.** All accessory uses as allowed in the "A-0" Agricultural - Open Space District and the "R-1" Single Family Residential District.

Subd. 4. **Conditional Uses.** All conditional uses as allowed in the "A-0" Agricultural - Open Space District and the "R-1" Single Family Residential District.

Source: Ord. 500-2nd Series
Effective Date: 2/10/03

Subd. 5. **Interim Uses.** All interim uses as allowed as conditional uses in the "A-0" and "R-1" Districts.

Source: Ord. 518-2nd Series
Effective Date: 10/14/03

Section 10.11. **"B-1" General Business District.**

Subd. 1. **Purpose.** The purpose of the "B-1" General Business District is to provide for low intensity, retail or service outlets which deal directly with the customer for whom the goods or services are furnished. The uses allowed in this district are to provide goods and services on a limited community market scale and located in areas which are well served by collector or arterial street facilities at the edge of residential districts.

Source: Ord. 338-2nd Series
Effective Date: 2/08/93

Subd. 2. **Permitted Uses.** The following are permitted uses in a "B-1" District:

- A. Art and school supplies.
- B. Auto-related retail and service uses located inside a building.
- C. Bakery goods and baking of goods for retail sales on the premises.
- D. Bank, savings and loan, savings credit unions and other financial institutions.
- E. Barber shops.
- F. Beauty parlors.
- G. Bicycle sales and repair.
- H. Candy, ice cream, popcorn, nuts, frozen desserts and soft drinks.
- I. Camera and photographic supplies.
- J. Commercial (leased) and professional offices.
- K. Commercial recreational uses excluding outdoor sales.
- L. Convenience food establishments.
- M. Delicatessen.
- N. Drive-in uses and establishments.
- O. Dry cleaning pick-up and laundry pick-up stations including incidental repair and assembly but not including processing.
- P. Drug store.
- Q. Essential services.
- R. Florist shop.
- S. Frozen food store, but not including a locker plant.
- T. Gift or novelty store.
- U. Grocery, fruit or vegetable store, but not including sales from moveable, motorized vehicles.

- V. Grocery, supermarket.
- W. Hardware, and enclosed building material sales.
- X. Hobby store, including handicraft classes but not to exceed fifteen (15) students.
- Y. Ice sales with storage not to exceed five (5) tons.
- Z. Licensed daycare, group family daycare, and residential facilities.
- AA. Insurance sales.
- BB. Laundromat.
- CC. Locksmith.
- DD. Meat market, but not including processing for a locker plant.
- EE. Medical and dental offices and clinics.
- FF. Motor vehicle and recreational equipment sales located inside a building.
- GG. Motels and hotels.
- HH. Offices.
- II. Paint and wallpaper sales.
- JJ. Plumbing, television, radio, electrical sales and such repair as are necessary use to the retail establishment permitted within this district.
- KK. Public utility collection offices.
- LL. Public garage.
- MM. Real estate sales.
- NN. Restaurants
- OO. Retail sales.
- PP. Shoe repair.
- QQ. Taverns, off-sale liquor, private clubs and lodges.

Source: Ord. 550-2nd Series
 Effective Date: 3/14/05

- RR. Kennels. Where there is no outdoor exercise or other outdoor activity area provided

Source: Ord. 586-2nd Series
 Effective Date: 8/14/06

- SS. Adult Uses and Sexually Oriented Businesses.

Source: Ord. 536-2nd Series
 Effective Date: 6/14/04

TT. Tattooing, body piercing, body branding and/or body scarification businesses.

Source: Ord. 542-2nd Series
Effective Date: 11/22/04

Subd. 3. **Accessory Uses.** The following are permitted accessory uses in the "B-1" District:

A. Commercial or business buildings and structures for a use accessory to the principal use.

B. Off-street parking as regulated by Section 10.03, Subd. 5 of this Ordinance.

C. Fencing, screening and landscaping as permitted and regulated by Section 10.03, Subd. 2G of this Ordinance.

D. Signs as regulated by Section 10.24 of this Ordinance.

E. Semi-trailer parking in designated parking areas as set forth in Section 7.14, Subd. 2 of the City Code.

F. Communication transmission and reception systems including but not limited to satellite dishes, towers, or antennas provided that any ground based device is located in the rear yard, if located on corner lots no closer to the side yard than the principal building, is located no closer than five (5) feet from all adjoining lot lines, and its location is reviewed by local utility companies. In addition, no satellite dishes shall be located on residential roofs nor exceed fifteen (15) feet in total height in residential areas. Any person may request a variance to these requirements as set forth under Section 10.25 of this Ordinance. The City Council may require appropriate conditions as necessary to maintain the character of the surrounding area.

G. Home occupations as regulated by Section 10.03. Subd. 9 of this Ordinance.

H. Water oriented accessory structures as regulated by Section 10.20, Subd. 5B of this Ordinance.

Source: Ord. 338-2nd Series
Effective Date: 2/08/93

I. Warehousing.

Source: Ord. 550-2nd Series
Effective Date: 3/14/05

Subd. 4. **Conditional Uses.** The following are conditional uses in the "B-1" District: (Requires a conditional use permit based upon the procedures, factors, findings and conditions set forth in and regulated by Section 10.23 of this Ordinance.)

A. Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community.

B. Multiple family buildings.

C. Public or semi-public recreational buildings or uses and neighborhood or community centers; public and private educational institutions; religious institutions; and governmental and public buildings and structures.

D. Veterinary clinics, funeral homes and mortuaries.

Source: Ord. 706-2nd Series
Effective Date: 10/13/14

E. Drive-in establishments.

F. Car washes (drive through, mechanical and self-service).

G. Motor fuel station, auto repair-minor and tire and battery stores and service.

Source: Ord. 338-2nd Series
Effective Date: 2/08/93

H. Open and outdoor storage as an accessory use.

Source: Ord. 646-2nd Series
Effective Date: 10/13/09

I. Open or outdoor service, sales and rental as a principal or accessory use including motor vehicle and recreational equipment sales.

J. Custom or limited manufacturing, compounding,

assembly or treatment of articles or merchandise from previously prepared materials such as bond, cloth, cork, fiber, leather, paper, plastic, metals, stones, tobacco, wax, yards, and wools.

K. Physical culture, health services, reducing salons, masseurs, and public bath, saunas, and massage services.

L. Motels, motor hotels and hotels containing housekeeping units.

M. Commercial planned unit developments as regulated by Section 10.21 of this Ordinance.

Source: Ord. 335-2nd Series
Effective Date: 2/08/95

M. Recreational Camping Areas.

Source: Ord. 558-2nd Series
Effective Date: 6/13/05

O. Kennels. Where there is to be an outdoor exercise or other outdoor activity area provided.

Source: Ord. 586-2nd Series
Effective Date: 8/14/06

Subd. 5. **Interim Uses.** All interim uses as allowed as conditional uses in the "B-1" District.

Source: Ord. 518-2nd Series
Effective Date: 10/14/03

Section 10.12. **"B-2" Regional Business District.**

Subd. 1. **Purpose.** The purpose of the "B-2" Regional Business District is to provide for the establishing of commercial and service activities which draw from and serve customers from the entire city or region.

Subd. 2. **Permitted Uses.** The following are permitted uses in the "B-2" District:

A. All permitted uses allowed in the "B-1" District.

Subd. 3. **Accessory Uses.** The following are permitted accessory uses in the "B-2" District:

A. All accessory uses allowed in the "B-1" District.

Subd. 4. **Conditional Uses.** The following are conditional uses in the "B-2" District: (Requires a conditional use permit based upon the procedures, factors, findings and conditions set forth in and regulated by Section 10.23 of this Ordinance.)

A. All conditional uses allowed in the "B-1" District.

Source: Ord. 338-2nd Series
Effective Date: 2/08/93

Subd. 5. **Interim Uses.** All interim uses as allowed as conditional uses in the "B-1" Districts.

Source: Ord. 518-2nd Series
Effective Date: 10/14/03

Section 10.12.1 **CBD" Central Business District.**

Subd 1. **Purpose** The purpose of the "CBD" district (defined herein as being bounded as follows: Commencing at the midpoint of the intersection of Seventh Avenue and Fillmore Street, thence west to a point directly south of the east line of the alleyway in Block 52 "Original Alexandria", thence north to the south line of the Central Lakes Trail, thence east/southeast along the said south line to a point due north of the midpoint of Block 83 "Original Alexandria", thence south to the midpoint of Eighth Avenue, thence west to the midpoint of Fillmore Street, thence north to the point of beginning) is to promote the health, safety, general welfare, aesthetics, and image of the community by:

A. Providing for downtown business development supporting a strong central business district while enhancing the overall character of the community in conformance with downtown redevelopment plans, goals and objectives;

B. Regulating temporary outdoor events, seasonal and sidewalk sales activities; and,

C. Providing for those temporary outdoor events, seasonal and sidewalk sales activities which are distinguished from permanent outside business activities that are allowed only by conditional use permit or interim use permit approved by the city council.

Subd. 2. **Permitted uses.** The following uses are permitted in the "CBD" district:

A. All permitted uses allowed in the "B-1" zoning district.

Subd. 3. **Accessory uses.** The following are permitted accessory uses in a "CBD" district:

A. All accessory uses allowed in the B-1 zoning district.

B. Sandwich Board Signs not exceeding twelve (12) square feet in area (both sides combined) are allowed on the public sidewalk, without a sign permit, providing that:

1. Such signs are limited to one (1) per business frontage.

2. Are adjacent to and within 15' of the business for which the sign is advertising.

3. Are not dynamic displays as regulated by Section 10.24 of the City Code.
4. Do not (in the opinion of the Community Development Director or successor) constitute a traffic, pedestrian, or other safety hazard.

C. Temporary outdoor sales events as follows:

Temporary outdoor sales events, not exceeding four (4) days in length, and including the presentation of general merchandise defined as including but not limited to racks, boxes, trays, tables, and other general merchandise displayed and for sale, and including exterior point of sale locations are allowed subject to issuance of a special event permit and the requirements of this section.

D. Outside display, defined as visually attractive display that enhances the storefront and sidewalk area and which may include, as part of the overall display, some limited items of merchandise but not a display case, table, tray, or rack containing only merchandise are allowed on the public sidewalk during normal business hours provided that an accessible route is maintained.

E. Bistro tables and chairs for seating as many as four (4) persons are allowed on the public sidewalk provided that an accessible route is maintained/

F. Flowerpots and/or planters near storefront doors and benches are allowed on the public sidewalk provided that an accessible route is maintained.

G. The serving of food and alcohol is allowed on the public sidewalk subject to the provisions of Section 4.45 (Sidewalk Café) and the provisions of Chapter 3 (Beer and Liquor Licensing and Regulation) of the City Code.

Subd. 4. **Conditional uses.** The following are conditional uses in a "CBD" district:

A. All conditional uses allowed in the "B-1" District.

Subd. 5. **Performance Standards**

A. The community development director or successor may require a copy of an approved site plan, drawn to scale, for the property or an "as-built" survey, which accurately represents existing conditions on the site, including entrances and exits, and bona fide parking and driving areas, and which accurately indicates any proposed temporary structures, including tents, stands, and signs;

B. Temporary outdoor event, seasonal or sidewalk sales activity shall be clearly accessory to or promotive of the permitted or conditional use approved for the site. Only merchandise which is normally sold or stocked by the occupant(s) on the subject premises shall be sold and/or promoted; provided, that seasonal merchandise and produce may be allowed (retail only where retail is permitted).

C. Outside display as regulated in Subd.3.D of this Section is limited to 25% of the business frontage, up to a maximum of twenty (20) feet, but providing that all frontages are allowed at least ten (10) feet, regardless of the dimension of the frontage.

Source: Ord. 747-2nd Series
Effective Date: 5/9/16

Section 10.13. **"AP" Airport Business District.**

Subd. 1. **Purpose.** The purpose of the "AP" Airport Business District is to provide for aviation related uses which deal directly with aviation customers for whom the goods or services are furnished.

Subd. 2. **Permitted Uses.** The following are permitted uses in an "AP" District:

A. All permitted uses allowed in an "A-O" District, but not including buildings and structures.

B. Aircraft runways, taxiways, permanent aircraft storage hangars, and airport terminals.

Subd. 3. **Accessory Uses.** The following are permitted accessory uses in an "AP" District:

A. Operation and storage of such vehicles, equipment and machinery which are incidental to permitted or conditional uses allowed in this district.

B. Fencing, screening, and landscaping as regulated by Section 10.03, Subd. 2G of this Ordinance.

C. Structures located in the "S" Shoreland District as regulated by Section 10.20, Subd. 5B of this Ordinance.

Subd. 4. **Conditional Uses.** The following are conditional uses in an "AP" District. (Requires a conditional use permit based on the procedures, factors, findings, and conditions set forth and regulated by Section 10.23 of this Ordinance.)

A. Governmental and public utility buildings and structures necessary for the health, safety, and general welfare of the community.

B. Aircraft/aviation service, sales, and/or rental as an accessory use provided such service, sales, or rental is housed in a permanent structure. (Such uses are subject to provisions of various federal, state, and local authorities, including but not limited to the Federal Aviation Administration,

the Minnesota Department of Transportation, the Minnesota Pollution Control Agency, the Minnesota Department of Natural Resources, the Alexandria Airport Commission, etc.)

Source: Ord. 381-2nd Series
Effective Date: 4/8/96

Subd. 5. **Interim Uses.** Interim uses are not allowed in the "AP" District.

Source: Ord. 518-2nd Series
Effective Date: 10/14/03

Section 10.14. **RESERVED.**

Section 10.14. **RESERVED.**

Section 10.15. **"I-1" Light Industrial District.**

Subd. 1. **Purpose.** The purpose of the "I-1" Light Industrial District is to provide for the establishment of warehousing and light industrial development.

Subd. 2. **Permitted Uses.** The following are permitted uses in an "I-1" District:

- A. Radio and television.
- B. Research laboratories.
- C. Trade school.
- D. Machine shops.
- E. Paint mixing.
- F. Bus terminals and maintenance garage.
- G. Warehouses.
- H. Laboratories.
- I. Essential services.
- J. Governmental and public utility buildings and structures.
- K. Manufacturing, compounding, assembly or treatment of articles or merchandise from previously prepared materials such as bond cloth, cork, fiber, leather, paper, plastic, metals, stones, tobacco, wax, yarns, and wools.
- L. Manufacture of musical instruments, novelties, molded rubber products.
- M. Manufacture or assembly of electrical appliances, instruments and devices.
- N. Manufacture of pottery or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or natural gas.
- O. Manufacture and repair of electrical signs, advertising structures, light sheet metal products, including heating and ventilating equipment.
- P. Blacksmith, welding or other metal shop.
- Q. Laundries, carpet and rug cleaning.
- R. Bottling establishments.
- S. Building material sales and storage.
- T. Broadcasting antenna, television and radio.
- U. Camera and photographic supplies manufacturing.
- V. Cartage and express facilities.

- W. Stationary, bookbinding and other types of manufacturing of paper and related products, but not processing of raw material for paper production.
- X. Dry cleaning establishments and laundries.
- Y. Electric light or power generating stations, electrical and electronic products manufacture, electrical service shops.
- Z. Engraving, printing and publishing.
- AA. Jewelry manufacturing.
- BB. Medical, dental and optical laboratories.
- CC. Storage or warehousing.
- DD. Wholesale business and office establishments.

Subd. 3. **Accessory Uses.** The following are permitted accessory uses in an "I-1" District:

- A. All permitted accessory uses as allowed in the "B-2" District.

Subd. 4. **Conditional Uses.** The following are conditional uses in the "I-1" District: (Requires a conditional use permit based upon the procedures, factors, findings and conditions set forth in and regulated by Section 10.23 of this Ordinance.)

Source: Ord. 338-2nd Series
Effective Date: 2/08/93

- A. Open or outdoor service, sales and rental as an accessory use including motor vehicle and recreation equipment sales.

Source: Ord. 646-2nd Series
Effective Date: 10/13/09

- B. Fuel tank and LP gas storage.
- C. Open and outdoor storage as an accessory use.

D. Industrial Planned Unit Development as regulated by Section 10.21 of this Ordinance.

Source: Ord. 335-2nd Series
Effective Date: 12/28/92

E. Waste transfer stations handling:

1. Major appliances (as defined in MS 115A.03),
2. Furniture (including couches, mattresses, bed springs, tables and chairs),
3. Carpeting,
4. Residential yard waste consisting of garden wastes, leaves, lawn cuttings, weeds, and prunings, and
5. Industrial Waste (as defined in MS 115A.03, but not including hazardous waste as defined in MS 116.06, garbage as defined in Minnesota Rule 7035.0300, Subp. 40 or sludge as defined in MS 116.06, and
6. Household demolition waste (including shingles, siding and lumber).

Source: Ord. 373-2nd Series
Effective Date: 6/26/95

F. General automotive repair (minor) of vehicles not exceeding 12,000 pounds gross vehicle weight and not including collision repair service.

Source: Ord. 400-2nd Series
Effective Date: 8/11/97

G. Painting, fiberglass repair and similar exterior (non-mechanical) repairs of vehicles, including those exceeding 12,000 pounds gross vehicle weight.

Source: Ord. 522-2nd Series
Effective Date: 11/10/03

Subd. 5. **Interim Uses.** All interim uses as allowed as conditional uses in the "I-1" District, and open and outdoor storage as either a principal or accessory use.

Source: Ord. 518-2nd Series
Effective Date: 10/14/03

Section 10.16. **"I-2" Heavy Industrial District.**

Subd. 1. **Purpose.** The purpose of the "I-2" Heavy Industrial District is to provide for the establishment of heavy industrial and manufacturing development and use which because of the nature of the product or character of activity requires isolation from residential or commercial use.

Subd. 2. **Permitted Uses.** The following are permitted uses in an "I-2" District:

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

B. The manufacturing, compounding, assembly, packaging, treatment, or storage of products or material including: breweries, cement, stone cutting, brick, glass, batteries (wet cell) ceramic products, mill working, metal polishing and plating, paint (pigment mfg.), vinegar works, rubber products, plastics, meat packing, flour, feed, grain milling, milling, coal or tar asphalt distillation, rendering works, distillation of bones, sawmill, lime, gypsum, plaster of Paris, glue, size, cloth, and similar uses.

C. Automobile assembly and major repair.

D. Creamery and bottling plant.

E. Foundry.

Subd. 3. **Accessory Uses.** The following are permitted accessory uses in an "I-2" District:

A. All permitted accessory uses allowed in an "I-1" Light Industrial District.

Subd. 4. **Conditional Uses.** The following are conditional uses in the "I-2" District: (Requires a conditional use permit based upon the procedures, factors, findings and conditions set forth in and regulated by Section 10.23 of this Ordinance.)

A. Auto wrecking, junk yard, used auto parts (open storage) and similar uses.

B. Incineration or reduction of waste material other than customarily incidental to a principal use.

- C. Poison, fertilizer, fuel briquettes.
- D. Kilns or other heat processes fired by means other than electricity.
- E. Creosote plant.
- F. Acid manufacture.
- G. Storage, utilization or manufacture of solid materials or products which could decompose by detonation.
- H. Refuse and garbage disposal.
- I. Commercial stockyards and slaughtering of animals.
- J. Crude oil, gasoline, or other liquid storage tanks (except LP gas).

Source: Ord. 338-2nd Series
Effective Date: 2/08/93

Subd. 5. **Interim Uses.** All interim uses as allowed in the "I-1" District.

Source: Ord. 518-2nd Series
Effective Date: 10/14/03

Section 10.17. **"I-B" Industrial Business District.**

Subd. 1. **Purpose.** The purpose of the "I-B" Industrial Business District is to provide for the establishment of selected commercial and industrial activities which draw from the entire community, but not including entertainment, food related, lodging or housing establishments.

Subd. 2. **Permitted Uses.** The following are permitted uses in the "I-B" District:

- A. Banks
- B. Barber Shop
- C. Beauty Parlor
- D. Broadcasting Device
- E. Dental Office
- F. Drug Store
- G. Florist Shop
- H. Laundromat
- I. Lumber Yard
- J. Machine Shop
- K. Medical Clinic
- L. Offices
- M. Retail Sales Excluding Food Products
- N. Vehicle Sales
- O. Warehouses
- P. Wholesale Business Excluding Food Products

Subd. 3. **Accessory Uses.** The following are permitted accessory uses in the "I-B" District:

- A. All permitted accessory uses in the "I-1" District.

Subd. 4. **Conditional Uses.** The following are conditional uses in the "I-B" District: (Requires a conditional use permit based upon the procedures, factors, findings, and conditions set forth in and regulated by Section 10.23 of this Ordinance.)

- A. Gas Station
- B. Car Wash
- C. Grocery Store
- D. Funeral Home
- E. Governmental Uses
- F. Manufacturing Plant
- G. Open and Outdoor Storage

H. Veterinary Clinic

Source: Ord. 338-2nd Series

Effective Date: 2/08/93

Subd. 5. **Interim Uses.** All interim uses as allowed as conditional uses in the "A-0" and "R-1" Districts.

Source: Ord. 518-2nd Series

Effective Date: 10/14/03

Section 10.18. **"FP" Flood Plain Management District.**

Subd. 1 **Statutory Authorization, Findings of Fact and Purpose.**

A. **Statutory Authorization.** The legislature of the State of Minnesota has, in Minn. Stat. Chapter 104 and Chapter 462, delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City Council of the City of Alexandria, Minnesota ordains as follows:

B. **Findings of Fact.**

1. The flood hazard areas of the City of Alexandria, Minnesota, are subject to period of inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

2. **Methods Used to Analyze Flood Hazards.** This Ordinance is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.

C. **Statement of Purpose.** It is the purpose of this Ordinance to promote the public health, safety, and general welfare and to minimize those losses described in Subd. 1,B,1 by provisions contained herein.

Subd. 2. **General Provisions.**

A. **Lands to Which Ordinance Applies.** This Ordinance shall apply to all lands within the jurisdiction of the City of Alexandria shown on the Official Zoning Map and the Official Flood Plain District Map as being located within the boundaries of the General Flood Plain District.

B. **Establishment of Official Zoning Map.** The Official Zoning Map together with all materials attached thereto is hereby adopted by reference and declared to be a part of this Ordinance. The Official Flood Plain District Map dated the 17th day of January, 1983, and the Alexandria Watershed District--Stormwater Management Study dated the 17th day of January, 1983, are hereby adopted by reference and declared to be a part of the

Official Zoning Map and this Ordinance. The Official Zoning Map and all materials attached thereto shall be on file in the office of the City Zoning Administrator.

C. Interpretation.

1. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.

2. The boundaries of the zoning district shall be determined by scaling distances on the Official Zoning Map and the Official Flood Plain District Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map and/or the Official Flood Plain District Map as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the City Zoning Administrator shall make the necessary interpretation based on elevations on the regional (100-year) flood profile and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board of Adjustment and Appeals and to submit technical evidence.

D. Compliance. No structure or land shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without fully compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance.

E. Abrogation and Greater Restrictions. It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other ordinance inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

F. Warning and Disclaimer of Liability. This Ordinance does not imply that the areas outside the flood plain district or land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Alexandria or any officer or

employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decisions lawfully made thereunder.

G. **Severability.** If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

H. **Definitions.** Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application.

Accessory Use or Structure. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Flood. A temporary increase in the flow or stage of a stream or in the stage of a lake that results in the inundation of normally dry areas.

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

Flood Fringe. That portion of the flood plain outside of the floodway.

Flood Plain. The areas adjoining a watercourse or lake, wetland or depressional area which have been or hereafter may be covered by the regional flood.

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

Floodway. The channel of the watercourse and those portions of the adjoining flood plain which are reasonably required to carry and discharge the regional flood.

Obstruction. Any dam, wall, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structures, or matter in, along, across, or projecting into any channel, lake, depression, wetland, watercourse, or regulatory

flood plain which may impede, retard, or change the direction of the flow of water, or reduce the amount of flood water storage either in itself or by catching or collection debris carried by such water.

Reach. A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

Regional Flood. A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval.

Regulatory Flood Protection Elevation. The Regulatory Flood Protection Elevation shall be an elevation no lower than the elevation of the regional flood.

Structure. Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, and other similar items.

Subd. 3. **Establishment of Zoning District.** The flood plain area within the jurisdiction of this Ordinance is designated as the General Flood Plain District (GFP).

The General Flood Plain District shall include those areas designated on the Official Zoning Map and the Official Flood Plain District Map.

Within this district all uses not allowed as Permitted Uses or Additional Permitted Uses shall be prohibited.

Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map and/or the Official Flood Plain District Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the City Zoning Administrator shall make the interpretation. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board of Adjustment and Appeals and to submit his own technical evidence if he so desires.

Subd. 4. **General Flood Plain District (GFP).**

A. **Permitted Uses.** The following uses have a low flood damage potential and do not obstruct flood flows. These uses shall be permitted within the General Flood Plain District to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill, or storage of materials or equipment. In addition, no use shall adversely affect the capacity of the channels or floodways or any tributary to the main stream or of any drainage ditch, or any other drainage facility or system.

1. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

2. Industrial-Commercial uses such as loading areas, parking areas, and airport landing strips.

3. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery range, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.

4. Residential uses such as lawns, gardens, parking areas, and play areas.

B. **Additional Permitted Uses.** The following uses may be permitted in the General Flood Plain District only if permissible in the established underlying zoning district and only after the issuance of a Building Permit and Certificate of Occupancy as provided in Subdivisions 4 C, 7 B and 7 D of this Ordinance.

1. Structures accessory to open space uses.

2. Placement of fill.

3. Extraction of sand, gravel and other materials.

4. Marinas, boat rentals, docks, piers, wharves, and water control structures.

5. Railroads, streets, bridges, utility transmission lines, and pipelines.

6. Storage yards for equipment, machinery or materials.

7. Residences and other structures constructed on fill so that the basement floor or first floor, if there is no basement, is one (1) foot above the Regulatory Flood Protection Elevation. The finished fill elevation shall be no lower than the Regulatory Flood Protection Elevation and shall extend at such elevation at least fifteen (15) feet beyond the limits of any structure or building erected thereon. Fill shall be compacted and the slopes shall be protected by riprap or vegetative covering. Residences constructed on fill shall be subject to the vehicular access requirements in Subdivision 4 B 6.

8. Non-Residential Structures. Commercial, manufacturing, and industrial structures shall ordinarily be elevated on fill so that their first floor (including basement) is one (1) foot above the Regulatory Flood Protection Elevation but may in special circumstances be flood-proofed to one (1) foot above the Regulatory Flood Protection Elevation in accordance with the State Building Code. Structures that are not elevated to one (1) foot above the Regulatory Flood Protection Elevation shall be flood-proofed to FP-1 or FP-2 classification as defined by the State Building Code. Structures flood-proofed to FP-3 or FP-4 classification shall not be permitted.

C. Standards for Issuance of Building Permits and Certificates of Occupancy.

1. All Uses. No structure (temporary or permanent), fill (including fill for roads, and levees), deposits obstruction, storage of materials, or equipment, or other uses may be allowed as Permitted Uses or as an Additional Permitted Use which, acting alone or in combination with existing or reasonably anticipated future uses, reduces the flood water storage capacity of the flood plain or increases flood heights. In addition, all Additional Permitted Uses shall be subject to the following standards (Subdivision 4 C. 2. - 4 C.8.).

2. Fill and Obstructions.

a. Any fill deposited in the flood plain shall be no more than the minimum amount necessary to conduct an Additional Permitted Use listed in Subdivision 4 B. Fill and obstructions shall not in any way obstruct the flow of flood waters.

b. Spoil from dredging or sand and gravel operations shall not be deposited in the flood plain unless it can be done in accordance with (a) of this Section.

c. Fill shall be protected from erosion by vegetative cover.

d. Compensating flood water storage area shall be provided for any obstruction related to the Additional Permitted Uses specified in Subdivision 4 B 1 - 4 B 8 of this ordinance. The volume of compensating flood water storage area shall be equal to the total volume of the proposed obstruction that lies above the natural ground surface elevations which exist on the site and below the Regional Flood elevation. Areas that are subject to inundation by ground water table fluctuations or presently subject to inundation by the Regional Flood shall not be acceptable as compensating flood water storage.

3. Accessory structures (temporary and permanent) allowed as Additional Permitted Uses by Subdivision 4 B 1.

a. Accessory structures shall not be designed for human habitation.

b. Accessory structures shall be elevated on fill to the Regulatory Flood Protection Elevation or be flood-proofed in accordance with the State Building Code.

4. Storage of Materials and Equipment.

a. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

b. Storage of other materials or other equipment may be allowed if readily removable from the area within the time available after the flood warning.

5. Structural Works for Flood Control. Levees, dikes, and floodwalls shall be constructed in accordance with Subdivision 4 C 1, Subdivision 4 C 2 and Subdivision 7 D. Other structural works for flood control such as dams and channel enlargements that will change the course, current or cross-section of a public water shall be subject to the provisions of Minn. Stat. Chapter 105.

6. Residential Uses. Residences that do not have vehicular access at or above the Regulatory Flood Protection Elevation shall not be permitted unless granted a variance by the Board of Adjustment and Appeals. In granting a variance the Board shall specify limitations on the period of use or occupancy of the residence.

7. Non-Residential Uses. Accessory land uses, such as roads, yards, railroad tracks, and parking lots shall be at elevations no lower than the Regulatory Flood Protection Elevation.

8. Manufacturing and Industrial Uses. Measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in the flood plain areas.

Subd. 5. **Subdivisions.** No land shall be subdivided which is held unsuitable by the City Planning Commission for reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the flood plain district shall be capable of containing a building site at least one (1) foot above the Regulatory Flood Protection Elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this Ordinance and have road access both to the subdivision and to the individual building sites no lower than the Regulatory Flood Protection Elevation.

In the General Flood Plain District, applicants shall provide the information required in Subdivision 7 D 1 of this Ordinance. The City Planning Commission shall evaluate the subdivision in accordance with procedures established in Section 7 D 1 and standards contained in Subdivision 7 D 3 of this Ordinance and in accordance with Chapter 11 of the Alexandria City Code relating to subdivision regulation.

Subd. 6. **Manufactured Homes and Manufactured Home Parks.**

A. New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by Subdivision 5 of this Ordinance and to other applicable subdivision ordinances.

B. Manufactured homes in existing manufactured home parks that are located in the General Food Plain District are non-conforming uses and may be replaced only if in compliance with the provisions of Subdivision 4 B 7 of this Ordinance and the following conditions:

1. The manufactured home is anchored with tiedowns that comply with the requirements of Minnesota Regulations MoH 450.

2. The manufactured home owner or renter is notified that the manufactured home site lies in the flood plain and may be subject to flooding.

3. The manufactured home park owner develops a flood emergency plan consistent with the time available after a flood warning. The plan shall be filed with and approved by the Douglas County Office of Emergency Management and/or the City Civil Defense Director.

4. The manufactured home complies with the provisions of Subdivision 4 C 2 of this Ordinance.

Subd 7. **Administration.**

A. **City Zoning Administrator.** A City Zoning Administrator designated by the City Council shall administer and enforce this Ordinance. If he/she finds a violation of the provisions of this Ordinance, he/she shall notify the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it.

B. **Building Permit and Certificate of Occupancy.**

1. **Building Permit Required.** A Building Permit issued by the City Zoning Administrator in conformity with the provisions of this Ordinance shall be secured prior to the placement, reconstruction, erection, addition, or alteration of any building, structure, or portion thereof; prior to the use or change of a building, structure, or land; prior to the change or extension of a non-conforming use; and prior to the placement of fill or excavation of materials within the flood plain.

2. **Application for Building Permit.** Application for a Building Permit shall be made in duplicate to the City Zoning Administrator or City Building Inspector on forms furnished by him/her and shall include the following where

applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel; the Regulatory Flood Protection Elevation at the building site, and the first floor elevation, including basement, of all new or existing structures on the site.

3. State and Federal Permits. Prior to granting a Building Permit or processing an application for an Additional Permitted Use or Variance, the applicant shall obtain all necessary State and Federal Permits.

4. Certificate of Occupancy for a New, Altered, or Non-conforming Use. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a Certificate of Occupancy shall have been issued by the City Zoning Administrator stating that the use of the building or land conforms to the requirements of this Ordinance. Where a non-conforming use or structure is extended or substantially altered, the Certificate of Occupancy shall specifically state the manner in which the non-conforming structure or use differs from the provisions of this Ordinance.

5. Construction and Use to be as Provided in Applications, Plans, Permits, and Certificate of Occupancy. Building Permits or Certificates of Occupancy issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed violation of this Ordinance, and punishable as provided by Subdivision 9 of this Ordinance. The applicant shall be required to submit certification by a registered professional engineer, registered architect, registered land surveyor or other qualified person designated by the City Council that the finished fill and building elevations and flood proofing measures were accomplished in compliance with the provisions of this Ordinance.

6. Record of First Floor Elevation. The City Zoning Administrator shall maintain a record of the elevation of the first floor (including basement) of all new structures or additions to existing structures in the General Flood Plain District. He/She shall also maintain a record of the elevations to which structures or additions to structures are flood-proofed.

C. **Board of Adjustment and Appeals.** A Board of Adjustment and Appeals is hereby established. The City Council shall act as the Board of Adjustment and Appeals.

1. Rules. The Board of Adjustment and Appeals shall adopt rules for the conduct of business and may exercise all of the powers conferred on such Boards by State Law.

2. Administrative Review. The Board shall hear and decide appeals in accordance with the Alexandria City Code Section 10.25 where it is alleged there is error in any order, requirement, decisions, or determination made by an administrative official in the enforcement or administration of this Ordinance.

3. Variances. The Board may authorize in accordance with Alexandria City Code Section 10.25 upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, literal enforcement of the provisions of the Ordinance will result in unnecessary hardship so that the spirit of the Ordinance shall be observed and substantial justice done. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than required by this Ordinance for the particular area, or permit standards lower than those required by State Law.

4. Hearings. Upon filing with the Board of Adjustment and Appeals of an appeal from a decisions of the City Zoning Administrator, or an application for variance, the Board shall fix a reasonable time for a hearing and give due notice to the parties in interest. The Board shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed Variances sufficiently in advance so that the Commissioner will receive at least ten (10) days notice of the hearing.

5. Decisions. The Board shall arrive at a decision on such appeal of Variance within sixty (60) days. In passing upon an appeal the Board may, so long as such action is in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decisions or determination appealed from. It shall make its decision in writing setting forth the findings of fact and the reasons for its decisions. In granting a Variance the Board may prescribe appropriate conditions and safeguards such as are in conformity with the purposes of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the Variance is granted, shall be deemed a violation of this Ordinance punishable

under Subdivision 9. A copy of all decisions granting Variances shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.

6. Appeal to the District Court. Appeals from any decision of the Board may be taken by any person or persons, jointly or severally, aggrieved by any decision of the Board, or any taxpayer, officer, department, board or bureau of the municipality, to the District Court, of this jurisdiction as provided in Minn. Stat. §462.361.

D. Building Permits and Certificate of Occupancy.

The granting or denial of Building Permits and Certificates of Occupancy required by Subdivision 4 B and Subdivision 7 A 1 of this Ordinance shall be made in accordance with this Subdivision and with Subdivision 4 C of this Ordinance.

1. Procedures for Evaluating Proposed "Additional Permitted Uses" Within the General Flood Plain District.

a. Upon receipt of an application for an Additional Permitted Use as specified in Subdivision 4 B of this Ordinance, the applicant shall be required to furnish such of the following information as is deemed necessary by the Zoning Administrator for determining effective flow areas, computing the required volume of compensating flood water storage and determining the Regulatory Flood Protection Elevation for the site.

(1) A typical cross-section showing the channel of the stream, or bed of the lake, wetland or depression, elevation of land areas adjoining each side of the channel, or bed of the lake, wetland or depression, cross-sectional areas to be occupied by the proposed development, and high water information.

(2) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets; photographs showing existing land uses and vegetation upstream and downstream; and soil type.

(3) Profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.

b. One copy of the above information shall be transmitted to a designated engineer or other expert person or agency for technical assistance in determining the Regulatory Flood Protection Elevation. Procedures consistent with the Minnesota Regulations NR 86087 shall be followed in this expert evaluation. The designated engineer or expert shall:

(1) Estimate the peak discharge of the regional flood.

(2) Identify the effective flow limits for the Regional Flood Discharge.

(3) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas, floodwater storage capacity of the lake, wetland or depression, and flow restrictions.

(4) Compute the volume of compensating floodwater storage as required by Subdivision 4 C 2 (d) of this Ordinance.

c. Based upon the technical evaluation of the designated engineer or expert, the City Zoning Administrator shall determine the suitability of the proposed compensating flood water storage areas and the Regulatory Flood Protection Elevation at the site.

2. Procedures to be Followed by the Zoning Administrator in Reviewing Applications for Uses Within the General Flood Plain District.

a. Require the applicant to furnish such of the following information and additional information as deemed necessary for determining the suitability of the particular site for the proposed use:

(1) Three (3) copies of plans drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood-proofing measures, and the relationship of the above to the location of the stream channel.

(2) Three (3) copies of specifications for building construction and materials, flood-proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.

b. Transmit one copy of the information described in subsection (a) to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.

c. Based upon the technical evaluation of the designated engineer or expert, the City Zoning Administrator shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.

3. Factors Upon Which the Decision of the City Zoning Administrator Shall Be Based. In considering applications, the City Zoning Administrator shall consider all relevant factors specified in other sections of this Ordinance, and

a. The danger to life and property due to increased flood heights or velocities caused by encroachments.

b. The danger that materials may be swept onto other lands or downstream to the injury of others.

c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

e. The importance of the services provided by the proposed facility to the community.

f. The requirements of the facility for a waterfront location.

g. The availability of alternative locations not subject to flooding for the proposed use.

h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

i. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.

j. The safety of access to the property in times of flood for ordinary and emergency vehicles.

k. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

l. Such other factors which are relevant to the purpose of this Ordinance.

4. Conditions Attached to Building Permits. Upon consideration of the factors listed above and the purposes of this Ordinance, the City Zoning Administrator may attach such conditions to the granting of a Building Permit as he/she deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:

a. Modification of waste disposal and water supply facilities.

b. Limitations on period of use, occupancy, and operation.

c. Imposition of operational controls, sureties, and deed restrictions.

d. Requirements for construction of channel modifications, dikes, levees, and other protective measures.

Subd. 8. Non-Conforming Uses.

A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance but which is not in conformity with the provisions of this Ordinance may be continued subject to the following conditions:

1. No such use shall be expanded, changed, enlarged, or altered in a way which increases its non-conformity.

2. No structural alteration or addition to any non-conforming structure over the life of the structure shall exceed fifty percent (50%) of its estimated market value as determined by the City Assessor at the time of its becoming a non-

conforming use, unless the entire structure is permanently changed to a conforming use or unless the alteration or addition would substantially reduce potential flood damages for the entire structure.

3. Any alteration or addition to a non-conforming use which would result in substantially increasing the flood damage potential of the use shall be flood-proofed in accordance with the State Building Code or shall be properly elevated on fill to one (1) foot above the Regulatory Flood Protection Elevation.

4. If any non-conforming use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this Ordinance. The assessor shall notify the Zoning Administrator in writing of instances of non-conforming uses which have been discontinued for a period of 12 months.

5. If any non-conforming use is destroyed by any means, including floods, to an extent of 50 percent or more of its estimated market value as determined by the City Assessor as of the date the damage occurs, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

6. Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as non-conforming uses.

7. Non-conforming uses located in the General Flood Plain District may be eliminated or brought into conformity with the standards contained in this Ordinance within a reasonable period of time as determined by the City Council, after a hearing for each such non-conforming uses. The City Council shall make its determination upon the basis of the normal useful life of any improvement upon the premises. In addition, the monetary value of any competitive advantage derived by the operation of such non-conforming use, by reason of the limitation on establishment of competing businesses as a result of this Ordinance, shall be considered as a reduction of losses resulting from the requirement of termination of the use under this Ordinance.

8. The City Zoning Administrator shall prepare a list of those non-conforming uses which have been flood-proofed or otherwise adequately protected in conformity with Subdivision 4 of this Ordinance. He shall present such list to the City Council which may issue a certificate to the owner stating that

such uses, as a result of these corrective measures, are in conformity with the provisions of this Ordinance.

Source: Ord. 338-2nd Series
Effective Date: 2/08/93

Subd. 9. **Penalties for Violation.** Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of Variances or Building Permits) shall constitute a misdemeanor, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

Nothing herein contained shall prevent the City of Alexandria from taking such other lawful action as is necessary to prevent or remedy any violation.

Source: Ord. 455-2nd Series
Effective Date: 11/27/00

Subd. 10. **Amendments.** The flood plain designation on the Official Zoning Map and the Official Flood Plain District Map shall not be removed from flood plain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regional flood and is contiguous to lands outside the flood plain. Special exception to this rule may be permitted by the Commissioner of Natural Resources if he determines that, through other measures, lands are adequately protected for the intended use.

All amendments to this ordinance including amendments to the Official Zoning Map and the Official Flood Plain District Map must be submitted to and approved by the Commissioner of Natural Resources prior to adoption.

Section 10.19. **"W" WETLAND SYSTEMS DISTRICT**

Subd. 1. **Purpose.** A district relating to low lands, marshes, wetlands, drainage ways, water bodies, and water courses regulating alteration and development of such lands and providing for the issuance of permits therefore, and specifically to:

A. Reduce danger to the health, safety and welfare of the residents of Alexandria by protecting surface and ground water supplies from the impairment which results from incompatible land uses and alterations, and by providing safe and sanitary drainage.

B. Restrict and control land development so it will not impede the flow of water or cause danger to life or property.

C. Designate suitable land uses that are compatible with the preservation of the natural vegetation and marshes which are a principal factor in the maintenance of constant rates of water flow through the year and which sustain many species of wildlife and plant growth.

D. Regulate runoff of surface waters from developed areas to prevent pollutants such as motor oils, sand, salt and other foreign materials from being carried directly into the nearest natural stream, lake or other public or private waters.

E. Regulate the alteration of wetland systems to prevent excessive sediment pollution, increased and rapid runoff, excessive nutrient runoff pollution and to maintain the aesthetic appearance of the wetlands.

F. Prevent the development of structures in areas which will adversely affect the public passage and use of creeks, marshes, low lands, and water courses within the City.

Subd. 2. **District Application.**

A. The "W" Wetland Systems District shall be applied to and superimposed upon the Agricultural-Open Space, Residential, Commercial, or Industrial Districts contained herein existing or amended by the text and map of this Ordinance. The regulations and requirements imposed by the "W" Wetland Systems District shall be in addition to flood plain and shoreland and those

established for the district which jointly apply. Under the Joint Application of Districts, the more restrictive requirements shall apply.

B. The Wetland Systems District within the City of Alexandria is defined and established to include those areas which include any water course, natural drainage system, water body, or wetland, that may be subject to periodic flooding, overflow, or seasonally high water tables. The district boundary lines shall be established at the edge of the aforesaid areas as depicted on the Alexandria "Wetland Systems Map". The "Wetland Systems Map" is based upon geographical, hydrological and surficial geological data obtained from the United States Department of Agriculture Soil Conservation Service and Soil Survey, Douglas County, Minnesota. The Wetland Systems areas indicated on said map are composed of soils groups 8, 9, 10 and 11 as defined by the USDA Soils Conservation Service. These specific soils groups are characterized as unsuitable for development due to their poor drainage qualities, flooding proneness, poor texture, high water table depth and general organic content.

Source: Ord. 338-2nd Series
Effective Date: 2/08/93

C. Provisions of the Wetland Conservation Act of 1991 (MS 1036.221 et. seq.) as amended and the regulations thereof, are made a part of these regulations by reference. In the event of conflicting provisions between the Wetland Conservation Act and Section 10.19 of the City Code, the more restrictive shall apply.

Source: Ord. 364-2nd Series
Effective Date: 11/28/94

Subd. 3. **Permitted Uses.** The following operations and uses are permitted in the "Wetland Systems District" as a matter of right, subject to any other applicable code, ordinance or law:

A. Grazing, farming, nurseries, gardening, and harvesting of crops.

B. Sustained yield forestry and tree farms.

C. Conservation of soils vegetation, water, fish and wildlife.

D. Scientific research and educational activities that teach principles of ecology and conservation.

E. Leisure activities such as hiking, nature studies, canoeing, boating, camping, water-skiing, skin-diving, horseback riding, field trails, and general outdoor recreation including play and sporting areas that are not inconsistent with the intent of this Ordinance.

F. Essential services.

Subd. 4. **Prohibited Uses.** Except as may hereinafter be conditionally permitted, it shall be unlawful for any person to:

A. Place, deposit or permit to be deposited, debris, fill or any material including structures into, within or upon any water body, water course, or wetland, flood plain or natural drainage system.

B. Dig, dredge, or in any other way alter or remove any material from water bodies, water courses, wetlands, flood plains, or natural drainage system.

C. Erect structures for human habitation.

D. Create ponds, dam or relocate any water course, or change the natural drainage system.

E. Clear and/or cut trees or other vegetation.

F. Permanently store materials.

G. Erect signs.

H. Dispose of waster materials, including but not limited to sewage, garbage, rubbish and other discarded materials.

Subd. 5. **Development Regulations.**

A. Land owners or developers desiring to develop land or construct any dwelling or any other artificial obstruction on land located within any of the wetlands district within the City of Alexandria shall first submit a conditional use permit application as regulated by Section 10.23 of this Ordinance and a plan of development, hereinafter referred to as "a wetland systems impact plan", which shall set forth proposed provisions for sediment control, water management, maintenance of landscaped features, and any additional matters intended to improve or maintain the quality of the environment. Such a plan shall set forth proposed changes

requested by the applicant and affirmatively disclose what, if any, change will be made in the natural condition of the earth, including loss of change of earth ground cover, destruction of trees, grade changes and its effect, is any, upon lakes, streams, water courses and marshes, lowlands and wetlands in the area. The plan shall minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible, and shall affirmatively provide for the relocation or replanting of as many trees as possible which are proposed to be removed. The purpose of the wetland systems impact plan shall be to eliminate as much as possible potential pollution, erosion and siltation.

B. High Water Elevation. For lakes, ponds or lowages, no structure, except boathouses, piers and docks, shall be placed at an elevation such that the lowest floor, including basement floor, is less than three (3) feet above the highest known water level. In those instances where sufficient data on known high water levels are not available, the elevation of the line of permanent shoreland vegetation shall be used as the estimated high water elevation. When fill is required to meet this elevation, the fill shall be allowed to stabilize, and construction shall not begin until the property has been inspected by the Building Inspector.

Section 10.20 **"S" Shoreland District.**

Subd. 1. **Statutory Authorization and Policy.**

A. **Statutory Authorization.** This shoreland ordinance is adopted pursuant to the authorization and policies contained in Minn. Stat. Chapter 103.F, Minnesota Regulations, Parts 6120.2500 - 6120.3900, and the planning and zoning enabling legislation in Minn. Stat. Chapter 462.

B. **Policy.** The uncontrolled use of shorelands of the City of Alexandria, Minnesota affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise subdivision, use and development of shorelands of public waters. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by the City of Alexandria.

Subd. 2. **General Provisions and Definitions.**

A. **Jurisdiction.** The provisions of this section shall apply to the shorelands of the public water bodies as classified in Subd. 4 of this section. Pursuant to Minnesota Regulations, Parts 6120.2500 - 6120.3900, no lake, pond, or flowage less than 10 acres in size in municipalities or 25 acres in size in unincorporated areas need be regulated in a local government's shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this ordinance.

B. **Compliance.** The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems, the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this section and other applicable regulations.

C. **Enforcement.** The Zoning Administrator is responsible for the administration and enforcement of this section. Any violation of the provisions of this section or failure to comply

with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law. Violations of this section can occur regardless of whether or not a permit is required for a regulated activity pursuant to Subd. 3A of this section.

D. **Interpretation.** In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.

E. **Severability.** If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

F. **Abrogation and Greater Restrictions.** It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

G. **Definitions.** Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application. For the purpose of this ordinance, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally.

1. **Accessory structure or facility.** Any building or improvement subordinate to a principal use which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks.

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

a. Part or all of the feature is located in a shoreland area;

b. The slope rises at least 25 feet above the ordinary high water level of the waterbody;

c. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and

d. The slope must drain toward the waterbody.

3. **Bluff Impact Zone.** A bluff and land located within 20 feet from the top of the bluff.

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

5. **Building Line.** The line measured across the width of the lot at the point where the principal structure is placed in accordance with setback provisions.

6. **Commercial Planned Unit Developments.** Uses that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.

7. **Commercial Use.** The principal use of land or buildings for the sale, lease, rental or trade of products, goods, and services.

8. **Commissioner.** The Commissioner of the Department of Natural Resources.

9. **Conditional Use.** A land use or development as defined by ordinance that would not be appropriate generally, but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in the zoning ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood.

10. **Deck.** A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet above ground.

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

12. **Dwelling Site.** A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

13. **Dwelling Unit.** Any structure or portion of a structure, or other shelter designed as short or long term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.

14. **Extractive Use.** The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minn. Stat. Sections 93.44 to 93.51.

15. **Forest Land Conversion.** The clear cutting of forested lands to prepare for a new land use other than re-establishment of a subsequent forest stand.

16. **Guest Cottage.** A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

17. **Hardship.** The property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance. Undue hardship also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.

18. **Height of Building.** The vertical distance between the highest adjoining ground level at the building or ten (10) feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.

19. **Industrial Use.** A permitted, accessory or conditional use allowed in the "I" Industrial District.

20. **Intensive Vegetation Clearing.** The complete removal of trees or shrubs in a continuous patch, strip, row or block.

21. **Lot.** A parcel of land designated by plat, metes and bounds, registered land survey, auditor's plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.

22. **Lot Width.** The shortest distance between lot lines measured at the midpoint of the building line.

23. **Nonconformity.** A legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.

24. **Ordinary High Water Level.** The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the band of channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

25. **Planned Unit Development.** A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parts, resorts, hotels, motels, and conversions of structures and land uses to these uses. (See Section 10.21.)

26. **Public Waters.** Any waters as defined in Minn. Stat. Section 103G.005, Subdivisions 14 and 15 and limited to:

a. All water basins assigned to shoreland management classification by the commissioner pursuant to Section 105.485, except wetlands less than 80 acres in size which are classified as natural environment lakes.

b. All waters of the state which have been finally determined to be public water or navigable waters by a court of competent jurisdiction.

c. All meandered lakes, except for those which have been legally drained.

d. All water basins previously designated by the commissioner for management for a specific purpose such as trout lakes and game lakes pursuant to applicable laws.

e. All water basins designated as scientific and natural areas pursuant to Section 84.033.

f. All water basins located within and totally surrounded by publicly owned lands.

g. All water basins where the State of Minnesota or the federal government holds title to any of the beds or shores, unless the owner declares that the water is not necessary for the purpose of public ownership.

h. All water basins where there is a publicly owned and controlled access which is intended to provide for public access to the water basin; and

i. All natural and altered-natural watercourses with a total drainage area greater than two square miles, except that trout streams officially designated by the commissioner shall be public wastes regardless of the size of their drainage area.

j. All types 3, 4 and 5 wetlands, as defined in United States Fish and Wildlife Service Circular No. 29 (1971 edition), not included within the definition of public water, which are ten or more acres in size in unincorporated area or 2½ or more acres in incorporated area.

27. **Residential Planned Unit Development.** A use where the nature of residency is non-transient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, town-houses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five (5) dwelling units or sites.

28. **Semi-Public Use.** The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

29. **Sensitive Resource Management.** The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

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

31. **Sewage Treatment System.** A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Subd. 5H of this section.

32. **Sewer System.** Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

33. **Shore Impact Zone.** Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.

34. **Shoreland.** Land located within the following distances from public waters; 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the

waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

35. **Significant Historic Site.** Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minn. Stat. Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

36. **Steep Slope.** Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this ordinance. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.

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

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

39. **Surface Water-Oriented Commercial Use.** The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

40. **Toe of the Bluff.** The lower point of a 50-foot segment with an average slope exceeding 18 percent.

a. Terrace. A raised level or series of levels with a vertical or sloping front or sides faced with turf, vegetation, masonry, or like materials. The top of such a construction is sometimes used as a platform, patio, etc.

Source: Ord. 633-2nd Series
Effective Date: 2/29/09

41. **Top of the Bluff.** The higher point of a 50-foot segment with an average slope exceeding 18 percent.

42. **Variance.** A waiver from the literal provisions of the Ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the Ordinance.

43. **Water-Oriented Accessory Structure or Facility.** A small, aboveground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boat houses, gazebos, screen houses, fish houses, pump houses, and detached decks.

44. **Wetland.** A surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 edition).

Subd. 3. **Administration.**

A. **Permits Required.**

1. A permit is required for the construction of buildings or building additions (and including such related activities as construction of decks and signs), the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by Subd. 5C of this section. Application for a permit shall be made to the Building Inspector on the forms provided. The application shall include the necessary information so that the Building Inspector can determine the site's suitability for the intended use and that a compliant sewage treatment system will be provided.

2. A permit authorizing an addition to an existing structure shall stipulate that an identified non-conforming sewage treatment system, as defined by Subd. 5H, shall be reconstructed or replaced in accordance with the provisions of this section.

3. A shoreland alteration permit is required for all work which may include, but is not limited to: filling, grading, digging, cutting of trees, brushing, changing of natural surface, building or installing terraces, retaining walls or sand blankets, ice ridge alteration or constructing whatsoever in the building setback area of shoreland areas of riparian lots. Application for a permit shall be made to the Planning Department on the forms provided. The application shall include the necessary information so that the Planning Department can determine the site's suitability for the intended activity and that it will comply with all criteria and standards.

Source: Ord. 633-2nd Series
Effective Date: 2/09/09

B. Certificate of Zoning Compliance. The Zoning Administrator shall issue a certificate of zoning compliance for each activity requiring a permit as specified in Subd. 3A of this section. This certificate will specify that the use of land conforms to the requirements of this section. Any use, arrangement, or construction at a variance with that authorized by permit shall be deemed a violation of this section and shall be punishable as provided in Subd. 2C of this section.

C. Variances.

1. Variances may only be granted in accordance with Minn. Stat., Chapter 462 as applicable. A variance may not circumvent the general purposes and intent of the section. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. In considering a variance request, the Board of Adjustment and Appeals must also consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year-round, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.

2. The Board of Adjustments and Appeals shall hear and decide the requests for variances in accordance with the rules that it has adopted for the conduct of business. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in Subd. 3D 2 below shall also include the Board of Adjustments and Appeals summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

3. For existing developments, the application for variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, must require reconstruction of a non-conforming sewage treatment system.

D. Notifications to the Department of Natural Resources.

1. Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under local shoreland management controls must be sent to the Commissioner or the Commissioner's designated representative and postmarked at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivisions/plat.

2. A copy of approved amendments and subdivision/plats, and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the Commissioner or the Commissioner's designated representative and postmarked within ten (10) days of final action.

Subd. 4. Shoreland Classification System and Land Use Districts.

A. **Shoreland Classification System.** The public waters of the City of Alexandria have been classified below consistent with the criteria found in Minnesota Regulations, Part 6120.3300, and the Protected Waters Inventory Map for Douglas County, Minnesota. The shoreland area for the waterbodies listed in Subd. 4A1 and Subd. 4A2 shall be defined in Subd. 2G 34 and as shown on the official Zoning Map.

e.	<u>Urban Rivers</u>	<u>Legal Description</u>
	None	None
f.	<u>Tributary Streams</u>	<u>Legal Description</u>
	None	None

B. Land Use District Application. The "S" Shoreland District shall apply to and be superimposed upon all zoning districts contained within the Zoning Ordinance and Zoning Map. The regulations and requirements imposed by the "S" Shoreland District shall be in addition to those established for districts which apply. Under joint application, the more restrictive requirements shall apply. In addition to the requirements of this section, all land uses must also comply with the provisions of Section 10 (Zoning Regulations) of the City Code and the Alexandria Zoning Map.

C. District Boundaries. The boundaries of the "S" Shoreland District are 1,000 feet from the ordinary high water level of a lake protected water. Intensive vegetation clearing for the removal of invasive species as defined by the MN Department of Natural Resources is allowed with a shoreland alteration permit if an erosion control and sedimentation plan is developed and approved.

Source: Ord. 633-2nd Series
Effective Date: 2/09/09

Subd. 5. Zoning and Water Supply/Sanitary Provisions.

A. Lot Area and Width Standards. The lot area (in square feet) and lot width standards (in feet) for single, duplex, triplex and quad residential lots created after the date of enactment of this Ordinance for the land and river/stream classifications are the following:

1. Unsewered Lakes
 - a. Natural Environment:

	<u>Riparian Lots</u>		<u>Nonriparian Lots</u>	
	<u>Area</u>	<u>Width</u>	<u>Area</u>	<u>Width</u>
Single	80,000	200	80,000	200
Duplex	120,000	300	160,000	400
Triplex	160,000	400	240,000	600
Quad	200,000	500	320,000	800

b. Recreational Development:

	Riparian Lots		Nonriparian Lots	
	<u>Area</u>	<u>Width</u>	<u>Area</u>	<u>Width</u>
Single	40,000	150	40,000	150
Duplex	80,000	225	80,000	265
Triplex	120,000	300	120,000	375
Quad	160,000	375	160,000	490

c. General Development:

	Riparian Lots		Nonriparian Lots	
	<u>Area</u>	<u>Width</u>	<u>Area</u>	<u>Width</u>
Single	20,000	100	40,000	150
Duplex	40,000	180	80,000	265
Triplex	60,000	260	120,000	375
Quad	80,000	340	160,000	490

2. Sewered Lakes

a. Natural Environment:

	Riparian Lots		Nonriparian Lots	
	<u>Area</u>	<u>Width</u>	<u>Area</u>	<u>Width</u>
Single	40,000	125	20,000	125
Duplex	70,000	225	35,000	220
Triplex	100,000	325	52,000	315
Quad	130,000	425	65,000	410

b. Recreational Development:

	Riparian Lots		Nonriparian Lots	
	<u>Area</u>	<u>Width</u>	<u>Area</u>	<u>Width</u>
Single	20,000	75	15,000	75
Duplex	35,000	135	26,000	135
Triplex	50,000	195	38,000	190
Quad	65,000	255	49,000	245

Source: Ord. 338-2nd Series
 Effective Date: 2/8/93

c. General Development:

	Riparian Lots		Nonriparian Lots	
	<u>Area</u>	<u>Width</u>	<u>Area</u>	<u>Width</u>
Single	15,000	75	12,000	75
Duplex	26,000	135	17,500	135
Triplex	38,000	195	25,000	190
Quad	49,000	255	32,000	245

Source: Ord. 546-2nd Series
 Effective Date: 2/14/05

3. River/Stream Lot Width Standards. There is no minimum lot size requirements for rivers and streams. The lot width standards for single, duplex, triplex and quad residential developments for the six (6) river/stream classifications are:

	<u>Remote</u>	<u>Forested</u>	<u>Trans- ition</u>	<u>Agri- cultural</u>	<u>Urban&Tributary No Sewer</u>	<u>Sewer</u>
Single	300	200	250	150	100	75
Duplex	450	300	375	225	150	115
Triplex	600	400	500	300	200	150
Quad	750	500	625	375	250	190

4. Additional Special Provisions.

a. Residential subdivisions with dwelling unit densities exceeding those in the tables in Subd. 5A 2 and Subd. 5A 3 can only be allowed if designed and approved as residential planned unit developments under Subd. 8 of this section. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line. The sewer lot area dimensions in Subd. 5A 2 can only be used if publicly owned sewer system service is available to the property.

b. Subdivision of duplexes, triplexes, and quads on Natural Environment Lakes must also meet the following standards:

(1) each building must be set back at least 200 feet from the ordinary high water level;

(2) each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;

(3) watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building;

(4) no more than 25 percent of a lake's shoreline can be in duplex, triplex, or quad developments.

c. Lots intended as controlled accesses to public waters or as recreation areas for use by owners of nonriparian lots within subdivisions are permissible and must meet or exceed the following standards:

(1) they must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots.

(2) if docking, mooring, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by the percent of the requirements for riparian residential lots for each watercraft beyond six (6), consistent with the following table:

Controlled Access Lot Frontage Requirements

Ratio of lake size to shore length (acres/mile)	Required increase in frontage (percent)
Less than 100	25
100-200	20
201-300	15
301-400	10
Greater than 400	5

(3) they must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot; and

(4) covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the non-significant conflict activities include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

B. Placement, Design, and Height of Structures.

1. Placement of Structures on Lots. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures existing on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows:

a. Structure and On-site Sewage System Setbacks (in feet) from Ordinary High Water Level*.

<u>Classes of Public Waters Lakes</u>	<u>Setbacks*</u>		<u>Sewage Treatment System</u>
	<u>Unsewered</u>	<u>Sewered</u>	
Natural Environment	150	150	150
Recreational Development	100	75	75
General Development	75	50	50

Rivers

Remote	200	200	150
Forested and Transition	150	150	100
Agricultural, Urban & Tributary	100	50	75

*One water-oriented accessory structure designed in accordance with Subd. 5B 2(b) of this section may be set back a minimum distance of ten (10) feet from the ordinary high water level.

b. Additional Structure Setbacks. The following additional structure setbacks apply, regardless of the classification of the waterbody:

<u>Setback From:</u>	<u>Setback (in feet)</u>
(1) top of bluff;	30
(2) unplatted cemetery;	50
(3) right-of-way line of federal, state, or county highway; and	50
(4) right of way line of town road, public street, or other roads or streets not classified.	20

c. Bluff Impact Zones. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

d. Uses Without Water-Oriented Needs. Uses without water-oriented needs must be located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

2. Design Criteria For Structures.

a. High Water Elevations. Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:

(1) for lakes, by placing the lowest floor at least three (3) feet above the highest known water level, or three (3) feet above the ordinary high water level, whichever is higher;

(2) for rivers and streams, by placing the lowest floor at least three (3) feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least three (3) feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three (3) approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with parts 6120.5000 to 6120.6200 governing the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and

(3) water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

b. Water-Oriented Accessory Structures. Each lot may have one water-oriented accessory structure not meeting the normal structure setback in Subd. 5B 1 of this ordinance if this water-oriented accessory structure complies with the following provisions and is approved as a conditional use permit as set forth in Section 10.23 of the City Code:

(1) the structure or facility must not exceed ten (10) feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached decks must not exceed eight (8) feet above grade at any point;

(2) the setback of the structure or facility from the ordinary high water level must be at least ten (10) feet;

(3) the structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;

(4) the roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area;

(5) the structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities; and

(6) as an alternative for general development and recreational development waterbodies, water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment, may occupy an area up to 400 square feet provided the maximum width of the structure is 20 feet as measured parallel to the configuration of the shoreline.

c. Stairways, Lifts and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:

(1) stairways and lifts must not exceed four (4) feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments;

(2) landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public open-space recreational properties, and planned unit developments;

(3) canopies or roofs are not allowed on stairways, lifts, or landings;

(4) stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control or soil erosion;

(5) stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and

(6) facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of sub-items (1) to (5) are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.

d. Significant Historic Sites. No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.

e. Steep Slopes. The Building Inspector must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.

3. Height of Structures. All structures in residential districts, except churches and nonresidential agricultural structures, must not exceed 25 feet in height.

C. **Shoreland Alterations.** Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.

1. Vegetation Alterations.

a. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Subd. 5D of this section are exempt from the vegetation alteration standards that follow:

b. Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in Subd. 5F2 and Subd. 5F3 respectively, is allowed subject to the following standards:

(1) Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a condition use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.

(2) In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:

(a) the screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;

(b) along rivers, existing shading of water surface is preserved; and

(c) the above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

(3) The use of fertilizer and pesticides in the "S" Shoreland District must be done in such a way as to minimize runoff into the shore impact zone or public water by the use of earth, vegetation or both.

2. Topographic Alterations/Grading and Filling.

a. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this subsection must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.

b. Public roads and parking areas are regulated by Subd. 5D of this ordinance.

c. Notwithstanding items (a) and (b) above, a grading and filling permit will be required for:

(1) the movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; and

(2) the movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.

d. The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:

Source: Ord 338-2nd Series
Effective Date: 2/8/93

(1) No grading is allowed in bluff impact zones. Grading is allowed on steep slopes provided such grading meets the standards set forth in Section 10.20, Subdivision 5C2d.

(2) Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland*:

(a) sediment and pollutant trapping and retention;

(b) storage of surface runoff to prevent or reduce flood damage;

(c) fish and wildlife habitat;

(d) recreational use;

(e) shoreline or bank stabilization; and

(f) noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

*This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state or federal agencies such as watershed district, the Minnesota Department of Natural Resources, the United States Army Corps of Engineers, and the City of Alexandria.

(3) Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;

(4) Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;

(5) Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;

(6) Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service;

(7) Fill or excavated material must not be placed in a manner that creates an unstable slope;

(8) Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;

(9) Fill or excavated material must not be placed in bluff impact zones;

(10) Any alterations below the ordinary high water level of public water must first be authorized by the Commissioner under Minn. Stat. §103G.245;

(11) Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and

(12) Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three (3) feet horizontal to one (1) foot vertical, the landward extent of the riprap is within ten (10) feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three (3) feet.

Source: Ord. 338-2nd Series

Effective Date: 2/08/93

(13) Application of fertilizer, herbicides, pesticides or other chemicals within shorelands must be done in such a manner as to eliminate impact on the shore impact zone or public water by the use of earth or vegetation. Use of fertilizer containing phosphorus is prohibited within 50 feet of the ordinary high water level of a public water.

(14) Burning is prohibited within 100 feet of the ordinary high water level of a public water and/or a storm sewer or other drainage conveyance which discharges into waters of the state. (A wood-burning campfire less than three feet in diameter, designed to enclose ash for removal is exempt.)

Source: Ord. 448-2nd Series

Effective Date: June 12, 2000

e. Connections to Public Waters. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the commissioner has approved the proposed connection to public waters.

D. Placement and Design of Roads, Driveways, and Parking Areas.

1. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the

field office technical guides of the local soil and water conservation district, or other applicable technical materials.

2. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.

3. Public and private watercraft access, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of Subd. 5C2 of this section must be met.

E. Stormwater Management. The following general and specific standards shall apply:

1. General Standards.

a. When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.

b. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce the delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.

c. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities.

F. Special Provisions for Commercial, Industrial, Public/Semipublic, Agricultural, Forestry and Extractive Uses and Mining of Metallic Minerals and Peat.

1. Standards for Commercial, Industrial, Public and Semipublic Uses.

a. All industrial uses proposed in the "I-1" or "I-2" zoning districts and located in the "S" Shoreland District require a conditional use permit in accordance with the procedures and findings set forth in Section 10.2D, Subd. 5G and Section 10.21 of the City Code.

b. Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:

(1) in addition to meeting impervious coverage limits, setbacks, and other zoning standards in this section, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;

(2) uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions and navigation and to be the minimum size necessary to meet the need; and

(3) uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:

(a) no advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff;

(b) signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten (10) feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters; and

c. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

2. Agricultural Use Standards.

a. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.

b. Animal feedlots must meet the following standards:

(1) new feedlots must not be located in the shoreland of watercourses or in bluff impact zones and must meet a minimum setback of 300 feet from the ordinary high water level of all public waters basins; and

(2) modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones.

3. Forest Management Standards. The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management "Best Management Practices in Minnesota."

4. Extractive Use Standards.

a. Site Development and Restoration Plan. An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation

of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.

b. Setbacks for Processing Machinery. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters from bluffs.

5. Mining of Metallic Minerals and Peat. Mining of metallic minerals and peat, as defined in Minn. Stat. §93.44 to §93.51, are satisfied.

G. Conditional Uses. Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses established under Section 10.21 of this Ordinance. The following additional evaluation criteria and conditions apply within shoreland areas:

1. Evaluation Criteria. A thorough evaluation of the waterbody and the topographic, vegetation, and soils conditions on the site must be made to ensure:

a. the prevention of soil erosion or other possible pollution of public waters, both during and after construction;

b. the visibility of structures and other facilities as viewed from public waters is limited;

c. the site is adequate for water supply and on-site sewage treatment; and

d. the types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

2. Conditions attached to conditional use permits. The Alexandria City Council, upon consideration of the criteria listed above and the purposes of this section, shall attach such conditions to the issuance of the conditional use permits as

it deems necessary to fulfill the purposes of this section. Such conditions may include, but are not limited to, the following:

a. increased setbacks from the ordinary high water level;

b. limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and

c. special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

H. Water Supply and Sewage Treatment.

1. Water Supply. Any premises used for human occupancy must be provided with an adequate water supply method as follows:

a. Any private or public water supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of health and the Minnesota Pollution Control Agency.

b. Private wells must be located, constructed, maintained and sealed in accordance with or in a more thorough manner than the Water Well Construction Code of the Minnesota Department of Health.

2. Sewage Treatment. Any premises used for human occupancy must be provided with an adequate method of sewage treatment, as follows:

a. Publicly-owned sewer systems must be used where available.

b. All private sewage treatment systems must meet or exceed the Minnesota Pollution Control Agency's standards for individual sewage treatment systems contained in the document titles, "Individual Sewage Treatment Systems Standards, Chapter 7080", a copy of which is hereby adopted by reference and declared to be a part of this section.

c. On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in Section 5B1 of this section.

d. All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in subitems (1) - (4). If the determination of a site's suitability cannot be made with publicly available existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation tests from on-site field investigations. The evaluation criteria are:

(1) depth to the highest known or calculated ground water table or bedrock;

(2) soil conditions, properties, and permeability;

(3) slope;

(4) the existence of lowland, local surface depressions, and rock outcrops;

e. Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with Subd. 6A3 of this section.

Subd. 6. **Nonconformities.** All legally established nonconformities as of the date of this ordinance may continue, but they will be managed according to applicable state statutes and Section 10.03, Subd. 1 of the City Code; except that the following standards will also apply in shoreland areas:

A. Construction on Nonconforming Lots of Record.

1. Lots of record in the Office of the Douglas County Recorder on the date of enactment of local shoreland controls that do not meet the requirements of Subd. 5A of this section may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this ordinance are met.

2. A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the Board of Adjustment and Appeals shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.

3. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Subd. 5A of this section the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Subd. 5A of this section as much as possible.

B. Additions/Expansions to Nonconforming Structures.

1. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of Subd. 5 of this ordinance. Any deviation from these requirements must be authorized by a variance pursuant to Subd. 3C of this section.

2. Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:

a. the structure existed on the date the structure setbacks were established;

b. a thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure:

c. the deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive; and

d. the deck is constructed primarily of wood, and is not roofed or screened.

C. Nonconforming Sewage Treatment Systems.

1. A sewage treatment system not meeting the requirement of Subd. 5H of this section must be upgraded, at a minimum, at any time a permit or variance of any type is required for any improvement on, or use of, the property. For the purposes of this provision, a sewage treatment system shall not be considered

nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.

2. The City Council of the City of Alexandria has by formal resolution notified the commissioner of its program to identify nonconforming sewage treatment systems. The City of Alexandria will require upgrading or replacement of any nonconforming system identified by this program within a reasonable period of time which will not exceed two (2) years. Sewage systems installed according to all applicable local shoreland management standards adopted under Minn. Stat. §105.485, in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by the Minnesota Pollution Control Agency's Chapter 7080 for design of on-site sewage treatment systems, shall be considered nonconforming.

Subd. 7 Subdivision/Platting Provisions.

A. **Land Suitability.** Each lot created through subdivision, including planned unit developments authorized under Subd. 8 of this section, must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the local unit of government shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

B. **Consistency with Other Controls.** Subdivisions must conform to all official controls of this community. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and sewage treatment system consistent with Subd. 5B and 5H can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of Subd. 5A, including at least a minimum contiguous lawn area, that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require use of

holding tanks must not be approved.

C. Information Requirements. Sufficient information must be submitted by the applicant for the City to make a determination of land suitability. The information shall include at least the following:

(1) topographic contours at ten (10) foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics;

(2) the surface water features required in Minn. Stat. §505.02, Subd. 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;

(3) adequate soils formation to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;

(4) information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;

(5) location of 100 year flood plain areas and floodway districts from existing adopted maps or data; and

(6) a line or contour representing the ordinary high water level, the "toe" and the "top" of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.

D. Dedications. When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.

E. Platting. All subdivisions that create two (2) or more lots or parcels that are five (5) acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505 and Section 11 of this Ordinance. No permit for construction of buildings or sewage treatment systems shall be

issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision.

F. Controlled Access or Recreational Lots. Lots intended as controlled accesses to public waters or for recreational use areas for use by nonriparian lots within a subdivision must meet or exceed the sizing criteria in Subd. 5A4 of this section.

Subd. 8. Planned Unit Developments (PUD's).

A. Types of PUD's Permissible. Planned Unit Developments (PUD's) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. The land use districts in which they are an allowable use are identified in the land use district descriptions in Subd. 4B of this section and the official zoning map.

B. Processing PUD's. Planned Unit Developments must be processed as a conditional use, except that an expansion to an existing commercial PUD involving 6 or less new dwelling units or sites since the date this ordinance was adopted is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in Subd. 8E. Approval cannot occur until the environmental review process (EAW/EIS) is complete.

C. Application for a PUD. The applicant for a PUD must submit the following documents prior to final action being taken on the application request:

1. A site plan and/or plat for the projects showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems (where public systems will not be provided), topographic contours at ten-foot intervals or less. When a PUD is a combined commercial and residential development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial, or a combination of the two.

2. A property owners association agreement (for residential PUD's) with mandatory membership, and all in accordance with the requirements of Subd. 8F of this section.

3. Deed restrictions, covenants, permanent easements or other instruments that: 1) properly address future

vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUD's; and 2) ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Subd. 8F of this section.

4. When necessary, a master plan/drawing describing the project and the floor plan for all commercial structures to be occupied.

5. Those additional documents as requested by the Zoning Administrator that are necessary to explain how the PUD will be designed and will function.

6. A Zoning District Amendment is required as set forth in Section 10.21 of the City Code.

D. **Site "Suitable Area" Evaluation.** Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in Subd. 8E.

1. The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward.

Shoreland Tier Dimensions

	Unsewered (feet)	Sewer (feet)
General development lakes-first tier	200	200
General development lakes-second and additional tiers	267	200
Recreational development lakes	267	267
Natural environmental lakes	400	320
All river classes	300	300

2. The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters. This suitable area and the proposed project are then subjected to either the residential or commercial planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.

E. Residential and Commercial PUD Density Evaluation. The procedures for determining the "base" density of a PUD and density increase multiplier are as follows. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any other tier closer.

1. Residential PUD "Base" Density Evaluation. The suitable area within each tier is divided up by the single residential lot size standard for lakes or, for rivers, the single residential lot width standard times the tier depth, unless the local unit of government has specified an alternative minimum lot size for rivers which shall then be used to yield a base density of dwelling units or sites for each tier. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analyses herein and the design criteria in Subd. 8F.

2. Commercial PUD "Base" Density Evaluation:
 a. Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space.

b. Select the appropriate floor area ration from the following table:

Commercial Planned Unit Development Floor Area Ratios*			
Public waters classes			
	Sewered general development lakes; first tier on unsewered general development lakes; urban, agricultural, tributary river segments	Second and additional tiers on unsewered general development lakes; recreational development lakes; transition & forested river segments	Natural environment lakes and remote river segments
*Average unit floor area (sq. ft.)			
200	.040	.020	.010
300	.048	.024	.012

400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027
1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
1,500	.150	.075	.038

*For average unit floor areas less than shown, use the floor area ratios listed for 200 square feet. For areas greater than shown, use the ratios listed for 1,500 square feet. For recreational camping areas, use the ratios listed at 400 square feet. Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured home or if unknown, the ratio listed for 1,000 square feet.

c. Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or site.

d. Divide the total floor area by tier computed in Item C above by the average inside living areas size determined in Item A above. This yields a base number of dwelling units and sites for each tier.

e. Proposed locations and numbers of dwelling units or sites for the commercial planned unit development are then compared with the tier, density and suitability analyses herein and the design criteria in Subd. 8F.

3. Density Increase Multipliers:

a. Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in Subd. 5 are met or exceeded and the design criteria in Subd. 8F are satisfied. The allowable density increases in Item (b) below will only be allowed if structure setbacks from the ordinary high water level are increased to at least 50 percent greater than the minimum setback, or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least 25 percent greater

than the minimum setback.

b. Allowable Dwelling Unit or Dwelling Site Density Increases for Residential or Commercial Planned Unit Developments:

<u>Density Evaluation Tiers</u>	<u>Maximum Density Increase Within Each Tier (Percent)</u>
First	50%
Second	100%
Third	200%
Fourth	200%
Fifth	200%

F. Maintenance and Design Criteria.

1. Maintenance and Administration Requirements.

a. Before final approval of a planned unit development, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.

b. Open space preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:

(1) commercial uses prohibited (for residential PUD's);

(2) vegetation and topographic alterations other than routine maintenance prohibited;

(3) construction of additional buildings or storage of vehicles and other materials prohibited; and

(4) uncontrolled beaching of watercraft prohibited.

c. Development organization and functioning. Unless an equally effective alternative community

framework is established, when applicable, all residential planned unit developments must use an owners association with the following features:

(1) membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers;

(2) each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites;

(3) assessments must be adjustable to accommodate changing conditions; and

(4) the association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

2. Open Space Requirements. Planned unit developments must contain open space meeting all of the following criteria:

a. at least 50 percent of the total project area must be preserved as open space;

b. dwelling units or sites, road right-of-ways, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space;

c. open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;

d. open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;

e. open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems;

f. open space must not include commercial facilities or uses, but may contain water-oriented accessory structures or facilities;

g. the appearance of open space areas, including topography vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means; and

h. the shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUD's, at least 50 percent of the shore impact zone area of existing developments or at least 70 percent of the shore impact zone area of new developments must be preserved in its natural or existing state. For commercial PUD's, at least 50 percent of the shore impact zone must be preserved in its natural state.

3. Erosion Control and Stormwater Management. Erosion control and stormwater management plans must be developed and the PUD must:

a. be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant; and

b. be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Impervious surface coverage within any tier must not exceed 25 percent of the tier area, except that for commercial PUD's 35 percent impervious surface coverage may be allowed in the first tier of general development lakes with an approved stormwater management plan and consistency with Subd. 5C.

4. Centralization and Design of Facilities. Centralization and design of facilities and structures must be done according to the following standards:

a. planned unit developments must be connected to publicly owned water supply and sewer systems, if

available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and Subd. 5B and Subd. 5H of this section. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system;

b. dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification; setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased in accordance with Subd. 8E3 of this ordinance for developments with density increases;

c. shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor). Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupant of dwelling units or sites located in other tiers;

d. structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shoreland by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided;

e. accessory structures and facilities, except water oriented accessory structures, must meet the required principal structure setback and must be centralized; and

f. water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards

contained in Subd. 5B of this ordinance and are centralized.

G. **Conversions.** Local governments may allow existing resorts or other land uses and facilities to be converted to residential planned unit developments if all of the following standards are met:

1. Proposed conversions must be initially evaluated using the same procedures for residential planned unit developments involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.

2. Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit.

3. Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:

a. removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;

b. remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water; and

c. if existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are built or replaced.

4. Existing dwelling unit or dwelling site densities that exceed standards in Subd. 8E may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

Section 10.21. **"PUD" Planned Unit Development District**

Subd. 1. **Purpose.** The purpose of the "PUD" Planned Unit Development District is to permit great flexibility in the use and design of structures and land in situation where modification of specific provisions of this Ordinance would not be contrary to its intent and purpose or significantly be inconsistent with the planning on which it is based, and will not be harmful to the neighborhood in which the district occurs. The PUD process, by allowing deviation from the strict district and performance standards may allow:

A. Variety: Within a comprehensive site design concept a mixture of land uses, housing types, and densities.

B. Sensitivity: By departing from the strict application of required performance standards associated with traditional zoning, planned unit development can maximize the development potential of land while remaining sensitive to its unique and valuable natural and scenic characteristics.

C. Efficiency: The consolidation of areas for recreation and reductions in street lengths and other utility-related expenses.

D. Density Transfer: The project density may be clustered, basing density on number of units per acre instead of specific lot dimensions.

E. District Integration: The combination of uses which are allowed in separate zoning districts such as:

a. Mixed residential allows both densities and unit types to be varied within the PUD.

b. Mixed commercial, residential, or institutional land use with the integration of compatible land uses within the PUD.

F. Infill: Encourage infill within areas of the city which are characterized by existing development.

Subd. 2. **Permitted Uses.** The following are permitted uses in the "PUD" District:

All permitted and conditional uses allowed in Sections 10.05 through 10.17 of this Ordinance.

Subd. 3. **Accessory Uses.** The following are permitted accessory uses in the "PUD" District:

 All accessory uses allowed in Sections 10.05 through 10.17 of this Ordinance.

The uses allowed in a "PUD" District must be in conformance with the district where the PUD is proposed.

Subd. 4. **Procedural Requirements.**

 A. The establishment of "PUD" District shall be subject to the amendment requirements as outlined in Section 10.23 of this Ordinance.

 B. When reviewing proposals for PUDs in the shoreland area as defined in the City Code, staff shall consider whether the PUD proposal meets the standards and criteria in Section 10.20, Subdivision 8 (Shoreland District, Planned Unit Development). If there is a case where the standards and criteria in Section 10.20, Subdivision 8 are not consistent with those in this section, the most restrictive standards shall apply.

 C. Requests for variances of this Ordinance may be approved when such requests are consistent with the purpose of this section. Any requests for the platting or replatting of property within the "PUD" District shall include recording of the final plan and/or subdivision plat with the Douglas County Recorder.

 D. Upon approval of the Planned Unit Development, the Zoning Administrator shall record the "PUD" District onto the Zoning Map and designate the district as PUD-1. Thereafter, future approved PUD Districts shall be designated in sequential order, i.e., PUD-2, PUD-3, PUD-4, etc.

Subd. 5. **Bonus Density**

 A. Purpose for Bonus Densities. Bonus densities are intended to provide incentives to encourage the development of affordable housing, provide additional public amenities or preserve valuable natural or cultural resources and features. The satisfaction of any of the bonus density criteria specified in Subdivision D of this section is considered to be in the public interest and worthy of a bonus density.

 B. Eligibility for Bonus Densities. Eligibility to obtain a bonus density is based upon site plan review and approval by the City as part of the preliminary PUD Plan process. Such bonus

densities may be granted to deserving applications if the PUD plan submitted is judged by the City to have achieved one or more of the bonus density criteria.

C. Maximum Bonus Density. The maximum bonus density allowed is limited to an additional 20 percent over the density allowed in the underlying zone district. In addition to criteria provided in this subdivision, the density shall be compatible with the site's natural constraints and the character and density of the surrounding area. Compatibility for bonus density shall also be determined by proximity of the site to arterial roads, transit service, employment and shopping areas and planned amenities.

D. Basis for Approval of Bonus Density. Upon submittal of the Preliminary PUD application, the City shall review the proposed project and submit recommendations and proposed findings of fact and conclusions with respect to the allocation of bonus densities for the project to the Planning Commission. The allocation of bonus densities should be based upon a comprehensive review of the entire project. It is the intention of this section to allow bonus densities where a PUD applicant proposes design attributes providing public benefits in addition to those required by local, state or federal land use or environmental regulations. Bonus densities will not be allowed for site design proposals, which merely reflect mandatory requirements of local, state and federal codes or regulations. Consideration of the following criteria should be given, but need not be limited to these:

1. Preservation of Open Space and Natural, Historical and Cultural Features (Exceeding Mandatory Code Requirements).

Items for consideration in meeting this criterion may include the preservation and minimum disturbance of natural features and wildlife habitat; preservation of unique historical or cultural features; preservation of open space; dedication to the City of land within the City's potential park or open space areas and corridor as designated in the comprehensive plan; and preservation of air, sunlight and scenic resources.

2. Public Service and Facility Availability (Exceeding Mandatory Code Requirements).

Items for consideration in meeting this criterion may include the provision of public schools; public park or other public facilities and/or sites; bicycle and pedestrian pathway systems;

and special site design for special needs residents to situate or cluster uses within a reasonable distance of fire and police protection, medical, shopping, church and other such amenities.

3. Energy Efficiency (Exceeding Mandatory Code Requirements).

Items for consideration in meeting this criterion may include preservation of solar access; south orientation with added glazing for inhabited structures; the use of landscaping and topography for windbreaks and shading; common wall construction; transportation management strategies, the use of solar energy systems either passive or active for heating and/or cooling; energy conserving design of roadways and other structures; and higher insulation levels.

4. Public Recreation Facilities (Exceeding Mandatory Code Requirements).

Items for consideration in meeting this criterion may include provision for public recreational features such as tennis courts, active play areas, swimming pools, passive open space areas, bicycle and pedestrian pathway systems.

5. Environmental Design (Exceeding Mandatory Code Requirements).

Items for consideration in this section may include onsite designs providing regional benefits, including drainage control using natural drainage and landscaped drainage retention facilities; significant public access provided to designated potential open space or park areas, shoreline areas, trails, scenic sites and viewpoints; provision for substantial and exceptional landscape treatment; and the use of recycled materials and resource conserving designs.

6. Affordable Housing (Exceeding Mandatory Code Requirements).

Items for consideration include the provision of a mix of housing types, utilization of townhouses, condominiums and apartments directed to providing a reasonable mix or diversity of bona fide affordable housing opportunities for a diverse segment of the community. Bonus densities will also be allowed for projects providing affordable housing in market rate developments. In such developments and other developments seeking bonus densities for the provision of affordable housing opportunities, the amount of

bonus will be linked to the level of affordability, i.e., the lower the cost or rental rate per unit, the greater the bonus afforded to the development. Density bonuses for affordable housing projects will be granted only where all of the following conditions are satisfied:

a. The developer must agree to sell or rent the units to qualifying residents;

b. The developer must ensure the continued affordability of the units by qualified residents for a minimum of 40 years through the use of restrictive covenants or other deed restrictions approved by the city; and

c. The units must be of an innovative design and compatible with existing neighborhood character, with adequate assurances that such design and compatibility will be maintained throughout the 40-year period.

7. Other suitable items believed by the City to be worthy of consideration may also be included as bonus density criteria.

Subd. 6. Planned Unit Development; Type, Process, Application, Approval and Decision Criteria, and Open and Recreation Space Requirements.

A. Types of planned unit developments - Where permitted.

1. Two types of planned unit developments are established:

a. Single-family PUDs, comprising detached dwelling units on individual lots; the necessary streets and other public and/or private rights-of-way to serve such dwelling units; and any appurtenant common open space, recreational facilities or other areas or facilities. Proposals for single-family PUDs are allowed in the R-1, R-1A, and R-2 zoning districts.

b. Non-single-family PUDs, comprising attached dwelling units, detached dwelling units not on individual lots, retail, office, service or industrial buildings, or any combination thereof, the necessary streets and other public and/or private rights-of-way to serve such uses, and any appurtenant common open space, recreational facilities or other areas or

facilities. Proposals for non-single family PUDs are allowed in the R-3, B-1, B-2, R-B, I-1, I-2, and I-B districts

A PUD may comprise both of the above types, subject to compliance with the use regulations of the zone in which the PUD is proposed to be located.

B. Preliminary and final approval required - Type of action - Combined applications.

1. Each PUD shall require a pre-application conference, preliminary and final approval. Both preliminary and final PUD approvals shall be processed in accordance with the procedures for such actions as set forth in this Code.

2. Prior to the submittal of an application for a PUD, the applicant shall schedule a pre-application conference with the City's Development Review Team. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the proposal for the area which it is proposed and its conformity to the provisions of this section before incurring substantial expense in the preparation of plans, surveys and other data. At least ten (10) days prior to the meeting, the applicant shall submit a concept plan containing the following information:

- a. Overall maximum PUD density.
- b. Specific location of major streets and pedestrian ways.
- c. Location and extent of public and common open space.
- d. Staging and time schedule of development.
- e. Other special criteria for development.
- f. Specific location of residential and nonresidential land uses with approximate type and intensities of development.

g. Narrative describing how the proposed development will be superior or more innovative than conventional development undertaken through the City's land use regulations. The statement shall also substantiate how the proposed PUD will provide a benefit to the public beyond what is available through conventional development.

3. The preliminary development plan and the final development plan may be combined and together processed through review as a final development plan. In addition, the applicant may file a concurrent subdivision application, in accordance with the procedures as set forth in this Code and/or a concurrent rezone application, in accordance with the procedures as set forth in this Code, which application(s) shall be processed concurrently with the PUD application(s).

C. Phased development.

1. Development of the project may be phased, in which case each complete phase may be processed separately through both preliminary development plan review and final development plan review. A map showing all property owned or controlled by the developer which is contiguous to the development site or which is within the area determined by the community development director to be relevant for comprehensive planning and environmental assessment purposes, together with a conceptual plan of said properties' eventual development through all potential phases, shall be submitted with the application for the first phase. The developer is not responsible for providing a conceptual plan for contiguous or nearby property which is not owned or controlled by the developer. The conceptual plan shall conform to the purposes of this chapter and shall be used by the city to review all phases of the development. All phases of the development shall conform to the conceptual plan, all conditions of approval, and applicable regulations.

D. Preliminary PUDs - Contents of complete application.

1. The applicant shall file with the City a preliminary development plan, including the following:

a. A legal description of the property proposed to be developed;

b. A map of the subject property and surrounding area determined by the City to be relevant for

comprehensive planning, environmental assessment or zoning review purposes, which map shall depict comprehensive plan designations, zoning classifications and existing land uses, including streets;

c. A proposed site plan for the subject property depicting the following:

(1) Topography at two-foot contours.

(2) Individual trees over eight inches in trunk diameter measured four feet above the base of the trunk in areas to be developed or otherwise disturbed;

(3) Designated placement, location, and principal dimensions of lots, buildings, streets, parking areas, recreation areas and other open space, landscaping areas and utilities;

(4) If the developer owns or otherwise controls property adjacent to the proposed development, a conceptual plan for such property demonstrating that it can be developed in a compatible manner with the proposed development;

d. A conceptual landscape plan showing existing and proposed landscaping, in accordance with the requirements of this Code.

e. Drawing and/or text showing scale, bulk and architectural character of proposed structures;

f. For PUDs proposed in the R-1 or R-2 zoning district, a conceptual drawing depicting the number and location of lots, which would be allowed if no regulations were modified;

g. Special features including but not limited to critical areas and sites or structures of historic significance;

h. A text describing conditions or features, which cannot be adequately displayed, on maps or drawings;

i. A narrative stating how the proposed development complies with the goals and policies of the Comprehensive Plan, including level of service standards and

guidelines, and with the development regulations contained in this and other titles;

j. Draft conditions, covenants and restrictions, and other documents relating to operation and maintenance of the development, including all of its open areas and recreational facilities;

k. Preliminary drainage, grading, and utility service system plans;

l. Other information required by the City, or by any other section of this Code.

2. The applicant may submit to the City proposed development standards which, if approved by the city council, shall become a part of the preliminary plan in lieu of the requirement of subsection (A)(2) of this section for specifying placement, location and principal dimensions of buildings, streets, and parking areas. This alternative process is intended to accommodate the need for flexibility in large-scale non-single-family developments, while insuring that sufficient information as to the nature of the development is available upon which to base a decision concerning the preliminary development plan. Proposed development standards shall specifically set forth parameters for location, dimensions and design of buildings, streets and parking areas.

E. Preliminary PUDs - Criteria for approval.

Preliminary PUD approval shall be granted by the city only if the applicant demonstrates that:

1. The proposed project shall not be detrimental to present and potential surrounding land use.

2. Land surrounding the proposed development can be planned in coordination with the proposed development and can be developed so as to be mutually compatible.

3. Streets and sidewalks, existing and proposed, are suitable and adequate to carry anticipated traffic within the proposed project and in the vicinity of the proposed project, in light of the criteria set forth in this Code and in compliance with transportation level of service standards and guidelines contained in the comprehensive plan.

4. Services including potable water, sanitary sewer and storm drainage are available or can be provided by the development prior to occupancy so as to comply with level of service standards or guidelines contained in the comprehensive plan.

5. Each phase of the proposed development, as it is planned to be completed, contains the required parking spaces, recreation spaces, landscape and utility areas necessary for creating and sustaining a desirable and stable environment.

6. The project conforms with the purposes and standards prescribed in this chapter.

7. The project conforms to the Comprehensive Plan, and any applicable sub-area plan that has been adopted by the city.

8. If a subdivision application is being processed concurrently, conformance with the requirements of City Code Section 11.

F. Preliminary PUDs - Minor and major changes to an approved preliminary PUD.

1. A proposed minor change to an approved PUD shall be incorporated into the application for final PUD approval, and any notification regarding such final PUD approval shall describe the proposed minor change(s). A "minor change" means any departure from the conditions of preliminary approval, which is not a "major change" and includes but is not limited to the following:

a. Reductions in the number of dwelling units in a structure;

b. Reductions in the number of nonresidential structures;

c. Reductions in the heights of structures;

d. Revisions to location of internal roads;

e. Revisions similar in nature to those above as determined by the Zoning Administrator.

2. A proposed change to an approved preliminary PUD shall require reapplication for preliminary PUD approval as set forth in this Code and any notification regarding such preliminary PUD approval shall describe the proposed major change or changes. A major change is any departure from the conditions of preliminary PUD approval, which would result in any of the following:

- a. Revisions to the approved design concept;
- b. Revisions to the approved use(s);
- c. An increase in the number of residential dwelling units;
- d. An increase in square footage of nonresidential structures;
- e. A decrease in the amount of landscaping, site perimeter buffering, and open space; and
- f. An increase in traffic volumes or change in circulation patterns which impacts surrounding development.

A. Final PUDs - Contents of complete application.

Within 12 months following the approval of the preliminary PUD, the applicant shall file with the City a final PUD conforming to the approved preliminary PUD, including any proposed minor changes pursuant to this Code. Should the approved preliminary PUD include a preliminary subdivision, the applicant shall file a final development plan within the time period required by law. Such a final subdivision shall not be approved unless and until the associated final PUD is approved. In addition to the information required under Section 11 of this Code for the preliminary PUD, the final PUD shall include the following:

- 1. A survey of the property, showing for all areas to be developed or disturbed existing features, including topography at two-foot contours, buildings, structures, trees over eight inches in trunk diameter measured four feet above the base of the trunk, streets, utility easements, rights-of-way, and existing land uses;

2. Elevation and perspective drawings of project structures and improvements;

3. Proposed final conditions, covenants and restrictions (CC&Rs) and other documents relating to operation and maintenance of the development, including all of its open areas and recreational facilities, which CC&Rs and other documents shall be recorded upon final PUD approval;

4. Proposed final agreements, which may have been required as conditions of preliminary PUD approval;

5. A development schedule, if development may extend over more than a two-year period;

6. The following plans and diagrams:

a. An off-street parking plan;

b. A circulation diagram indicating the proposed movement of vehicles and pedestrians within the planned unit development, and to and from existing and programmed thoroughfares; any special engineering features and traffic regulating devices needed to facilitate or insure the safety of this circulation pattern must be shown;

c. Landscaping and tree planting plan, including site grading;

d. A topographic map or model of the site and surrounding vicinity;

e. Final drainage plan.

7. In the event that development standards were submitted and approved as part of the preliminary development plan pursuant to this code, development standards shall be made binding upon all future developers of the property in a manner acceptable to the city, and may be submitted in lieu of elevation and perspective drawings of project structures and improvements.

H. Final PUDs - Criteria for approval.

Final PUD approval shall be granted by the city only if the applicant demonstrates that the final PUD substantially conforms to the approved preliminary PUD, including minor changes. For the purposes of this section, "substantially conforms" means that, as

compared to the preliminary PUD, the final PUD contains no revisions in density, uses, design or development standards or in the site plan, other than the minor changes.

I. Final PUDs - Extension of time for filing.

For good cause shown, the city council, in its discretion, may grant an extension of time of one year for filing the final PUD and required accompanying papers, and may grant additional one-year extensions; provided, however, the city shall have the right to re-examine and update any conditions made to mitigate development impact.

J. Final PUDs - Failure to file - Termination.

1. In the event the final PUD or any required attendant papers are not filed within 12 months following approval of a preliminary PUD, except as provided in this Code, the approval of the preliminary PUD shall lapse and the approval shall be deemed null and void and without force or effect.

2. When it is determined as part of the preliminary PUD approval that the final PUD is to be phased, the final PUD for the first phase shall be submitted within 12 months of preliminary approval. The final development plan for each subsequent phase shall be submitted within the schedule established at the time of preliminary PUD approval. In the case of a PUD, which includes a subdivision, the final PUD shall be submitted within five years of receiving preliminary approval.

3. The time period for filing of final PUDs shall not include periods of time during which progress on the final PUD was reasonably halted or delayed due to the filing and pendency of legal actions challenging an approval granted by the city pursuant to this chapter; provided, that in all cases when more than two years have elapsed subsequent to the date of approval of a preliminary PUD, whether due to the pendency of litigation, city approved extensions of time for filing or otherwise, the permittee shall be required to comply with all current building, construction, subdivision and other applicable standards of the city prior to being granted approval of the final PUD.

K. Final PUDs - Adjustments to approved final PUD.

Adjustments to an approved final PUD shall be processed in accordance with the provisions of this section.

1. The Zoning Administrator is authorized to allow adjustments in accordance with subsection B of this section. The Zoning Administrator shall allow only such adjustments as are consistent with guidelines established in subsection B of this section, and in no case shall an adjustment be allowed if it will increase the total amount of floor space authorized in the approved final PUD, or the number of dwelling units or density, or decrease the amount of parking or loading facilities or permit buildings to locate substantially closer to any boundary line or change substantially any point of ingress or egress to the site.

2. For the purposes of this section, "adjustments" means any departure from the conditions of final PUD approval, which complies with the following criteria:

a. The adjustment maintains the design intent and quality of the original approval;

b. The amount of landscaping, buffering and open space shall not be reduced;

c. The number of dwelling units in residential developments and the square footage of nonresidential structures shall not increase;

d. The adjustment shall not relocate a building, street or other use more than 20 feet in any direction and shall not reduce any required yard and/or setback;

e. The height of buildings and other structures shall not increase;

f. Views from both structures on-site and off-site shall not be substantially reduced;

g. Traffic volumes shall not increase and circulation patterns shall not change;

h. Changes in colors, plant material and parking lot configurations are minor;

i. The adjustment does not add significant new environmental impacts or significantly increase environmental impacts disclosed in the original documents;

j. The Zoning Administrator determines that the change will not increase any adverse impacts or undesirable effects of the project, or that the change in no way significantly alters the project.

L. Bond required for final PUD.

No final PUD shall be implemented until the applicant files with the city a bond approved by the city, executed by a surety company authorized to do business in the state, or other equivalent security approved by the city attorney, in an amount equal to the City's estimate of the cost of all public improvements, utilities, and all landscaping portions of the final PUD, conditioned upon the permittee's completion of such portions of the project according to the submitted final PUD and the provisions of this chapter, and, in addition, providing that no change, extension of time, alteration or addition to the project will in any way affect the obligation on the bond. Said bond, or an additional bond or other equivalent security, shall also be conditioned upon full restoration of the site in the event that grading, clearing or any other site preparation or work is begun and abandoned, and in the determination of the city, it will better serve the public health, welfare and safety to restore the site rather than to require completion of public improvements, utilities and landscaping. If the PUD is also being subdivided, the bonds required to be posted by this Code, to the extent that they satisfy the requirements of this section, shall be accepted as full or partial fulfillment of the requirements hereof.

M. Building permits - Certificates of occupancy - Common walls.

1. The city shall issue building permits for buildings and structures, which conform with the approved final PUD and with all other applicable city ordinances and regulations. The city shall issue a certificate of occupancy for completed buildings or structures which conform to the requirements of the approved final PUD and all other applicable city ordinances and regulations. The construction and development of all the open spaces and public and recreational facilities of each project phase must be completed or bonded before any certificate of occupancy will be issued.

2. In PUD projects receiving final approval, where units will have common walls, the city may issue building permits for construction of those units prior to approval of final lot lines.

N. Extension of time for construction.

For good cause shown, the city council, in its discretion, may grant one extension of time for commencement or continuation of construction subsequent to approval of the final PUD.

O. Planned Unit Development plan - Decision criteria.

The City may approve or approve with modifications a Planned Unit Development plan if:

1. The Planned Unit Development is consistent with the Comprehensive Plan; and

2. The Planned Unit Development accomplishes, by the use of permitted flexibility and variation in design, a development that is better than that resulting from traditional development. Net benefit to the City may be demonstrated by one or more of the following:

a. Placement, type, number or reduced bulk of structures, or

b. Interconnected usable open space, or

c. Recreation facilities, or

d. Other public facilities, or

e. Conservation of natural features, or

f. Aesthetic features and harmonious design, or

g. Energy efficient site design or building features; and

3. The Planned Unit Development results in no greater burden on present and projected public utilities and services than would result from traditional or other allowed development and the Planned Unit Development will be served by adequate public or private facilities including streets, fire protection, and utilities; and

4. The perimeter of the Planned Unit Development is compatible with the existing land use or property that abuts or is directly across the street from the subject property. Compatibility includes but is not limited to size, scale, mass and architectural design; and

5. Landscaping within and along the perimeter of the Planned Unit Development is superior to that which may be required by this Code and enhances the visual compatibility of the development with the surrounding neighborhood; and

6. Access to three (3) or more residential units and two (2) or more non-residential units shall be on a roadway which, whether dedicated to the public or not, conforms to the City's design criteria including sub-grade, finish grade and curb radii but not necessarily street width. Private streets not meeting these design criteria will not be allowed.

7. Open space within the Planned Unit Development is an integrated part of the project rather than an isolated element of the project; and

8. The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and

9. Roads and streets, whether public or private, within and contiguous to the site comply with City guidelines for construction of streets; and

10. Streets and sidewalks, existing and proposed, are suitable and adequate to carry anticipated traffic within the proposed project and in the vicinity of the proposed project; and

11. Each phase of the proposed development, as it is planned to be completed, contains the required parking spaces, open space, recreation space, landscaping and utility area necessary for creating and sustaining a desirable and stable environment.

P. Planned Unit Development plan - Open and recreation space requirement.

1. General.

Within a Planned Unit Development including residential uses:

a. At least 40 percent of the gross land area, which includes any protected area, of the subject property must be retained or developed as open space as defined by this Code; and

b. At least 10 percent of the gross land area, which includes any protected area, of the subject property must be retained or developed as common recreation space as defined by this Code; provided, however, that the requirement for recreation space may be waived if the total of protected area and protected area setback equals at least 40 percent of the gross land area; and

c. Recreation space as required by paragraph A.2 of this section may be included in the open space required by paragraph A.1 of this section if:

(1) The common recreation space meets the definition of open space, as defined in this Code; and

(2) At least 20 percent of the gross land area is non-recreation open space.

Provided, however, that recreation space may not occur in a protected area or a protected area setback;

d. The area of the site devoted to pedestrian trails shall not be included in the required common recreation space unless public trails are specifically required by the City;

e. An outdoor children's play area meeting the requirements of this Code may be included in the above described common recreation space requirement;

f. For mixed-use projects, the required open and recreation space shall be designed to meet the needs of both the residential and commercial uses.

2. Maintenance.

In appropriate circumstances the City may require a reasonable performance or maintenance assurance device in conformance with this Code to assure the retention and continued maintenance of all open and recreation space in conformance with the Land Use Code and the Planned Unit Development plan approval.

Source: Ord. 561-2nd Series
Effective Date: 7/11/05

Section 10.21.5. **“WHP” Wellhead Protection District**

Subd. 1. **Purpose.** The purpose of the “WHP” Wellhead Protection District is to protect the public health, safety, and general welfare of the community and its people through the establishment of minimum regulations governing development and use of property proximate to the City’s municipal water well field.

Subd. 2. **Applicability** The following requirements apply to all land within the Wellhead Protection Zones, as defined in subparagraph C, with the exceptions of all uses existing at the time of passage of this ordinance and of single and multi-family residential land uses connected to municipal sanitary and storm sewers. After the effective date of this ordinance: No building, structure, premises, or part thereof shall be constructed, erected, enlarged, extended, or relocated except in conformity with these regulations and for uses permitted by this ordinance and until the proposed site and land use description has been filed with and approved by the City of Alexandria Planning and Zoning Department.

Subd. 3. **Establishment of Wellhead Protection Zones** For purposes of this ordinance, the following areas are designated as Wellhead Protection Zones:

Zone I

The area contained within the Inner Wellhead Management Zone of a public water supply well or Wellhead, as defined by a modeled delineation performed in compliance with Minnesota Rules, part 4720.5510 to 4720.5590; or

The areas within two hundred (200) feet of a public water supply well.

Zone 2

The area contained within a one (1) year time-of-travel to a public water supply well or Wellhead, as defined by a modeled delineation performed in compliance with Minnesota Rules, part 4720.5510 to 4720.5590; or

The areas within one thousand (1,000) feet of a public water supply well.

Subd. 4 **Site and Plan Review**

A. Development Plans Required. Unless otherwise exempted under Subd. 4.B any proposed land use

within a Wellhead Protection Zone must submit a Site and Development Plan, as described in Subd. 4.D

B. Exemptions. The following are not required to submit Site and Development Plans:

1. Zone 1 district -- Any land use, in the ordinary course of their business, that has, or will have, less than the threshold amount of one (1) gallon of liquids in the aggregate or six (6) pounds of water soluble solids; and
2. Zone 2 district -- Any land use, in the ordinary course of their business, that has, or will have, less than the threshold amount of one hundred (100) gallons of liquid in the aggregate or six hundred (600) pounds of water soluble solids in the aggregate.
3. In determining thresholds, the following substances shall be exempted:
 - a. Reasonable quantities of substances used for routine building and yard maintenance stored inside a facility;
 - b. Liquids required for normal operation of a motor vehicle in use in that vehicle;
 - c. Substances contained within vehicles for bulk deliveries to the site;
 - d. Beverages and food at restaurants, supermarkets, convenience stores, and other retail food establishments;
 - e. Uncontaminated public water supply water, groundwater and/or surface water;
 - f. Substances, which are packaged in pre-sealed containers, sold at retail establishments;
 - g. Substances utilized for the production and treatment of public water supply; and
 - h. Substances, which due to their inherent chemical or physical properties, that are determined to pose no significant threat to groundwater quality.

C. Plan Review. Property located within Zones 1 and 2 proposed for new construction or expansion of existing facilities shall prepare and submit a description of said construction or expansion and

the new or expanded use of the property. The site description shall be submitted to the City of Alexandria Planning and Zoning Department for review and either approval, disapproval, or approval with conditions. The City of Alexandria Planning and Zoning Department may solicit comments from Alexandria Light and Power on the site and development plan.

In reviewing the site and land use description, the City of Alexandria Planning and Zoning Department shall assess whether the site and proposed land use:

1. Will prevent potential ground water contaminants associated with human activity from interfering with each community public water supply system's ability to produce drinking water that meets all applicable federal and State drinking water standards after undergoing conventional ground water treatment, as employed by the public water supply system. These treatment processes include, but are not limited to aeration, detention, pressure filtration, and disinfection;
2. Will not unreasonably endanger the quality of groundwater in a designated wellhead protection area. An unreasonable risk includes, but is not limited to, the inappropriate storage, handling, use and/or production of metals, inorganic compounds, volatile organic compounds, semi-volatile organic compounds or other substances listed at MN Rules Chapter 7045 and
3. The site complies with the standards and prohibitions listed in Section E.

D. Plan Documentation and Supporting Information.

Said Site and Development Plans shall include the following:

1. A narrative report of the proposed site, including:
 - a. A narrative description of the site including any existing uses, setbacks,

- available sewage disposal facilities, and a brief history of the site (including any former uses, historical environmental concerns, abandoned wells, underground storage tanks, septic systems, etc.);
- b. Description of the proposed operations, including chemicals / products used or generated, chemical/product storage area descriptions, waste generation quantities, equipment cleaning/maintenance procedures
 - c. Methods and locations of receiving, handling, storing and shipping chemicals/products and wastes
 - d. Spill or release response measures and reporting
 - e. Description of slopes near containment vessels and waste storage areas
2. A Site Plan including:
- a. A Vicinity Map (USGS quadrangle preferred);
 - b. A site Map (drawn to scale) depicting:
 - All existing and proposed structures
 - Paved and non-paved areas
 - Utility lines (inside and outside structures) including sanitary sewers, storm sewers, storm retention ditches/basins/french drains/dry wells, etc. (both proposed and existing)
 - Floor drain locations and outlets
 - Chemical/product storage locations
 - Waste storage locations
 - Liquid transfer areas
 - Site surface water bodies (streams, rivers, ponds)
 - Underground Storage Tanks (and associated piping)
 - Aboveground Storage Tanks (and associated piping)
 - Slope and contours of finished grade at 2-foot intervals
 - Regulated Drains
 - Any and all easements

3. Proposed containment area detail drawings, including area, heights, materials, specifications, if applicable.

Subd. 5 **Development Standards and Prohibitions**

- A. All development shall be connected to available municipal sanitary sewers or combined sewers. Floor drains, if present, must be connected to sanitary sewers or combined sewers or routed to a temporary holding area for removal;
- B. No surface impoundments, pits, ponds or lagoons shall be in Zone 1.
- C. Surface impoundments in Zone 2 are allowed for:
 1. Storm water detention and retention ponds; and
 2. Public water supply purposes
- D. In Zone 2, detention and retention ponds shall be constructed in a manner that provides an effective barrier to the migration of potential ground water contaminants into ground water, as demonstrated by sealing the bottom of the structure with clay or other approved low permeability material.
- E. The following restrictions apply to new storage areas in Zone 1:
 1. Existing above ground storage tanks are non-compliant and must be removed when taken out of service;
 2. No new above ground storage tanks are permitted;
 3. No new underground storage tanks (USTs) are permitted
- F. All above ground storage of liquids in excess of 1,000 gallons capacity within Zones 1 and 2 are prohibited
- G. Above ground storage of liquids with less than 1,000 gallons capacity must provide secondary containment which meets the following requirements:
 - Containment must be capable of containing one-hundred and ten percent (110%) of the volume of the tank or tanks;
 - Constructed to meet one of the following:
 1. Designed to prevent and control the escape of the contaminant(s) into ground water for a minimum of 72 hours before removal; or

2. Designed and built with an outer shell and a space between the tank wall and outer shell that allows and includes interstitial monitoring.
 - The secondary containment structure shall be properly maintained and shall be free of vegetation, cracks, open seams, open drains, siphons, or other openings that jeopardize the integrity of the structure; and
 - Secondary containment systems shall be designed so that the intrusion of precipitation is inhibited or that stormwater is removed to maintain system capacity.
- H. In Zone 1, Underground Storage Tanks (UST) are considered a non-conformity that cannot be replaced or upgraded and must be removed when out of service.
- I. In Zone 2, the requirements of MN Rules Chapter 7150.0030 apply to all existing registered USTs. Existing registered UST's may be replaced in compliance with said Chapter.
- J. All Class V Injection Wells (including but not limited to dry wells, large-capacity cesspools, motor vehicle waste disposal wells, or other injection wells as defined at 40 CFR 146 shall be prohibited with the exception of the following:
 1. Air conditioning return flow wells used to return to the supply aquifer the water used for heating or cooling in a heat pump, if non-contact;
 2. Cooling water return flow wells used to inject water previously used for cooling, if non-contact;
 3. Barrier recharge wells used to replenish the water in an aquifer or to improve ground water quality, provided the injected fluid does not contain potential ground water contaminants; and
 4. Wells associated with the recovery of geothermal energy for heating, aquaculture and production of electric power, if non-contact.
- K. The transfer area for bulk delivery of liquids shall be required to accommodate and contain a release that occurs during loading and unloading of a tank as follows:
 1. The liquid transfer area shall be

constructed in a manner to prevent a release in the transfer area from reaching the ground water; and

2. The portion of the liquid transfer area intended to contain releases shall be maintained so that it is free of vegetation, cracks, open seams, open drains, siphons, or other openings that jeopardizes the integrity of the area.
- L. No disposal of Solid Waste, (as defined in City Code Section 2.70 and/or CFR 261.2), or other hazardous materials (defined as any substance that: (1) conveys toxic, lethal, or other injurious effects or which causes sub-lethal alterations to plant, animal, or aquatic life; or (2) may be injurious to human beings; or (3) any matter identified as "hazardous waste" by the Environmental Protection Agency or its successor or a "controlled hazardous substance" by the Minnesota Pollution Control Agency or its successor), is permitted in either Zone 1 or Zone 2.
- M. The following requirements apply to all excavation activities associated with the removal of sand and gravel materials:
1. The extraction of sand and gravel shall not be allowed below the normal groundwater level.
 2. There shall be no de-watering of sites utilized for sand and gravel extraction
 3. No form of solid waste (as defined at City Code Section 2.70) or any other form of waste material of any kind, including but not limited to construction/demolition debris, shall be used on the site. Clean natural earth fill materials may be used without restriction as to origin or placement on-site.
 4. All fuels, oils, lubricants, hydraulic fluids, petroleum products, or other similar materials on site shall have appropriate secondary containment.

Table 1

Cross-reference of Development Standards and Prohibitions
by Land Use Wellhead Protection Zone

Land Use	Zoning District	
	Zone 1 (IWMZ) or 200-foot radius of Public Water Supply Well	Zone 2 (One Year Time-of-Travel) or 1000-foot radius of Public Water Supply Well
Sanitary land fills	Prohibited	Prohibited
On-Site Sewage Disposal (Commercial Facilities)	Prohibited	Prohibited
Sand and Gravel Mining	Prohibited	Allowed Prohibited below water level
Surface Impoundments (e.g., pits, ponds & lagoons)	Prohibited	Prohibited Exceptions for stormwater
Detention and Retention Basins	Prohibited	Allowed Must be lined
New ASTs (>1,000 gallons)	Prohibited	Prohibited
New ASTs (<1,000 gallons)	Prohibited	Allowed Must have secondary containment at 110% of volume
Existing ASTs	Allowed as Non-Conforming Remove when taken out of service	Replacement allowed. Must have secondary containment at 110% of volume
Permitted Hazardous Waste Storage	Prohibited	Allowed (Small to Medium) Must prevent release to ground, and be appropriately maintained
New USTs	Prohibited	Prohibited

Existing USTs	Allowed as Non-Conforming Remove when taken out of service. No expansion allowed	Replacement allowed. Must meet all requirements of MN Rules Chapter 7150.0030
Class 5 Injection Wells (e.g., dry wells)	Prohibited	Prohibited
Liquid Transfer Areas	Allowed Must prevent release to ground, and Must be appropriately maintained	Allowed Must prevent release to ground, and Must be appropriately maintained

Source: Ord. 751-2nd Series
Effective Date: 09/12/16

Section 10.22. **Administration and Enforcement**

Subd. 1. **Administering Officer.** This ordinance shall be administered and enforced by the Zoning Administrator who shall be appointed by the City Council.

Subd. 2. **Duties of the Zoning Administrator.** The Zoning Administrator shall enforce this Ordinance through the proper legal channels and in addition therefore and in furtherance of said authority he shall:

A. Determine that all building permits comply with the terms of this Ordinance.

B. Issue Certificates of Occupancy for any use, structure, or building, after determination as provided for herein and maintain current records on the issuance of Certificates of Occupancy.

C. Maintain permanent and current records of this Ordinance, including but not limited to, all maps, amendments, conditional uses, variances, appeals and applications therefor.

D. Receive, file and forward all applications for appeal, variances, conditional uses and other matters to the designated official bodies.

E. Institute in the name of the City of Alexandria any appropriate actions or proceedings against the violator as provided by law.

Subd. 3. **Duties of Building Inspector.** The Building Inspector shall be responsible for the issuance of Certificates of Occupancy for any use, structure or building.

Subd. 4. **Administrative Standards.** Whenever, in the course of the administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decisions, then, unless other standards are provided within this Ordinance, the decisions shall be made so that the result will be consistent with intent and purpose of this Ordinance.

Section 10.23. Administration-Amendments and Conditional Use Permit.

Subd. 1. **Procedures.**

A. Request for amendments or conditional use permits, as provided within this Ordinance, shall be filed with the Zoning Administrator on an official application form. Such application shall be accompanied by a fee as outlined in Section 10.27. This fee shall not be refundable. Such application shall also be accompanied by complimentary copies or detailed written and/or graphic materials that will fully explain the proposed change, development, or use. The Zoning Administrator shall refer this said application, along with all related information, to the City Planning Commission for its consideration.

B. The Zoning Administrator, on behalf of the Planning Commission, shall set a date for a public hearing. Notice of such hearing shall be published in the official newspaper of the City at least ten (10) days prior to the date of the hearing. Such notice shall also be mailed not less than ten (10) days to all property owners of record according to the County tax records within three hundred and fifty (350) feet of the property to which the request relates. If the request relates to the "S" Shoreland District or the "FP" Flood Plain District, said notice shall be also mailed to the Commissioner of the Minnesota Department of Natural Resources or his authorized agent at least ten (10) days prior to such hearings. A copy of the notice and a list of property owners and addresses to which the notice was sent shall be attested to by the Zoning Administrator or the City Clerk and made a part of the official record. The failure to give mail notice to individual property owners, or defects in notice, shall not invalidate the proceedings, provided a bona fide attempt to comply with the subsection has been made.

Source: Ord. 547-2nd Series
Effective Date: 2/14/05

C. The Planning Commission shall consider requests accompanied by a complete application and hold a public hearing at its regularly scheduled meeting unless the filing date falls within twenty (20) working days of said meeting, in which case the request will be placed on the agenda and considered at the regular meeting following the next regular meeting. The Zoning Administrator shall refer said application, along with all related information, to the

Planning Commission for its consideration. The applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed amendment or conditional use.

Source: Ord. 547-2nd Series
Effective Date: 2/14/05

D. The Planning Commission shall consider possible effects of the proposed amendment or conditional use. Its judgment may be based upon but not limited to the following findings of fact:

1. the relationship to the City's Future Land Use Plan.
2. the geographical area involved.
3. whether such use will tend to or actually depreciate the area in which it is proposed.
4. the character of the surrounding area.
5. the availability and design capabilities or capacities of the existing and proposed utilities.
6. the adequacy of existing and proposed street systems.
7. whether such use will place undue financial burden on the City.

E. The Planning Commission and the City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony at the expense of the applicant.

F. Within sixty (60) days from the date of the public hearing, the Planning Commission shall make a findings of fact and recommend such action or conditions relating to the request of the City Council. For all conditional uses, the following conditions may be required by the Planning Commission:

1. The land area and setback requirements of the property containing such a use or activity be the minimum established for the district.

2. When abutting a residential use in a residential district, the property be screened and landscaped in compliance with Section 10.03, Subd. 2G of this ordinance.

3. When applicable, all City, State and Federal laws, regulations and Ordinances be complied with and all necessary permits secured.

4. All signs be in compliance with Section 10.24 of this ordinance.

5. Adequate off-street parking be provided in conformance with Section 10.03, Subd.5. Such parking be screened and landscaped from abutting residential uses in compliance with Section 10.03, Subd. 2G of this Ordinance.

6. The proposed water, sewer and other utilities be capable of accommodating the proposed use.

7. The street serving the use or activity be of sufficient design to accommodate the proposed use or activity and such use or activity not generate such additional traffic to create a nuisance or hazard to existing traffic or to surrounding land uses.

8. All access roads, driveways, parking areas, and outside storage, service or sales areas be screened from view from the public streets and abutting residential uses or districts.

Source: Ord. 338-2nd Series
Effective Date: 2/08/93

9. That no outdoor storage, display, service, sales and rental as authorized by Section 10.11 and 10.15 be allowed except in conformance with Section 10.03, Subdivision 2D of this Ordinance.

Source: Ord. 646-2nd Series
Effective Date: 10/13/09

10. All lighting be designed as to have no direct source of light visible from adjacent residential areas or from the public street.

11. The use or activity be properly drained to control surface water run-off as set forth in Section 10.03, Subd. 2E or this Ordinance.

12. The architectural appearance and functional plan of the building site not be so dissimilar to the existing buildings or areas to cause impairment to property values or constitute a blighting influence.

13. In "S" Shoreland areas additional evaluation criteria and conditions need to be considered as set forth in Section 10.20, Subd. 5G of this Ordinance.

14. Environmental studies be conducted in compliance with Section 10.29 of this Ordinance.

15. Waste transfer stations authorized by Section 10.15 of this Ordinance shall provide:

a. That all waste be held and waste transfers take place inside of a fully enclosed building,

b. That no waste remain on-site in excess of 72 hours,

c. That the City retains the right of inspection at reasonable times to determine compliance with its rules, regulations, ordinances, etc., and

d. That no outdoor storage be allowed except in conformance with Section 10.15, Subdivision 4A of this Ordinance.

Source: Ord. 373-2nd Series

Effective Date: 6/26/95

16. Open and outdoor sales and rental of motor vehicles authorized by Sections 10.11 and 10.15 of this Ordinance shall provide:

Source: Ord. 646-2nd Series

Effective Date: 10/13/09

a. A minimum of 2000 square feet of paved, off-street surface for the display of vehicles to be sold or rented, customer and employee parking and ingress and egress lanes, and;

b. An average of 200 square feet of paved, off street surface for each vehicle to be displayed.

c. No display of vehicles to be sold or rented in the boulevard area of a public street or right-of-way.

All conditions pertaining to a specific site are subject to change when the Planning Commission or City Council, upon investigation, finds that the community safety, health, welfare and public betterment can be served or as well or better by modifying the conditions.

G. Upon receiving the report and recommendation of the Planning Commission, or until sixty (60) days after the first (1st) Planning Commission meeting at which the request was considered, the City Council shall place the report and recommendation on the agenda for the next regular meeting. Such report and recommendation shall be entered into and made part of the permanent record of the City Council meeting.

H. Upon receiving the report and recommendation of the Planning Commission, the City Council shall either:

1. approve or disapprove the request as recommended by the Planning Commission, or

2. approve or disapprove the recommendation of the Planning Commission with modifications, alterations or differing conditions. Such modifications, alterations or differing conditions shall be in writing and made part of the Council's records, or

3. refer the recommendation back to the Planning Commission for further consideration.

Approval of a request for a conditional use permit shall require passage by a majority vote of the full Council. Approval of a request for a zoning amendment shall require passage by a four fifths (4/5) vote of the full Council. The Zoning Administrator or the City Clerk shall notify the applicant of the Council's action and if such action relates to the land located in the "S" Shoreland District or in the "FP" Flood Plain management District to the Commission or Minnesota Department of Natural Resources of his authorized agent within ten (10) days of the final decision.

I. The decisions of the Planning Commission shall be advisory to the City Council. The decisions of the City Council shall be final subject to appeal to the Board of Appeals as set forth in Section 10.25 and subject to judicial review.

Subd. 2. **Amendments - Initiations.** The City Council or Planning Commission may upon their own motion initiate a request to amend the text or the district boundaries of this Ordinance. Any person, or agent owning real estate or having an interest with property within the City may initiate a request to amend the district boundaries or the text of this Ordinance so as to affect said real estate.

Subd. 3. **Lapse of Conditional Use Permit by Non-Use.**

Whenever within one (1) year after granting a conditional use permit, the work as permitted by the permit should not have been completed, then such permit shall become null and void unless a petition for extension shall be requested in writing and filed with the Zoning Administrator or City Clerk before the expiration of the original conditional use permit. Such petition shall be presented to the Planning Commission for a recommendation and to the City Council for final decision.

Subd. 4. **Certified Copies Required.**

A certified copy of every ordinance, resolution, map, regulation, or amendment of the Zoning Ordinance shall be filed with the Recorder's Office of Douglas County. Ordinances, resolutions, maps, regulations, or amendments so filed pursuant to this subdivision do not constitute encumbrances on real property.

Effective Date: 2/08/93
Source: Ord. 338-2nd Series

Section 10.23.01. **Interim Use Permits.**

Subd. 1. **Purpose.** The purpose and intent of allowing interim uses is:

A. To allow a use for a limited period of time, but in no case longer than three (3) years, that reasonably utilizes the property where it is not reasonable to utilize it in the manner provided in the Comprehensive Plan, and,

B. To allow a use that is presently acceptable but that, with anticipated development, will not be acceptable in the future, or will be replaced in the future by a permitted or conditional use allowed within the respective district, and,

C. To allow a use, which is reflective of, anticipated long-range change to an area and which is in compliance with the Comprehensive Plan.

Subd. 2. **Application, Hearing, Notice and Procedure.** The application, public hearing, public notice and procedure requirements for interim use permits shall be the same as those for amendments or conditional use permits as provided for in Section 10.23 of this Code.

Subd. 3. **Standards.** The Planning Commission shall recommend an interim use permit and the Council shall issue such interim use permits only if it finds that such use, in the proposed location:

A. Meets the standards of a conditional use permit as set forth in Section 10.23 of this Code.

B. Conforms to the zoning regulations, performance standards and other requirements applicable in the zoning district.

C. Is allowed as an interim use in the zoning district.

D. Will terminate upon a date or event that can be identified with certainty.

E. Will not impose, by written agreement with the City, additional costs on the public if it is necessary for the public to take the property in the future.

F. Will be subject to, by written agreement, any conditions that the City Council deems appropriate for permission of the use, including a condition that the owner will provide an appropriate financial surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use permit.

G. Existing uses. Uses defined as interim uses which exist upon the effective date of this ordinance and which are legally established with a respective zoning district shall be considered approved.

Subd. 4. **Termination.** An interim use permit shall terminate upon the occurrence of any of the following events, whichever first occurs:

A. The expiration date established by the City Council at the time of approval, but in no event more than three years from the date of approval; or

B. The occurrence of any event identified in the Interim Use Permit for the termination of the use; or

C. A violation of conditions under which the permit was issued; or

D. An amendment to the City Code that no longer allows the interim use.

E. The redevelopment of the use and property upon which it is located to permitted or conditional use as allowed within the respective zoning district.

F. Because of the temporary nature, an interim use permit shall not be renewed.

Subd. 5. **Lapse of Permit by Non-Use.** The provisions of Section 10.23, Subdivision 3 of this Code shall apply to Interim Use Permits granted under this Section.

Source: Ord. 518-2nd Series
Effective Date: 10/14/03

Section 10.24. **Signs.**

Subd. 1. **Purpose and Findings.** The purpose and findings of the sign ordinance is as follows:

A. **Purpose:** The sign ordinance is intended to establish a Comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe, and attractive community, and the need for effective communications including business identification. It is the intent of this section, to promote the health, safety, general welfare, aesthetics, and image of the community by regulating signs that are intended to communicate to the public, and to use signs which meet the City's goals by authorizing:

- 1) permanent signs that establish a high standard of aesthetics;
- 2) signs that are compatible with their surroundings;
- 3) signs that are designed, constructed, installed and maintained in a manner that does not adversely impact public safety or unduly distract motorists;
- 4) signs that are large enough to convey the intended message and to help citizens find their way to intended destinations;
- 5) signs that are proportioned to the scale of, and are architecturally compatible with, principal structures;
- 6) permanent signs which give preference to the on-premise owner or occupant; and
- 7) temporary signs and advertising displays which provide an opportunity for grand openings and special events while restricting signs that create continuous visual clutter and hazards at public right-of-way intersections.

B. **Findings:** The City of Alexandria finds it is necessary for the promotion and preservation of the public health, safety, welfare and aesthetics of the community that the construction, location, size and maintenance of signs be controlled. Further, the City finds:

- 1) permanent and temporary signs have a direct impact on and relationship to the image of the community;
- 2) the manner of installation, location and maintenance of signs affects the public health, safety, welfare and aesthetics of the community;
- 3) an opportunity for viable identification of community businesses and institutions must be established;
- 4) the safety of motorists, cyclists, pedestrians and other users of public streets and property are affected by the number, size, location and appearance of signs that unduly divert the attention of drivers;
- 5) installation of signs suspended from, projecting over, or placed on the tops of buildings, walks or other structures may constitute a hazard during periods of high winds and an obstacle to effective fire-fighting and other emergency service;
- 6) uncontrolled and unlimited signs adversely impact the image and aesthetic attractiveness of the community and thereby undermine economic value and growth;
- 7) uncontrolled and unlimited signs, particularly temporary signs which are commonly located within or adjacent to public right-of-way or are located at driveway/street intersections, result in roadside clutter and obstruction of views of oncoming traffic. This creates a hazard to drivers and pedestrians and also adversely impacts a logical flow of information;
- 8) commercial speech signs are generally incompatible with residential uses and should be strictly limited in residential zoning districts; and
- 9) the right to express noncommercial opinions in any zoning district must be protected, subject to reasonable restrictions on size, height, location and number.

Subd 2. **Application of Regulations and Substitution Clause.** This section shall apply to the location, erection, and maintenance of signs in all zoning districts within the City of Alexandria, Minnesota. The owner of any sign which is otherwise allowed by this Section of City Code may substitute non-commercial copy or message in lieu of any other commercial or non-commercial sign copy or message without any additional approval or permitting subject to the operational standards set forth herein. The purpose of this provision is to prevent any inadvertent favoring of commercial speech or message over non-commercial speech or message. This provision prevails over any more specific provision to the contrary.

Subd 3. **Severability.** If any section, subsection, subdivision, sentence, clause, or phrase of this Section is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the Section. The City Council hereby declares that it would have adopted any section, subsection, subdivision, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, or phrases be declared invalid

Subd. 4. **Definitions.**

1. **Abandoned Sign.** Any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one (1) year or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one (1) year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Signs that are present because of being legally established nonconforming signs or signs that have required a conditional use permit or variance shall also be subject to the definition of abandoned sign.

2. **Alteration.** Refers to any major alteration to a sign but shall not include routine maintenance, painting or change of copy of an existing sign.

3. **Area Identification Sign.** A freestanding sign which identifies a residential subdivision, a multiple

residential complex, a shopping center, and industrial area, an office complex, or any combination.

4. Awning. A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid material on a supporting framework.

5. Awning Sign. A building sign or graphic printed on or in some fashion attached directly to the awning material.

6. Balloon Sign. A temporary sign consisting of a bag made of lightweight material supported by helium, hot or pressurized air which is greater than twenty-four (24) inches in diameter. A simple helium balloon is not considered a balloon sign.

7. Banners. A sign advertising products or services being offered to the public or directing one's attention to goods and services composed of lightweight material either enclosed or noted enclosed in a rigid frame and mounted to be moved by atmospheric conditions.

8. Building Facade. That portion of any exterior elevation of a building extending from grade to top of the roof including parapet wall eaves and the entire width of the building elevation.

9. Building Sign. Any sign attached or supported by any structure used or intended for supporting or sheltering any use or occupancy.

10. Building Silhouette. The sum in square feet of the area of the horizontal projections of a building excluding buttresses, chimneys, cornices, eaves, open pergolas, patios, steps, unenclosed and unroofed terraces, unenclosed private balconies not used for access, and minor ornamental features projecting from the walls of a building which are not directly supported by the ground.

11. Business Frontage. The property line at the front of a building in which the business is located or the location of the main public entrance of said building.

12. Canopy Sign. Any message or identification which is affixed to a projection or extension of a building of structure, erected in such manner as to provide a shelter

or cover over the approach of any entrance of the store, building, place of assembly.

13. Changeable Copy. Display of text information in which each alphanumeric character, graphic or symbol is defined by objects, not consisting of an illumination device and may be changed or re-arranged manually or mechanically with characters, letters, or illustrations that can be changed or rearranged without the altering the face or the surface of the sign.

14. Changeable Copy, Electronic. A sign or portion thereof that displays electronic, non-pictorial, text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays. Electronic changeable copy signs do not include official or time and temperature signs. Electronic changeable copy signs include projected images or messages with these characteristics onto building or other objects. Electronic changeable copy signs are considered to be dynamic signs.

15. City property. Means real property over which the City (1) holds an interest, including, without limitation, fee title ownership, easement, leasehold, and public street right-of-way; and (2) has the present right of possession and control.

Source: Ord. 770-2nd Series
Effective Date: 08/14/17

16. Commercial Speech. Speech advertising a business, profession, commodity, service, or entertainment.

17. Community Promotion Sign. A sign which solicits support for a civic event, community use or public use. Such signs may include, but shall not be limited to, seasonal holidays, community programs and activities or location of places or events of community or tourist interest.

18. Directional Signs. Signs which provide direction or instruction, and are located entirely on the property to which they pertain.

19. Dynamic Display. Any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.

20. Electronic Graphic Display Sign. A sign or portion thereof that displays electronic, static images, static graphics, or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, re-pixelization or dissolve modes. Electronic graphic display signs include computer programmable, microprocessor controlled electronic displays. Electronic graphic display signs include projected images or messages with these characteristics onto building or other objects. Electronic graphic display signs are considered to be dynamic signs.

21. Establishment. Any of the following definitions should apply: 1) a distinct business entity situated in a single building, 2) a distinct business entity located in a structure attached to other similar structures by common wall and ceiling or floors, or attached by means of an enclosed arcade, 3) a distinct business entity contained within a single structure and not separated by walls or other physical barriers, but made distinct due to its existence as a single leased space and operation

by separate entrepreneurs or by its singularity of purpose.

22. Flashing Sign. A directly or indirectly illuminated sign or portion thereof that exhibits changing light or color effect by any means, so as to provide intermittent illumination that changes light intensity in sudden transitory bursts and creates the illusion of intermittent flashing light by streaming, graphic bursts showing movement, or any mode of lighting which resembles zooming, twinkling, or sparkling with an interval between flashes of less than eight seconds. Flashing signs are considered to be dynamic signs.

23. Free-standing Sign. Any stationary or portable, self-supported sign not affixed to any other structure. A sign supported by one or more columns, uprights, or braces in or upon the ground, not attached to or forming part of a building.

24. Governmental Sign. A sign that is erected by a governmental unit for the purpose of identification in directing or guiding traffic.

25. Grade. Grade shall be construed to be the final ground elevation after construction. Earth mounding criteria for landscaping and screening is not part of the final grade for sign height computation.

26. Hand-held sign. Means a sign displaying a noncommercial message that is held by a natural person, not including insignia on apparel or aspects of personal appearance.

Source: Ord. 770-2nd Series
Effective Date: 08/14/17

27. Illuminated Sign. Any sign that is lighted by an artificial light source either directed upon it or illuminated from an interior source.

28. Information Sign. Any sign giving information to employees, visitors or delivery vehicles but not containing any advertising or identification.

29. Institutional Sign. A sign or bulletin board which identifies the name or other characteristics of a public

or private institution on a site where the sign is located.

30. Interior Sign. A sign which is located within the interior of any building, or within an enclosed lobby or court of any building, and a sign for and located within the inner or outer body, court or entrance of any theater.

31. Marquee. Any permanent roof-like structure projecting beyond a theater building or extending along and projecting beyond the wall of that building, generally designed and constructed to provide protection from the weather.

32. Marquee Sign. Any building sign painted, mounted, constructed, or attached in any manner, on a marquee.

33. Monument Sign. Any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a height exceeding eight (8) feet.

34. Motion Sign. Any sign that revolves, rotates, has any moving parts or gives illusion of motion.

35. Multiple Tenant Site. Any site that has more than one (1) tenant, and each tenant has a separate ground level exterior public entrance.

36. Non-Commercial Speech. Dissemination of messages not classified as Commercial Speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

37. Nonconforming Signs. Any advertising structure or sign which was lawfully erected and maintained and which fails to conform to all the applicable regulations and restrictions of this ordinance.

38. On-Premise Message. A message which identifies or advertises an establishment, person, activity, goods, products or services located on the premises where the sign is installed.

39. Off-Premise Sign. A commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same premises where such business is located.

40. Parapet. A low wall which is located on a roof of a building will be known as a parapet for the purpose of this section.

41. Portable Signs. Any sign which is clearly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is converted to another sign or attached temporarily or permanently to the ground since this characteristic is based on the design of the sign. Portable signs are considered a type of temporary sign.

42. Projecting Signs. A sign other than a wall sign which is affixed to the building and which extends perpendicularly from the building wall.

43. Public events banner. Means a sign made of material similar to heavy canvas or reinforced plastic and used in connection with a community event, parade, protest, march or demonstration.

Source: Ord. 770-2nd Series
Effective Date: 08/14/17

44. Pylon Sign. Any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open.

45. Roof Line. The uppermost line of a roof of a building or in the case of extended facade, the uppermost height of said facade.

46. Roof Sign. Any sign which is erected, constructed, or attached wholly or in part upon or over the roof of a building.

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

48. Sandwich Board Sign. A portable sign that is so designed to be self-supporting by design. Often times this sign is of the folding type and when collapsed is flat in nature, therefore "sandwiches" together.

49. Sign. Any structure, device, advertising, advertising device, or visual representation intended to advertise, identify, or communicate information to attract attention of the public for any purpose including but not limited to symbols, letters, figures, illustrations, or forms painted or otherwise affixed to a building or structure, any beacon or search light intended to attract the attention of the public, and any structure or device designed to border, illuminate, animate, or project a visual representation, provided however, that this definition shall not be held to include official notices issued by any court or public office or officer in the performance of a public duty, and traffic control signs as defined in the Motor Vehicle Act.

50. Sign Calculation. The surface area of a sign shall be calculated by enclosing the extreme limits of all framing, emblem, logo, representation, writing, or other display within a single continuous perimeter composed of squares or rectangles with no more than eight perimeter lines. Standard formulas for common geometric shapes shall be used for computing sign area(s). Where a sign consists of one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture or statue-like trademarks), the sign area shall be measured as their maximum projection upon a vertical plane.

51. Sign Height. The vertical distance measured from the grade to the top of a sign.

52. Sign Structure. The supports, uprights, bracing and framework for a sign including the sign area.

53. Snipe sign. Means a temporary sign displaying a commercial message, placed on City property or the public right-of-way in violation of this chapter or other applicable law.

54. Street banner. Means a sign made of material similar to heavy canvas or reinforced plastic, attached

to poles or buildings, and suspended over a City street from time to time.

Source: Ord. 770-2nd Series
Effective Date: 08/14/17

55. Street Frontage. The proximity of a parcel of and to one or more streets. An interior lot has one (1) street frontage and a corner lot has two (2) frontages.

56. Temporary Sign. Any sign or sign structure which is not permanently affixed or installed, and is intended to be displayed for a limited period only to promote a specific event of activity or is a pedestrian-oriented sign displayed during business hours.

57. Traditional public forum. Means the surfaces of City-owned streets (not including a median or roundabout area), City-owned parks (not including athletic fields or community centers) during the hours that they are normally open to the public, City-owned parking lots, and public sidewalks that are connected to the City's pedestrian circulation system. In consultation with the City Attorney, the Zoning Administrator shall interpret this phrase for compliance with court decisions, as may occur from time to time.

Source: Ord. 770-2nd Series
Effective Date: 08/14/17

58. Vehicle Sign. A permanent or temporary sign affixed, painted on, or placed in or upon any parked vehicle, parked trailer, or other parked device capable of being towed, which is displayed in public view such that the primary purpose of said display is to attract the attention of the public, rather than to serve the business of the owner thereof in the manner which is customary for said vehicle.

59. Video Display Sign. A sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving

patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs include projected images or messages with these characteristics onto building or other objects. Video display signs are considered to be dynamic signs.

60. Wall Sign. A sign which is affixed to the exterior wall of a building and which is parallel to the building wall. A wall sign does not project more than twelve (12) inches from the surface to which it is attached nor does it extend beyond the top of the parapet wall.

61. Window Sign. Any building sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Subd. 5. **Exemptions.** The following signs are allowed without a permit, but shall comply with all other applicable provisions of this subdivision. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this ordinance or any other law or ordinance regulating the same.

- A. Copy/Face Change. The changing of copy on an existing non-dynamic sign does not require a permit for the changing of the face or display surface on a painted or printed sign that does not involve any other structural alterations provided it meets all area requirements of this Ordinance.
- B. Directional Signs. On premises directional signs not exceeding six (6) square feet in area or three (3) feet in height, if freestanding, displayed strictly for the direction, safety, or convenience of the public, including signs which identify restrooms, parking area entrances or exits, freight entrances, addresses, or similar information. A sign may contain an on-premise logo without text provided that the logo may not comprise more than 15% of the total sign area.
- C. Informational Signs. Not to exceed two (2) square feet in area displayed strictly for the convenience of the

public and which set forth no advertising, including signs which identify rest rooms, waste receptacles, addresses, doorbells, public interest signs or signs indicating the private nature of a road, driveway or premises, signs prohibiting or otherwise controlling hunting or fishing upon particular premises, and signs indicating ownership of a property mailboxes or building entrances. The City shall determine that the proposed location, sign material, manner of affixing or anchoring, size, and any illumination are safe and proper

- D. Permanent Window Signs. Except in residential zones, for each ground floor occupancy of a building not more than 25% of the window surface may have signage painted on or otherwise displayed from the inside surface of any window, showcase or other similar facility. Said signs shall be in addition to those signs permitted under the other provisions of this Code.
- E. Real Estate Signs. Temporary on site and off site real estate signs pertaining to the sale or rental of real property, provided these signs shall be limited to one (1) sign per property totaling no more than six (6) square feet in sign face area. These signs shall be removed within seven (7) calendar days from the time of the sale, lease or rent.
- F. Community promotion signs.
- G. Banners. Temporary banners may be used without a permit for grand openings and special events limited to once a year not to exceed ten (10) calendar days. Permanent banners are allowed as wall signs in accordance with the sign area requirements of Subdivision 15B.
- H. Campaign Signs. Political campaign signs are permitted on private property in any zoning district subject to the express consent of the owner or occupant of such property and in accordance Minnesota Statute 211B.045 provided that:
 - a. No such sign is located within a hundred (100) feet of any polling site;
 - b. No such sign is placed within the public right-of-way;
 - c. No such sign is posted prior to August 1st; and

d. The political campaign sign is removed within ten (10) days following the election.

I. Traditional public forum areas.

1) Applicability. This section applies only in traditional public forum areas as defined herein.

2) Display Right. In an area qualifying as a traditional public forum, private persons may display signs expressing noncommercial messages that are within the protection of the First Amendment, without a permit, but subject to:

- a. The signs must be personally held by a person, or personally attended by one or more persons;
- b. Inanimate signs which are left unattended may not be displayed under this section, regardless of the type of message they may display;
- c. The signs may be displayed only during the time period of sunrise to thirty minutes after sunset, except on occasions when the City Council, Planning Commission, or other reviewing authority of the City is holding a public hearing or meeting; on such occasions, the display period is extended to thirty minutes after such meeting is officially adjourned;
- d. The maximum aggregate area of all signs held by a single person is eight square feet, measured one side only. For purposes of this rule, apparel and other aspects of personal appearance do not count towards the maximum aggregate sign area;
- e. The maximum area of any one sign that is personally held or attended by two or more persons is thirty-two square feet, measured one side only;
- f. The sign must have no more than two display faces and may not be inflatable or air-activated;
- g. In order to serve the City's interests in traffic flow and safety, persons displaying signs pursuant to this section may not stand in any vehicular traffic lane when a roadway is open for use by vehicles, and persons displaying signs on public sidewalks must give

at least five feet width clearance for pedestrians or other traffic to pass by. Signs and persons holding signs may not block the free and clear vision of drivers, bicyclists and/or pedestrians;

- h. So long as the foregoing rules are followed, no permit is required for display of signs authorized by this section.

Source: Ord. 770-2nd Series
Effective Date: 08/14/17

Subd. 6. Prohibited Signs. This section specifically prohibits the following signs:

- A. Which purports to be or resembles an official traffic control device, sign, signal, railroad sign or signal; or which hides from view or interferes in any material degree with the effectiveness of any traffic control device, sign, signal, railroad sign or signal, or the sign area of which obstructs or interferes with the driver's view of approaching, merging, or intersecting traffic for a distance not to exceed 500 feet.
- B. Which prominently displays the word "stop" or "danger."
- C. Which contains statements, words, or pictures of an obscene, indecent, or immoral character, or such as would offend public morals or decency.
- D. On any right-of-way of the interstate system of highways, except as otherwise provided by law.
- E. On private land without the consent of the owner thereof.
- F. On trees, shrubs, fences, or on public utility poles including Snipe Signs.
- G. Vehicle Signs.
- H. Off-premise signs in or within 500 feet of a national, state, or local parks, historical sites, and public picnic or rest areas or within 100 feet of a church or school.
- I. Flashing lights not falling under the definition of video display sign.

- J. Off-premise advertising signs; including billboards.
- K. Signs with dynamic displays except those allowed under Subdivision 16. All displays shall be shielded to prevent any light to be directed at oncoming traffic in such brilliance as to impair the vision of any driver. No device shall be illuminated in such a manner as to interfere with or obscure any official traffic signs or signal. This section, however, does not include time, temperature or other similar informational signs.
- L. Which are structurally unsafe, in disrepair or are abandoned.
- M. Any sign which contains or consists of pennants, ribbons, streamers, string of lights, spinners, or similar devices.
- N. Signs within the public right of ways or easements, excepting the following:
 - i. As erected by an official unit of government or public utilities for the direction of traffic or necessary public information.
 - ii. Community promotion signs as authorized by the City. To ensure that the safety of the public is not compromised, the size, location and method or installation of such signs shall be subject to the approval by the City pursuant to good engineering and traffic safety practices.
 - iii. Projecting signs may extend at least seven (7) feet above the sidewalk and three (3) feet away from the curb line.
- O. Sidewalk decals.
- P. Balloon signs greater than 24" in diameter.
- Q. Rotating signs (excluding Barber Pole signs).
- R. Search Lights.
- S. Roof signs unless placed on parapet or incorporated into building to provide overall finished appearance.
- T. Signs not listed as permitted are prohibited.

U. Signs displaying either commercial or non-commercial messages and located or displayed in locations defined as the traditional public forum, which are not in compliance with Section 10.24, Subd. 5.

Source: Ord. 770-2nd Series
Effective Date: 08/14/17

Subd. 7. **Traffic Hazards.** No sign permitted by this section shall, by reason of its location, color or intensity, create a hazard to the safe, efficient movement of vehicular or pedestrian traffic. No private sign shall contain words with might be construed as traffic controls, such as "stop", "caution", "warning", etc. unless such sign is intended to direct traffic on the premise.

Subd. 8. **Sign Maintenance.** All signs and sign structures shall be properly maintained and shall be kept in a safe orderly condition. In addition, all parts and supports shall be properly painted. Any sign or sign structure which is rotted or unsafe, deteriorated, defaced or otherwise altered, shall be repainted, or repaired or replaced by the licensee, owner or agent of the owner of the property from which the sign stands.

Subd. 9. **Sign Location.** No sign other than public or governmental sign shall be erected or temporarily placed within any street right-of-ways. No sign or sign structure shall be erected or maintained so as to prevent fire ingress or egress from any door, window, or fire escape. No sign or sign structure shall be attached to a standpipe, streetlight or fire escape. No sign shall obstruct traffic flow or sight views nor constitute a traffic hazard.

Subd. 10. **Area Identification Signs.** A permanent subdivision or development sign, not located within the public right-of-way, not exceeding thirty-two (32) square feet in size each, inclusive of any logo, shall be allowed for any planned development, subdivision, multiple family or condominium development with ten (10) or more units, or for any commercial and/or industrial subdivision, or commercial/industrial planned development with five (5) or more lots. Where the subdivision or development has access on two (2) or more streets, or has more than one (1) entrance on one (1) street, identification signs shall be allowed at each entrance.

Subd. 11. **Temporary Signs.**

A. Portable or temporary changeable copy signs over twelve (12) square feet but not exceeding thirty-two (32) square feet in area are allowed provided:

1. A sign permit is issued for the sign.
2. The sign is not located in the public right-of-way.
3. The sign does not obstruct sight views or constitute a traffic hazard.
4. The sign may be illuminated but shall not contain any flashing, blinking, moving, rotating or exterior lights.
5. Only one temporary portable changeable copy sign shall be allowed per lot of record or business.
6. No more than four (4) permits per lot of record or business in any twelve-month period.
7. Each permit shall be valid for no more than ten (10) calendar days.
8. Permits shall be issued only for temporary non-commercial speech signs.

B. **Sandwich Board Signs** A pedestrian-oriented portable sign located in business or industrial zoned districts which do not exceed twelve (12) square feet in area are allowed without a permit provided that said signs are limited to two (2) signs per business frontage, are not located in the public right-of-way, are within 15 feet of the principal structure(s), are not dynamic signs, and in the opinion of the Zoning Administrator do not constitute a traffic hazard. Such signs must be separated by not less than fifty (50) feet and must be setback from adjoining property lines by not less than ten (10) feet.

Subd. 12. **Off-Premise Signs.** The construction of an off-premise sign shall comply with the following requirements:

- A. All off-premise signs may be erected or maintained only in the I-1 "Light Industrial" or I-2 "Heavy Industrial" zoning districts. Any off-premise sign in existence in any other zoning district as of the effective date of this ordinance may be allowed to continue as an existing, non-conforming use and thus may not be enlarged, improved or relocated on the same site.
- B. Off-premise signs must be landscaped around the base of the signs;
- C. Off-premise shall not be erected or maintained in such a manner or place as to obscure or otherwise physically interfere with a governmental sign or a railroad safety device or sign, or to obstruct or physically interfere with the driver's view of approaching, merging, or intersecting traffic for a distance of five hundred (500) feet;
- D. Off-premise signs shall be located so as not to obstruct any existing business or sign;
- E. No off-premise sign shall be erected closer to any other legally conforming business sign, whether detached or attached, on the same or separate property, than fifty (50) feet.
- F. No person shall construct, erect, convert to dynamic signage, use or permit the use of an off-premise sign unless and until a sign permit is first secured from the City and, if required, Minnesota Department of Transportation;
- G. All other standards including setbacks that are applicable to other signs and structures shall apply to off-premise signs. There shall be a maximum setback of 350 feet from the centerline of the right-of-way of an adjacent Federal Aid Interstate Highway;
- H. No off-premise sign shall be erected closer to any other such off-premise sign than one thousand (1000) feet, provided that the provision shall not prevent the erection of a single-faced, back-to-back or V-type advertising device and further providing that such

spacing requirement shall not apply as between any off-premise advertising device permitted under the provisions of Laws 1971, Chapter 883. No off-premise sign shall be erected less than one thousand (1000) feet from the surface of the Central Lakes Trail.

- I. No off-premise sign shall be erected within three hundred (300) feet of any property located in a residential zoning district.
- J. No off-premise sign shall exceed four hundred (400) square feet in area and no portion of a billboard sign shall extend beyond the regular face of the sign framework.
- K. No off-premise shall exceed 36 feet in maximum height or the sign height maximum described in Section 10.24.
- L. No off-premise sign structure may contain more than one sign per facing;
- M. No off-premise sign may be erected on or above the roof of any building.
- N. No off-premise sign or portion thereof may turn on an axis, rotate, revolve or otherwise physically move;
- O. Light projecting onto the off-premise sign face from an external source must be hooded and directed away from any adjacent public roadway;

Subd. 13. **Sign Standard by Zoning District.** Dimensional standards not provided elsewhere in this Section are as follows:

District	Maximum Sign Area Single Sign	Maximum Total Area for All Signs	Freestanding Signs	Notes
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A-O, R-1, R-2	8 sq.ft.	16 sq. ft.		Awnings and Canopies Prohibited																				
R-3, R-4 Res. PUD	12 sq. ft.	24 sq. ft.		Awnings and Canopies Prohibited																				
R-B, B-1, B-2 I-1, I-2, I-B, PUD		20% Visible Gross Building Silhouette visible from public streets up to 300 sq. ft. (If for future on- premise - 64 sq. ft.)	<table border="1"> <thead> <tr> <th>Gross Floor Area (Sq. Ft.)</th> <th>Max Area (Sq. Ft.)</th> </tr> </thead> <tbody> <tr> <td><2200</td> <td>90</td> </tr> <tr> <td>2201-4400</td> <td>150</td> </tr> <tr> <td>4401-7500</td> <td>170</td> </tr> <tr> <td>7501-9200</td> <td>175</td> </tr> <tr> <td>9201-17,600</td> <td>195</td> </tr> <tr> <td>17,601-19,800</td> <td>205</td> </tr> <tr> <td>19,801-22,000</td> <td>220</td> </tr> <tr> <td>22,001-24,000</td> <td>240</td> </tr> <tr> <td>>24,000</td> <td>250</td> </tr> </tbody> </table> <p>Additional signs allowed if 50' from adjoining lines & 155' apart.</p>	Gross Floor Area (Sq. Ft.)	Max Area (Sq. Ft.)	<2200	90	2201-4400	150	4401-7500	170	7501-9200	175	9201-17,600	195	17,601-19,800	205	19,801-22,000	220	22,001-24,000	240	>24,000	250	
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		Where the Gross Floor Area exceeds 24,000 sq. ft. or the building has a sign area exceeding 300 sq. ft. total signage up to 10% exposed and visible gross bldg silhouette.																						

Subd. 14. **Dynamic Displays.**

A. **Findings.** Studies show that there is a correlation between dynamic displays on signs and the distraction of highway drivers. Distraction can lead to traffic accidents. Drivers can be distracted not only by a changing message, but also by knowing that the sign has a changing message. Drivers may watch a sign waiting for the next change to occur. Drivers are also distracted by messages that do not tell the full story in one look. People have a natural desire to see the end of the story and will continue to look at the sign in order to wait for the end. Additionally, drivers are more distracted by special effects used to change the message, such as fade-ins and fade-outs. Finally, drivers are generally more distracted by messages that are too small to be clearly seen or that contain more than a simple message. Time and temperature signs appear to be an exception to these concerns because the messages are short, easily absorbed, and become inaccurate without frequent changes.

Despite these public safety concerns, there is merit to allowing new technologies to easily update messages. Except as prohibited by state or federal law, sign owners should have the opportunity to use these technologies with certain restrictions. The restrictions are intended to minimize potential driver distraction and to minimize proliferation in residential districts where signs can adversely impact residential character.

Local spacing requirements could interfere with the equal opportunity to use such technologies and are not included. Without those requirements, however, there is the potential for numerous dynamic displays to exist along any roadway. If more than one dynamic display can be seen from a given location on a road, the minimum display time becomes critical. If the display time is too short, a driver could be subjected to a view that appears to have constant movement. This impact would obviously be compounded in a corridor with multiple signs. If dynamic displays become pervasive and there are no meaningful limitations on each sign's ability to change frequently, drivers may be subjected to an unsafe degree of distraction and sensory overload. Therefore, a longer display time is appropriate.

A constant message is typically needed on a sign so that the public can use it to identify and find an intended

destination. Changing messages detract from this way-finding purpose and could adversely affect driving conduct through last-second lane changes, stops, or turns, which could result in traffic accidents. Accordingly, dynamic displays generally should not be allowed to occupy the entire copy and graphic area of a sign.

In conclusion, the city finds that dynamic displays should be allowed on signs but with significant controls to minimize their proliferation and their potential threats to public safety.

B. Regulations. Dynamic displays on signs are allowed subject to the following conditions:

1. Dynamic displays are allowed only on freestanding signs for conditionally permitted uses in residential districts. They are allowed on wall signs and freestanding signs in all other zoning districts.
2. Signs less than 200 square feet: Dynamic displays may occupy no more than 40% of the sign area, up to a maximum of 40 square feet. The remainder of the sign must not have the capability for dynamic displays. Only one, contiguous dynamic display area is allowed on a sign face.
3. Signs greater than 200 square feet: Dynamic display may occupy up to 100% of the sign area and may change messages no more frequently than once every 20 minutes. Changes between messages must be achieved by instantaneous re-pixelization.
4. Flashing dynamic displays are prohibited.
5. Dynamic displays must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the dynamic display when notified by the city that it is not complying with the standards of this ordinance;
6. Dynamic displays must comply with the brightness standards contained in subdivision 17;

7. Dynamic displays existing on the effective date of this ordinance must comply with the operational standards listed above. An existing dynamic display that does not meet the structural requirements 2 and 3 above may continue as a non-conforming use;
8. Audio speakers or any form of pyrotechnics are prohibited in association with the dynamic display;
9. Video display signs must be wall signs and may be a maximum of eight square feet.
10. One dynamic display sign is allowed per parcel.
11. Unless permitted as an off-premise sign no dynamic sign will display messages or images of off-premise advertising.
12. The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign. Signs existing on the effective date of this ordinance that utilize this technique may continue as a non-conforming use until the sign is replaced or, if feasible, be reprogrammed to conform to this section.

C. **Incentives.** Off-premise signs do not need to serve the same way-finding function as do on-premise signs. Further, new off-premise signs are strictly limited in the city, and there is no potential that they will proliferate. Finally, off-premise signs are in themselves distracting and their removal serves public safety. The city is extremely limited in its ability to cause the removal of those signs. This section is intended to provide incentives for the voluntary and uncompensated removal of off-premise signs in certain settings. This removal results in an overall advancement of one or more of the goals set forth in this section that should more than offset any additional burden caused by the incentives. These provisions are also based on the recognition that the incentives create an opportunity to consolidate off-premise signs that would otherwise remain distributed throughout the community. Spacing requirements are included in this section to prevent drivers from viewing multiple enhanced off-premise dynamic displays at one time.

1. A person may obtain a permit for an enhanced

dynamic display on one face of an off-premise sign if the following requirements are met:

- a. The applicant agrees in writing to permanently remove, within 45 days after issuance of the permit, at least two other faces of an outdoor advertising sign in the city that are owned or leased by the applicant, each of which must satisfy the criteria of parts (b) through (d) of this subsection. This removal must include the complete removal of the structure supporting each sign face. The applicant must agree that the city may remove the sign if the applicant does not timely do so, and the application must be accompanied by a cash deposit or letter of credit acceptable to the city attorney sufficient to pay the city's costs for that removal. The applicant must also agree that it is removing the sign voluntarily and that it has no right to compensation for the removed sign under any law.
- b. The city has not previously issued an enhanced dynamic display permit based on the removal of the particular faces relied upon in this permit application.
- c. Each removed sign has a copy and graphic area of at least 200 square feet
- d. If the removed sign face is one for which a state permit is required by state law, the applicant must surrendered its permit to the state upon removal of the sign. The sign that is the subject of the enhanced dynamic display permit cannot begin to operate until proof is provided to the city that the state permit has been surrendered.

- e. The applicant must agree in writing that no dynamic displays will ever be used on one additional off-premise sign that has a copy and graphic area of at least 200 square feet in size. This agreement will be binding on the applicant and all future owners of the sign. If the sign is subsequently removed or destroyed and not replaced, the holder of the enhanced dynamic display permit is not required to substitute a different sign for the one that no longer exists.
 - f. No enhanced dynamic off-premise sign shall be erected closer to any other such off-premise sign than 2,640 feet.
 - g. Two or more enhanced dynamic off-premise signs may not be used to present a sequential message.
 - h. If one sign face on a double-faced off-premise sign is approved for dynamic signage, the remaining of the two faces must be one of the two faces designated for removal.
 - i. One of the two faces designated for removal must be within 1,000 feet of a road designated as an Interstate or State Highway.
2. If the applicant complies with the permit requirements noted above, the city will issue an enhanced dynamic display permit for the designated off-premise sign. This permit will allow a dynamic display to occupy 100 percent of the potential copy and graphic area and to change no more frequently than once every eight seconds. The designated sign must meet all other requirements of this ordinance.

Subd. 15. **Brightness.**

- A. All signs must meet the following brightness standards:

1) No sign may be brighter than is necessary for clear and adequate visibility.

2) No sign may be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle.

3) No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.

Subd. 16. **Height.** The following maximum sign heights shall apply:

A. Individual signs in residential areas (except area identification signs) -4 feet.

B. Freestanding signs north of 18th Avenue -18 feet

C. Freestanding signs between 18th Avenue and T.H. 27/34th Avenue -24 feet

D. Signs south of T.H. 27/34th Avenue -36 feet

E. Signs within 100 feet of the Interstate 94 right-of-way; signs within 100 feet of the Interstate 94/T.H. 27 and Interstate 94/T.H. 29 interchange right-of-way -45 feet

Subd. 17. **Master Signage Plan.** A master signage plan shall be provided for any non-residential development plan, site plan/building permit review, exterior remodel, non-residential planned development district, exterior remodel or other official plan for developments with more than one individual business or tenant. No permit shall be issued for an individual sign requiring a permit in a development where more than one business or industry will be located until a master signage plan has been approved by the City. The master signage plan is intended to control total sign area and sign placement so as to help eliminate inconsistencies as tenant/occupants change.

A. The owner/agent shall submit a master signage plan containing the following information in addition to

that required under Subdivision 8 of this Ordinance:

1. A scaled site plan showing location of buildings, parking lots, driveways and landscaped areas and an accurate indication on the site plan of the proposed location of present and future signs of any type, whether requiring a permit or not.
 2. Scaled color drawings clearly showing the location of signage on building **elevation**.
 3. Computation of the maximum total sign area permitted under this Ordinance, the maximum area for individual signs and the height of signs.
 4. Specifications for color scheme, lettering or graphic style, lighting, location of each sign on the building, materials and sign proportions.
- B. The maximum number of signs affixed to a building by each business within the building shall be controlled by the master signage plan.
- C. Other provisions of the plan may contain such other restrictions as the owner of the development or building may reasonably determine.
- D. The plan shall be signed by all owners or their authorized agents on such form as required by the City.
- E. A master signage plan may be amended by filing a new master signage plan that conforms with all requirements of this Ordinance.
- F. After approval of a master signage plan, no sign shall be erected, placed, painted or maintained, except in conformance with approved master signage plan and such plan may be enforced in the same way as provisions of this Ordinance. In case of any conflict between the provisions of such a plan and this Ordinance, the Ordinance shall govern.

Subd. 18. **Non-Conforming Signs.** It is recognized that signs exist which were lawful before this Sign Ordinance was enacted, but will be prohibited under the terms of this Ordinance. It is the intent of this Sign Ordinance that nonconforming signs shall not be enlarged upon or expanded, nor be used as grounds for adding other signs or uses prohibited elsewhere in the same district. It is further the intent of this Sign Ordinance to permit legal nonconforming signs to continue as legal nonconforming signs provided such signs are safe, are

maintained so as not to be unsightly, and have not been abandoned or removed subject to the following provisions:

- A. No sign shall be enlarged or altered in a way which increases its nonconformity.
- B. If the use of the nonconforming sign or sign structure is discontinued for a period of one year, the sign or sign structure shall not be reconstructed or used except in conformity with the provisions of this Ordinance.
- C. Should such nonconforming sign or sign structure be damaged or structure be destroyed by any means to an extent greater than fifty (50) percent of its market value and all required permits for its reconstruction have not been applied for within 180 days of when the sign or sign structure was damaged, it shall not be reconstructed or used except in conformity with the provisions of this Ordinance.
- D. Should such sign or sign structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.
- E. No existing sign devoted to a use not permitted by the zoning code in the zoning district in which it is located shall be enlarged, expanded or moved except in changing the sign to a sign permitted in the zoning district in which is it located.
- F. When a building loses its nonconforming status all signs devoted to the structure shall be removed and all signs painted directly on the structure shall be repainted or recovered in a neutral color or a color or material which will harmonize with the structure.

Subd. 19. **Administration.**

- A. **Permits.** No sign shall be erected, altered, reconstructed, or moved in the City without first securing a permit from the City, unless specifically waived within this Section or elsewhere in the Ordinance. The content of the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit. Application for the permit shall be in writing addressed to the issuing authority and

shall contain the following information:

1. names and addresses of the owners of the display structure and property;
 2. the address at which any signs are to be erected;
 3. the names of the licensed sign hanger erected the sign, if applicable;
 4. the lot, block and addition at which the signs are to be erected and the street on which they are to front
 5. a complete set of plans showing the necessary elevations, distances, size and details to fully and clearly represent the construction and place of the signs;
 6. type of sign (i.e. wall sign, pylon sign, etc.)
 7. if the proposed sign is along a state trunk highway or interstate highway, the application shall be accompanied by proof that the applicant has obtained a permit from the state for the sign.
- B. **Sign Hangers License.** All sign hangers engaged in the business of erecting, constructing, enlarging, alteration, repair, moving, removing, demolition, or equipping a sign shall be required to be licensed annually. Fees for the sign hanger license shall be established by the Alexandria City Council.
- C. **Fees.** The fee for an application to the Planning Commission and all sign permits shall be established by the Alexandria City Council.
- D. **Enforcement.** The Zoning Administrator is empowered to enforce the provisions of this Ordinance as necessary to carry out the purpose of this Ordinance. The Administrator shall cause the removal of any sign that endangers the public safety such as an abandoned, dangerous, or

electrically or structurally defective sign or a sign for which no permit has been issued or a sign which obstructs or interferes with the public right-of-way. A notice of violation shall be mailed to the sign holder citing the violation. If the violation is not corrected within ten (10) days, the City shall have the authority to remove the sign. No notice is required to be provided to the holder of a temporary sign not meeting the requirements of Subdivision 10 of this Section, and the Public Works Coordinator, Chief of Police or Zoning Administrator are hereby expressly authorized to immediately remove and impound such a temporary sign, the costs of which removal and impoundment shall be charged against the owner of the site on which the sign was displayed.

Source: Ord. 639-2nd Series
Effective Date: 6/22/09

Section 10.25. **Variance and Appeals.**

Subd. 1. **Board of Adjustment and Appeals.** The City Council shall act as a Board of Adjustments and Appeals and shall have the following powers:

A. To hear and decide appeals where it is alleged that there is an error in order, requirement, decisions, or determination made by the administrative official in the enforcement of the Zoning Ordinance.

B. To hear requests for variances from the literal interpretations of this Ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration.

Subd. 2. **Findings of Hardship and Fact.** In consideration of all requests for a variance, the City Council acting as the Board of Adjustment and Appeals and the Planning Commission in its advisory role shall make a finding of hardship and a finding of fact. A hardship exists when:

A. The property in question cannot be put to a reasonable use if the variance is not granted, or

B. The plight of the property owner is due to circumstances unique to this property not created by the property owner, or

C. The shape or condition of the property creates unusual difficulties in developing the property, or

D. Similar conditions exist or have been granted to other properties in the surrounding area.

A finding of fact exists when the proposed action will not:

A. Impair an adequate supply of light and air to the adjacent property.

B. Unreasonably increase congestion in the public right-of-way.

C. Increased danger of fire or endanger the public safety.

D. Unreasonably diminish or impair established property values within the neighborhood.

E. Cause an unreasonable strain upon existing municipal facilities and services, or

F. Be contrary to the spirit and intent of this Ordinance.

The Board of Adjustments and Appeals may impose conditions in granting the variance to insure compliance and to protect adjacent properties.

Subd. 3. **Limitations to Variances.** Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under this Ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district where the property is located.

Subd. 4. **Procedures.**

A. Requests for variances or appeals shall be filed with the Zoning Administrator on an official form. Such applications shall be accompanied by the required fee. This fee shall not be refundable. Such applications shall also be accompanied by complimentary copies of detailed written or graphic materials fully explaining the proposed request. The zoning Administrator shall refer said applications, along with all related information to the Planning Commission acting on behalf of the Board of Appeals for considerations and report.

B. The Zoning Administrator, acting on behalf of the Board of Adjustments and appeals, shall set a date for a public hearing with the notice of such hearing being published in the official newspaper of the City at least ten (10) days prior to the date of the hearing. Such notice shall also be mailed not less than ten (10) days to all property owners of record in accordance with the County tax record within three hundred fifty (350) feet of the property to which the request relates; and if the request relates to land located in the "S: Shoreland District of the "FP" Flood Plain Management District, said notice shall be mailed to the Commissioner of the Minnesota Department of natural Resources or his authorized agent at least ten (10) days prior to such hearing. A copy of the notice and a list of the property owners and addresses to which the notices were sent shall be attested to by Zoning Administrator or City Clerk and made a part of the official record. The failure to give mailed notice to individual

property owners, or defects in the notice shall not invalidate the proceedings, provide a bona fide attempt to comply with this subdivision has been made.

C. The Planning Commission, acting on behalf of the Board of Adjustments and Appeals, shall consider the request and hold a public hearing at its next regular scheduled meeting unless the filing date falls within fifteen (15) days of said meeting, in which case the request will be placed on the agenda and considered at the regular meeting following the next regularly scheduled meeting. The Zoning Administrator shall refer said application, along with all related information, to the City Planning Commission, acting on behalf of the Board of Adjustments and Appeals in order to review the proposed variance or appeal.

D. The Planning Commission and City Staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony at the expense of the applicant.

E. Within sixty (60) days from the date of the public hearing, the Planning Commission, acting on behalf of the Board of Adjustments and Appeals, shall make a finding of hardship and a finding of fact and recommend such action or condition relating to the request to the City Council. Such recommendations shall be entered in and made a part of the permanent record of the City Council meeting.

F. Upon receiving the report or recommendation of the Planning Commission, or until sixty (60) days after the first Planning Commission meeting at which time the request was considered, the City Council, acting as the Board of Adjustments and Appeals, shall place the report or recommendation on the agenda for the next regular meeting. Such reports and recommendations shall be entered in and made a part of the permanent record of the City Council meeting.

G. Upon receiving the report or recommendation of the Planning Commission, the City Council may either:

1. Approve or disapprove the request as recommended by the Planning Commission, or

2. Approve or disapprove the recommendation of the Planning Commission with modifications, alterations, or differing conditions. Such modifications, alterations, or differing conditions shall be in writing and made a part of the

City Council's records, or

3. Refer the recommendation back to the Planning Commission for further consideration.

Approval of variances or appeals shall require passage by a majority vote of the City Council. The Zoning Administrator or City Clerk shall notify the applicant on the Council's action, and if the action relates to land located within the "S" Shoreland District or the "FP" Flood Plain Management District to the Commissioner of Minnesota Department of Natural Resources or his authorized representative within ten (10) days of the final decision.

H. The decisions of the Planning Commission shall be advisory to the City Council. The decisions of the City Council shall be final subject to judicial review.

Subd. 5. **Lapse of Variance or Appeal.** Whenever within one (1) year after granting a variance or appeal the work as permitted by the variance or appeal shall not have been completed, then such variance or appeal shall be come null and void unless a petition for extension of time in which to complete the work has been granted by the City Council. Such extension shall be requested in writing and filed with the Zoning Administrator at least (30) days before the expiration of the original variance or appeal. There shall be no charge for the filing of such appeal. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the variance or appeal. Such petition shall be presented to the Planning Commission for recommendation and to the City Council for final decision.

Section 10.26. Administration - Certificate of Occupancy

Subd. 1. No building or structure hereafter erected or moved, or that portion of an existing structure or building erected or moved shall be occupied or used in whole or in part for any purpose whatsoever until a certificate of occupancy shall be been issued by the building Inspector stating that the building or structure complies with all of the provisions within this Ordinance.

Subd. 2. Application. Said certificate shall be applied for coincident with the application for a building permit, conditional use permit, and/or variance and shall be issued within ten (10) days after the Building Inspector shall have found the building or structure satisfactory and given final inspection. Said application shall be accompanied by a fee as outlined in Section 10.25, Subd. 4.

Subd. 3. Construction performed pursuant to the provisions of the ordinances establishing and regulating Building Codes of the City of Alexandria shall not be subject to the requirement of a Certificate of Occupancy established by this Ordinance.

Source: Ord. 338-2nd Series
Effective Date: 2/8/93

Section 10.27. **Administration - Fees**

Subd. 1. The fees for conditional uses, zoning district amendments, zoning text amendments, variances and appeal applications shall be established by the Alexandria City Council.

Subd. 2. Fees shall be payable at the time applications are filed with the Zoning Administrator and are not refundable unless application is withdrawn prior to referral to the Planning Commission. A deposit to cover staff or consulting time and special materials will be established and required by the Zoning Administrator at the time the base fee is paid.

Subd. 3. If a dispute arises over a specific fee imposed by the City related to a specific application, the person aggrieved by the fee may appeal under Section 10.25 and Minnesota Statutes 462.361 provided that the appeal is brought within 60 days of the application.

Source: Ord. 540-2nd Series
Effective Date: 11/8/04

Section 10.28. **Violation and Penalties**

Subd. 1. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor. Each day that a violation is permitted to exist shall constitute a separate offense.

Source: Ord. 445-2nd Series
Effective Date: 11/27/00

Section 10.29. **Environmental Review Program**

Subd. 1. **Application.** This section shall apply to all projects which:

A. Are consistent with any applicable comprehensive plan.

B. Do not require a state permit, and

C. The City Council determines that, because of the nature or location of the project, the project may have the potential for significant environmental effects; or

D. Are listed in a mandatory EAW or EIS category of the State Environmental Review Program, 6 MCAR SS 3.038 and 3.039, a copy of which is on file with the City Clerk.

This section shall not apply to projects which are exempted from environmental review by 6 MCAR SS 3.041 or to projects which the City Council determines are so complex or have potential environmental effects which are so significant that review should be completed under the State Environmental Review Program, 6 MCAR SS 3.031-3.056.

Subd. 2. **Preparation.** Prior to or together with any application for a permit or other form of approval for a project, the proposer of the project shall prepare an analysis to the project and measures for mitigating the adverse environmental effects. The analysis should not exceed 25 pages in length. The City Council shall review the information in the analysis and determine the adequacy of the document. The City Council shall use the standards of the State Environmental Review Program Rules in its determination of adequacy. If the City Council determines the document is inadequate, it shall return the document to the proposer to correct any inadequacies.

Subd. 3. **Review.** Upon filling the analysis with the City Council, the City Council shall publish notices in a newspaper of general circulation in the City that the analysis is available for review. A copy of the analysis shall be provided to any person upon request. A copy of the analysis shall also be provided to every local governmental unit within which the proposed project would be located and to the EQB. The EQB shall publish notice of the availability of the analysis in the EQB Monitor.

Comments on the analysis shall be submitted to the City Council within thirty (30) days following the publication of the notice of availability in the EQB Monitor. The City Council may hold a public hearing to review comments on the analysis if it determines that a meeting is necessary or useful. The meeting may be combined with any other meeting or hearing for a permit or other approval of the project. Public notice of the meeting to review comments on the analysis shall be provided at least ten (10) days before the meeting.

Subd. 4. **Decision.** In issuing any permits or granting any other required approval for a project subject to review under this section, the City Council shall consider the analysis and the comments received on it. The City Council shall, whenever practical and consistent with other laws, require that mitigation measures identified in the analysis be incorporated in the project's design and construction.

Source: Ord. 328-2nd Series
Effective Date: 2/8/93

Section 10.31. **Wireless Telecommunication Towers and Antennas**

Subd. 1. **Intent and Purpose.** In order to accommodate the communication needs of resident and business while protecting the public health, safety, and general welfare of the community, the Council finds that these regulations are necessary in order to:

A. Facilitate the provision of wireless telecommunication services to the residents and businesses of the City;

B. Minimize adverse visual effects of towers through careful design and siting standards;

C. Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and,

D. Maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.

E. Encourage clustering of self-supported/lattice and guyed towers in appropriate locations.

Subd. 2. **Definitions.** Unless specifically defined below words or phrases used in this Section shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Section its most reasonable application.

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

B. Commercial Wireless Telecommunication Services - Licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar devices.

C. Tower, Commercial Communication - A tower designed or used for commercial wireless telecommunications services, public radio transmission or commercial television transmission.

D. Tower, Camouflage - A tower or structure which is concealed or disguised to be compatible with existing or proposed uses on site (antenna incorporated into site lighting at a park or incorporated into an electrical distribution center for example).

E. Tower, Guyed - A structure that is supported either partially or completely by guy wires and ground anchors.

F. Tower, Monopole - A structure that consists of a single pole supported by a permanent foundation.

G. Tower, Non-commercial - A structure which supports the use of amateur radio antennas, private television antennas, etc.

H. Tower, Self-supporting/Lattice - A structure that is constructed without guy wires or ground anchors.

I. Tower, Stealth Facility - A structure together with the communications equipment or devices located thereon which is not readily identifiable as a tower or antenna and is architecturally compatible with existing building/structures on site, and is compatible with existing or proposed uses on site. The structure may or may not have a secondary function, (bell tower, spire, etc.).

J. Tower - Any ground or roof mounted pole, spire, structure, or combination thereof taller than 25 feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

K. Public Utility - Any person, firm, corporation, municipal department or board fully authorized to furnish and furnishing under municipal regulation to the public, electricity, gas, steam, communication services, telegraph services, transportation or water. For the purposes of this Section, commercial wireless telecommunication service facilities shall not be considered public utility uses.

Subd. 3. **Siting Requirements.**

A. Tower facilities may be allowed as follows:

1. In residential or sensitive zoning districts, including A-O, R-1, R-1A, R-2, R-3, R-4, and R-B districts: Non-commercial towers and antennas, not exceeding 75' in height, and towers supporting essential services as defined in Section 10.02 of the City Code, shall be allowed as an accessory use in the applicable zone.

2. In commercial and industrial zoning districts, including B-1, B-2, I-1, I-2, and I-B districts: Commercial towers and antennas, not exceeding 150' in height, shall be allowed as a conditional use in the applicable zone, subject to the procedures set forth in Section 10.23 of this ordinance and the additional provisions and standards set forth in this Section.

Subd. 4. **Shared Use/Co-location.** This section is designed to foster shared use of communication towers and their accessory support facilities.

A. Multi-user Requirements. An application for a new monopole, self-support/lattice or guyed tower shall not be approved unless the City finds that the equipment plans for the proposed tower cannot be accommodated by an existing or approved tower or building within a one-half mile search radius of the proposed tower due to one or more of the following reasons:

1. The planned equipment would exceed the structural capacity of the existing or approved tower, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower as documented by a qualified professional engineer, and the interference cannot be prevented at a reasonable cost.

3. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified professional engineer.

4. Other unforeseen reasons that make it not feasible to locate the planned equipment upon an existing or approved tower or building.

Any proposed commercial wireless telecommunication service tower shall be designed, both structurally and electrically, and in all other respects, to accommodate both the applicant's antennas and the comparable antennas for at least two additional users if the tower is over 100 feet in height and for at least one additional user if the tower is over 75 feet in height. Towers must be designed to allow for future rearrangement of antenna upon the tower and to accept antennas mounted at varying heights.

Subd. 5. **Additional Standards.** Communication towers may be located on lots containing another principal use, (including another communication tower), or they may be the principal use. Separation between communication towers and other uses on the lot shall comply with applicable building and fire codes. Towers may occupy an owned or leased parcel.

A. Tower setbacks. Commercial communications towers shall meet or exceed the minimum setback requirements of a principal structure in the underlying zoning district. This includes any guy wires or anchors.

B. Accessory Structures. All utility buildings and structures accessory to a tower shall meet the minimum setback requirements of the underlying zoning district.

C. Measurement. The separation distance between an existing and a proposed tower shall be measured at grade in a direct lineal fashion between the closest points of the base of the existing and the base of the proposed tower.

D. Perimeter Buffering.

1. Stealth and Camouflage Towers. Stealth and camouflage towers are not subject to the perimeter buffering requirements of this subsection.

2. Fence/wall. A fence or wall, a minimum of eight (8) feet in height measured from finished grade, shall be constructed around each communication tower and around each guy anchor. Access to the communication tower shall be through a locked gate. The fence material shall be compatible with and suit the character of the neighborhood or surrounding property.

3. Landscaping. The landscape and buffer standards provided below in the subsection shall be required around the perimeter of the tower, accessory structures, and guy anchor, unless waived as provided herein. These standards may be waived by the City when the proposed landscaping would not be visible from adjacent lots or rights-of-way. Landscaping shall be installed along the exterior side of the required fence. Landscaping shall include, at a minimum, evergreen type trees with a maximum separation between trees of twenty (20) feet. Trees shall have a minimum trunk diameter of two (2) inches at one (1) foot above the ground at time of planting. Trees shall only be required on that side of the tower property adjacent to a residentially zoned property or adjacent to a right-of-way. Trees as a landscaping element shall not be required when the use of trees is shown to be incompatible with the proposed antenna and tower design, (a series-fed AM directional antenna array, for example), as documented by a qualified professional engineer. Non-vegetative landscape design may be chosen where it better suits the architectural character of the surrounding neighborhood with the agreement of the City.

4. Abandoned or Unused Towers or Portions of Towers. All abandoned or unused towers or portions of towers and associated above-ground facilities shall be removed within 12 months of the cessation of operation of an antenna facility at the site unless a time extension is approved by the City, following review of the request by the Planning Commission. Any ordinary time extension shall not exceed 60 days. In the event that a tower is not removed within 12 months of the cessation of operations at a site, the tower and associated facilities may be removed by the City, and the costs of removal assessed against the property. Tower operators shall provide at the time of the application a copy of the lease or other instrument obligating them to remove tower(s) and associated facilities upon cessation of operations at any given site.

5. Building Permits. In addition to the review processes required in the Section, a building permit shall be required for all towers, support and accessory structures and antenna attachments, except as otherwise provided by State or local law.

6. Additional Submittal Requirements. In addition to the information required elsewhere in the Code, applicants for commercial towers shall include the following supplemental information:

a. A report from a qualified and licensed professional engineer which:

(1) Describes the tower height and design including a cross section and elevation;

(2) Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;

(3) Describes the tower's capacity, including the number and type of antennas that it can accommodate;

(4) Documents what steps the applicant will take to avoid interference with established public safety telecommunications;

(5) Includes an engineer's stamp and registration number;

(6) Includes other information necessary to evaluate the request.

b. For all commercial wireless telecommunication service towers, a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.

c. Before the issuance of a building permit for a tower under this Section, the following supplemental information shall be submitted:

(1) Proof that the proposed tower complies with regulations administered by the Federal Aviation Administration; and

(2) A report from a qualified and licensed professional engineer which demonstrates the tower's compliance with the aforementioned structural and electrical standards.

d. Signs and Advertising. The use of any portion of a tower for advertising or business purposes, including company name, shall be prohibited. Only warning or equipment information signs shall be permitted.

e. Tower Design Requirements. Towers and the antennas they support shall be designed to blend into the surrounding environment to the maximum extent possible through the use of color, except in instances where the color is dictated by Federal or State authorities such as the FAA. Commercial wireless telecommunication service towers shall be of a monopole design unless the City Council, acting on the recommendation of the Planning Commission, determines that an alternative design would better blend into the surrounding environment.

f. Radiation Standards. Towers shall comply with Federal Communications (FCC) standards for non-ionizing electromagnetic radiation (NIER).

g. Appurtenances and Accessory Equipment. All appurtenances and accessory equipment or structures shall comply with FCC standards for NIER.

7. Aircraft Hazard. Towers shall not be a hazard to air navigation as determined by the Federal Aviation Administration (FAA). Applicants shall complete and submit FAA form 7160-1, NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION, as required.

8. Lighting. A tower shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the FAA or other State or Federal authority for a particular tower. When lighting is required, the least intensive nighttime method of illumination acceptable to the FAA or other authority shall be utilized. All required lighting shall be maintained on an as needed basis by the owner of the tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.

E. Inspections. All towers shall be inspected in compliance with the FCC regulations or as required by the Building Inspector.

F. Interference with Equipment. As provided by the FCC, towers shall not interfere with the normal operation of electrical or mechanical equipment located within surrounding properties.

Subd. 6. **Nonconforming Towers and Structures.**

A. Nonconforming Towers and Accessory Structures. An existing, legally nonconforming tower may be replaced subject to the criteria below. If the criteria are not met, the replacement shall comply with the siting requirements of this chapter.

1. Continued Use. Towers may continue in use for the purpose now used and as now existing but may not be replaced or structurally altered without complying in all respects with this chapter.

2. Damaged Towers. If such towers are hereafter damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired or restored to its former use, location, and physical dimension upon obtaining a building permit therefore, but without otherwise complying with this chapter, provided, however, that if the cost of repairing the tower to the former use, physical dimensions, and location would be 50% or more of the cost of a new tower of like kind and quality, then the tower may be repaired or restored except in full compliance with the chapter. The tower shall be of the same or less impact than the existing structure.

Source: Ord. 464-2nd Series
Effective Date: 6/11/01

Section 10.32. **Erosion and Sediment Control**

Subd. 1. **Purpose.** The purpose of this section is to control or eliminate soil erosion and sedimentation within the City. This article establishes standards and specifications for conservation practices and planning activities that minimize soil erosion and sedimentation.

Subd. 2. **Scope and Application.** Except as exempted by the definition of the term "land disturbance activity" in Subdivision 3, any person, state agency, or political subdivision thereof proposing land disturbance activity within the city shall apply to the city for the approval of the erosion and sediment control plan. No land shall be disturbed until the plan is approved by the city and conforms to the standards set forth in this article.

In their interpretation and application, the provisions of this article shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. Where the requirements imposed by any provision of this article are either more restrictive or less restrictive than comparable conditions imposed by any other city ordinance, law, code, statute, or regulation, the regulations that are more restrictive or impose higher standards or requirements shall prevail. Application of this article should be considered in conjunction with other controls regulating land use and waters within the city, including administration of Wetland Conservation Act regulations, administered by the city through its agent, the Douglas County Soil & Water Conservation District (SWCD).

Subd. 3. **Definitions.** Unless specifically defined below, words or phrases used in this Section shall be interpreted so as to give them the same meaning as they have in common usage and to give this Chapter its most reasonable application. For the purpose of this Chapter, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally.

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

2. Common Plan of Development or Sale. A contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, or on different schedules, but under one proposed plan. This item is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land disturbing activities may occur.

3. Developer. Any person, group, firm, corporation, sole proprietorship, partnership, state agency, or political subdivision thereof engaged in a land disturbance activity.

4. Development. Any land disturbance activity that changes the site's runoff characteristics in conjunction with residential, commercial, industrial or institutional construction or alteration.

5. Erosion. Any process that wears away the surface of the land by the action of water, wind, ice, or gravity.

6. Erosion Control. Refers to methods employed to prevent erosion. Examples include soil stabilization practices, horizontal slope grading, temporary or permanent cover, and construction phasing.

7. Erosion and Sediment Practice Specifications or Practice. The management procedures, techniques, and methods to control soil erosion and sedimentation as officially adopted by either the state, county, City or local watershed group, whichever is more stringent.

8. Exposed Soil Areas. All areas of the construction site where the vegetation (trees, shrubs, brush, grasses, etc.) or impervious surface has been removed, thus rendering the soil more prone to erosion. This includes topsoil stockpile areas, borrow areas and disposal areas within the construction site.

9. Final Stabilization. Means that all soil disturbing activities at the site have been completed, and that a uniform (evenly distributed, e.g., without large bare areas) perennial vegetative cover with a density of seventy (70) percent of the cover for unpaved areas and areas not covered by permanent structures has been established, or equivalent permanent stabilization measures have been employed.

10. Land Disturbance Activity. Any land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands within this government's jurisdiction, including construction, clearing & grubbing, grading, excavating, transporting and filling of land. Within the context of this rule, land disturbance activity does not mean:

a. Minor land disturbance activities such as home gardens and an individual's home landscaping, repairs, and maintenance work, unless such activity exceeds one half acre in exposed soil.

b. Additions or modifications to existing single family structures which result in creating under one half acre of exposed soil or impervious surface and/or is part of a larger common development plan.

c. Construction, installation, and maintenance of fences, signs, posts, poles, and electric, telephone, cable television, utility lines or individual service connections to these utilities, which result in creating under one half acre of exposed soil or impervious surface.

d. Tilling, planting, or harvesting of agricultural, horticultural, or silvicultural (forestry) crops.

e. Emergency work to protect life, or property and emergency repairs, unless the land disturbing activity would have otherwise required an approved erosion and sediment control plan, except for the emergency. If such a plan would have been required, then the disturbed land area shall be shaped and stabilized in accordance with the City's requirements as soon as possible.

11. Permanent Cover. Means "final stabilization." Examples include grass, gravel, asphalt, and concrete. See also the definition of "final stabilization."

12. Phased Project or Development. Clearing a parcel of land in distinct phases, with at least fifty percent (50%) of the project's preceding phase meeting the definition of "final stabilization" and the remainder proceeding toward completion, before beginning the next phase of clearing.

13. Sediment. The product of an erosion process; solid material both mineral and organic, that is in suspension, is being transported, or has been moved by water, wind, or ice, and has come to rest on the earth's surface either above or below water level.

14. Sedimentation. The process or action of depositing sediment.

15. Sediment Control. The methods employed to prevent sediment from leaving the development site. Examples of sediment control practices are silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins.

16. Soil. The unconsolidated mineral and organic material on the immediate surface of the earth. For the purposes

of this document temporary stockpiles of clean sand, gravel, aggregate, concrete or bituminous materials (which have less stringent protection) are not considered "soil" stockpiles.

17. Stabilized. The exposed ground surface after it has been covered by sod, erosion control blanket, riprap, pavement or other material that prevents erosion. Simply sowing grass seed is not considered stabilization.

18. Steep Slope. Any slope steeper than twelve (12) percent (Twelve (12) feet of rise for every one hundred (100) feet horizontal run).

19. Temporary Protection. Short-term methods employed to prevent erosion. Examples of such protection are straw, mulch, erosion control blankets, wood chips, and erosion netting.

Subd. 4. Erosion and Sediment Control Plan.

1. Required. Every applicant for a building permit, subdivision approval, or a grading permit consisting of more than one-half acre of land disturbing activities within the city shall submit an erosion and sediment control plan to the City Engineer. No land shall be disturbed until the plan is approved by the City Engineer and conforms to the standards set forth herein.

All plans shall be consistent with National Pollution Discharge Elimination Permit (NPDES) requirements, and the filing or approval requirements of relevant Watershed Districts, Watershed Management Organizations, Ditch Authorities, Soil and Water Conservation Districts, or other regulatory bodies.

2. General Criteria for Erosion and Sediment Control Plan. An erosion and sediment control plan shall be required for any land disturbing activity larger than one-half acre and shall meet the following criteria:

- a. Stabilize all exposed soils and soil stockpiles.
- b. Establish permanent vegetation.
- c. Prevent sediment damage to adjacent properties and other designed areas.
- d. Schedule erosion and sediment control practices.
- e. Engineer the construction of steep slopes.
- f. Stabilize all waterways and outlets.
- g. Protect storm sewers from the entrance of sediment.
- h. When working in or crossing water bodies, take precautions to contain sediment.
- i. Restabilize utility construction areas as soon as possible.

- j. Protect paved roads from sediment and mud brought in from access routes.
- k. Dispose of temporary erosion and sediment control measures following final stabilization.
- l. Maintain all temporary and permanent erosion and sediment control practices.

3. Contents of Plan. The erosion and sediment control plan shall include the following:

- a. Project description: the nature and purpose of the land disturbing activity and the amount of grading involved.
- b. Phasing of construction: the nature and purpose of the land disturbing activity and the amount of grading, utilities, and building construction.
- c. Project Schedule: A projected timeline for completion of all site activities.
- d. Existing site conditions: existing topography, vegetation, and drainage.
- e. Adjacent areas, neighboring streams, lakes, residential areas, roads, etc., which might be affected by the land disturbing activity.
- f. Critical erosion areas: areas on the site that have potential for serious erosion problems.
- g. Erosion and sediment control measures: methods to be used to control erosion and sedimentation on the site, both during and after the construction process.
- h. Permanent stabilization: how the site will be stabilized after construction is completed, including specifications.
- i. Maintenance: schedule of regular inspections and repair of erosion and sediment control structures.
- j. Silt Fence: provisions for the removal of all silt fence upon establishment of permanent vegetation.

4. NPDES Construction Site Permit. Any construction activity that disturbs one or more acres is required to obtain a separate NPDES Construction Site Permit. A copy of this permit and erosion and sediment control plan shall be submitted to the City Engineer.

Subd. 5. Review of Plan. The City Engineer shall complete a review of the erosion and sediment control plan within fourteen (14) calendar days of receiving the plan from the developer.

1. Permit Required - If the City determines that the plan meets the requirements of this ordinance, the City shall issue a permit valid for a specified period of time that authorizes the land disturbance

activity contingent on the implementation and completion of the plan.

2. Denial - If the City determines that the plan does not meet the requirements of this ordinance, the City shall not issue a permit for the land disturbance activity. The plan must be resubmitted for approval before the land disturbance activity begins. All land use and building permits shall be suspended until the developer has an approved plan.

3. City inspections and enforcement - The City shall conduct inspections on a regular basis to ensure that the plan is properly installed and maintained. In all cases the inspectors will attempt to work with the builder or developer to maintain proper erosion and sediment control at all sites. . In cases where cooperation is withheld, the City shall issue construction stop work orders, until erosion and sediment control measures meet the requirements of this ordinance. An inspection must follow before work can commence. Inspections are required as follows:

- a. Before any land disturbing activity begins
- b. For residential construction, at the time of footing inspections
- c. At the completion of the project

The City reserves the right to conduct other random inspections during the course of the project to ensure compliance with the plan.

Subd. 6. Modification of Plan. The applicant must amend the erosion and sediment control plan as necessary to include additional requirements such as additional or modified best management practices designed to correct problems identified or address situations whenever:

1. A change in design, construction, operation, maintenance, weather, or seasonal conditions that has a significant effect on the discharge of pollutants to surface waters or underground waters.

2. Inspections indicate the plan is not effective in eliminating or significantly minimizing the discharge of pollutants to surface waters or underground waters or that the discharges are causing water quality standard exceedances.

3. The plan is not achieving the general objectives of controlling pollutants or is not consistent with the terms and conditions of this permit.

Subd. 7. Development Agreement. A development agreement prepared by the City shall be required for any project that requires an erosion and sediment control plan. The agreement shall

guarantee the performance of the work described and delineated on the approved plan. In addition, the agreement will describe the City's inspection policy. Should the applicant fail to meet any of the terms of the development agreement, the City may:

1. Withhold inspections - Withhold the scheduling of inspections and/or the issuance of a Certificate of Occupancy.

2. Revocation of permits - Revoke any permit issued by the City to the applicant for the site in question or any other of the applicant's sites within the community's jurisdiction.

Subd. 8. Remedial Action. The City may take remedial action if any of the conditions listed below exist. The Development Agreement shall stipulate that the applicant shall reimburse the City for all direct cost incurred in the process of remedial work including, attorney's fees.

1. Abandonment - The developer ceases land disturbing activities and/or filling and abandons the work site prior to completion of the grading plan.

2. Failure to implement plan - The developer fails to conform to the erosion and sediment control plan as approved by the City.

Subd. 9. Emergency Action. If circumstances exist such that noncompliance with this ordinance poses an immediate danger to the public health, safety and welfare, as determined by the city, the city may take emergency preventative action. The city shall also take every reasonable action possible to contact and direct the applicant to take any necessary action.

Subd. 10. Notification of Failure of the Plan. The City shall notify the permit holder of the failure of the erosion and sediment control plan's measures.

1. Initial contact. The initial contact will be to the party or parties listed on the application and/or the plan as contacts. Except during an emergency action, forty-eight (48) hours after notification by the City or seventy-two (72) hours after the failure of erosion control measures, whichever is less, the City at its discretion, may begin corrective work. Such notification should be in writing, but if it is verbal, a written notification should follow as quickly as practical. If after making a good faith effort to notify the responsible party or parties, the City has been unable to establish contact, the City may proceed

with corrective work. There are conditions when time is of the essence in controlling erosion. During such a condition the City may take immediate action, and then notify the applicant as soon as possible

2. Erosion off-site. If sediment breaches the perimeter of the site, the applicant shall immediately develop a cleanup and restoration plan, obtain the right-of entry from the adjoining property owner, and implement the cleanup and restoration plan within forty-eight (48) hours of obtaining the adjoining property owner's permission. In no case, unless written approval is received from the City, may more than seven (7) calendar days go by without corrective action being taken. If in the discretion of the City, the permit holder does not repair the damage caused by the erosion, the city may do the remedial work required. When restoration to wetlands and other resources are required, the applicant shall be required to work with the appropriate agency to ensure that the work is done properly.

3. Erosion into streets, wetlands or water bodies. If eroded soils (including tracked soils from construction activities) enters streets, wetlands, or other water bodies, cleanup and repair shall be immediate. The applicant shall provide all traffic control and flagging required to protect the traveling public during the cleanup operations.

4. Failure to do corrective work. When an applicant fails to conform to any provision of this policy within the time stipulated, the City may take the following actions.

a. Issue a stop work order, withhold the scheduling of inspections, and/or the issuance of a Certificate of Occupancy

b. Revoke any permit issued by the City to the applicant for the site in question or any other of the applicant's sites within the City's jurisdiction.

c. Correct the deficiency or hire a contractor to correct the deficiency. The issuance of a permit constitutes a right-of-entry for the City or its contractor to enter upon the construction site for the purpose of correcting deficiencies in erosion control.

d. Require reimbursement to the City for all costs incurred in correcting stormwater pollution control deficiencies. If payment is not made within thirty (30) days after the City incurs costs, the City will halt all work on the project site and assess any reimbursement costs to the property. As a condition of the permit, the owner shall waive notice of any assessment hearing to be conducted by the City, concur that the benefit to the property exceeds the amount of the proposed assessment, and waive all rights by virtue of Minnesota Statute

429.081 to challenge the amount or validity of assessment.

Subd. 11. Enforcement. The City shall be responsible enforcing this ordinance.

1. Penalties. Any person, firm, or corporation failing to comply with or violating any of these regulations, shall be deemed guilty of a misdemeanor and be subject to a fine or imprisonment or both. All land use and building permits must be suspended until the applicant has corrected the violation. Each day that a separate violation exists shall constitute a separate offense.

Subd. 12. Severability. The provisions of this ordinance are severable, and if any provisions of this ordinance, or application of any provision of this ordinance to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this ordinance must not be affected thereby.

Subd. 13. Abrogation and Greater Restrictions. It is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

Source: Ord. 622-2nd Series
Effective Date: 07/14/08

Section 10.33. **Wind Energy Conversion Systems**

Source: Ord. 650-2nd Series
Effective Date: 12/14/09

Subd. 1. **Intent and Purpose.** The purpose of this Section is to establish standards and procedures by which the installation and operation of commercial and non-commercial wind energy conversion systems (WECS) shall be governed within the City of Alexandria while protecting the public health, safety and general welfare of the community.

Subd. 2. **Application.**

- A. These regulations apply to the location, size, use, design construction, operation, maintenance, appearance and removal of all WECS, windmills, wind turbines, wind generators, wind chargers or similar devices.
- B. Ornamental wind devices, not used for energy conversion, that are less than 24 feet in height and less than 120 square feet in horizontal area, are exempt from this Section. All other applicable regulations in City Code apply.

Subd. 3. **Definitions.**

- A. Commercial Wind Energy Conversion System (WECS): A WECS of equal to or greater than 40kW in total nameplate generating capacity.
- B. Feeder Line: A power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electrical power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation servicing the WECS.
- C. Meteorological Tower: Towers erected to measure wind speed and direction plus other data relevant to siting WECS. Meteorological towers shall be regulated as commercial towers under Section 10.31 (Wireless Telecommunication Towers and Antennas), as may be amended.

- D. Non-commercial WECS: A WECS of less than 40kW in total name plate generating capacity.
- E. Rotor Diameter: The diameter of the circle described by the moving rotor blades.
- F. WECS Tower: A vertical structure that supports an electrical generator, rotor blades, and/or meteorological equipment used in the operation of a WECS.
- G. WECS Total Height: The highest point above ground reached by a rotor tip or any other part of the WECS.
- H. WECS Tower Height: The total height of the WECS exclusive of the rotor blades.
- I. Wind Energy Conversion System (WECS): An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations, and meteorological towers, that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed to the electrical grid.
- J. Wind Turbine: Any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

Subd. 4. **Conditional Use Permit Required.**

- A. The erection of a WECS, both commercial and non-commercial, shall require a conditional use permit, as prescribed by Section 10.23 of City Code and the additional provisions and standards as set forth in this Section.

Subd. 5. **Location by District.** A WECS may be allowed by conditional use permit as follows:

- A. Non-commercial WECS shall be allowed as conditional uses within the R-1, R1-A, R-2, R-3, R-4, R-B, R-V/A, R-LD, B-1, B-2, I-2, I-B Zoning Districts and Residential or

Mixed-Use Planned Unit Developments.

B. Commercial WECS shall be allowed as conditional uses within the R-V/A, R-LD, B-1, B-2, I-1, I-2, I-B Zoning Districts and in Non-Residential Planned Unit Developments.

Subd. 6. **Application Requirements.** All applications for a WECS conditional use permit shall be accompanied by a site plan drawn to scale and dimensioned displaying following:

1. The names of project applicants and property owners.
2. Project address and legal description.
3. A description of the project including; type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the feeder lines.
4. Site layout, including the location of property lines, wind turbines, electrical grid, and all related accessory structures. This site layout shall include distances and be drawn to scale.
5. Certification by an Engineer competent in disciplines of WECS of structure design, electrical design, and fall zone.
6. Location and height of all existing and proposed buildings, structures, above ground utilities, and trees on the lot, including both existing and proposed structures and guy wire anchors.
7. Location and height of all adjacent buildings, structures, aboveground utilities and trees located within three hundred fifty (350) feet of the exterior boundaries of the property in question.

8. Location of wetlands, scenic, and natural areas within 1,320 feet (1/4 mile) of the proposed WECS(s).
9. An elevation drawing of the premises accurately depicting the proposed WECS and its relationship to structures on the subject site and adjacent lots.
10. A written statement or map describing how the proposed structure relates to existing arrival/departure corridors utilized by air ambulances.
11. An Acoustical Analysis that certifies that the noise requirements as prescribed by the Minnesota Pollution Control Agency can be met.
12. An FAA permit, if required.
13. Location of and evidence that there will be no interference with any commercial and/or public safety communication towers within two miles of the proposed WECS.
14. A Decommissioning Plan: Each Commercial/Utility WECS shall have a Decommissioning plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon being discontinued. The cost estimates shall be made by a competent party, such as a Professional Engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for decommissioning and removal of the WECS and accessory facilities.

Subd. 7. Performance Standards.

- A. No more than one WECS tower shall be permitted per parcel.

B. A WECS shall not interfere with hospital heliport approach/departure corridors as defined by the Minnesota Department of Transportation.

C. Setbacks.

1. No part of a WECS (including guy wire anchors) shall be located within or above any required front, side, or rear yard setback.
2. WECS towers shall be setback from all property lines a total of 110% of the WECS total height.

D. Height. The permitted maximum height of a WECS shall be determined in one of two ways. In determining the height of the WECS, the total height of the system shall be included. System height shall be measured from the base of the tower to the highest possible extension of the rotor. The height of a WECS must also comply with Federal Aviation Administration and Airport Zoning Clear Zone Regulations.

1. A ratio of one (1) foot to one (1) foot between the distance of the closest property line to the base of the WECS to the height of the system.
2. A maximum system height of one hundred seventy-five (175) feet.
3. The shortest height of the two (2) above-mentioned methods shall be used in determining the maximum allowable height of a WECS system.

E. A WCES shall be designed with a monopole with or without guy wires. Lattice towers are prohibited.

F. Blade arcs created by the WECS shall have a minimum of thirty (30) feet of clearance over any structure or tree.

G. A WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds (40 miles per hour or greater).

- H. A WECS shall be grounded to protect against natural lightning strikes in conformance with the Electrical Code as adopted by the City.
- I. To prevent unauthorized climbing, WECS towers must comply with one of the following provisions:
1. Tower climbing apparatus shall not be located within twelve (12) feet of the ground.
 2. A locked anti-climb device shall be installed on the tower.
 3. Towers capable of being climbed shall be enclosed by a locked, protective fence at least six (6) feet high.
- J. A WECS shall have a sign posted at the base of the tower containing the following information: A high voltage warning, the manufacturer's name, an emergency phone number, and emergency shutdown procedures.
- K. A WECS shall not have affixed or attached any lights, reflectors, flashers, or any other illumination, except for illumination devices required by FAA regulations or as required by the City if within heliport arrival or departure corridors as defined by the Minnesota Department of Transportation.
- L. A WECS must comply with applicable FAA regulations and the Airport Zoning Ordinance.
- M. A WECS shall be designed and constructed so as not to cause radio and television interference.
- N. Noises emanating from the operation of WECS maintain compliance with Minnesota Pollution Control Standards.
- O. Applicant should conform to the latest Distributed Generation Interconnection Agreement and Tariff on file with Alexandria Light and Power (ALP). This agreement establishes technical requirements promoting the safe and reliable parallel operation of on-site generation resources. This is required by the State of MN (MN Statue 216B.1611) and has been adopted and set forth by ALP.

- P. Standard drawings of the structural components of the wind energy conversion system and support structures, including base and footings shall be provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the Building Code. Drawings and engineering calculations shall be certified by a Minnesota licensed engineer.
- Q. WECS electrical equipment and connections shall be designed and installed in adherence to the Electrical Code.
- R. Rooftop mounted WECS are prohibited.
- S. All WECS towers shall be white, gray, or another non-obtrusive color demonstrated to minimize visibility unless otherwise required by FAA regulations. All finishes shall be matte or non-reflective.
- T. If a WECS is not maintained in operational condition and poses a potential safety hazard, the owner shall take expeditious action to correct the situation.
- U. Any WECS or tower which is not used for twelve (12) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner.

Source: Ord. 645-2nd Series
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