

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: 338-2<sup>nd</sup> 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: 540-2<sup>nd</sup> 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. 338-2<sup>nd</sup> 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. 540-2<sup>nd</sup> 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. 335-2<sup>nd</sup> 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. 500-2<sup>nd</sup> 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. 335-2<sup>nd</sup> 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. 371-2<sup>nd</sup> 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. 500-2<sup>nd</sup> 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. 338-2<sup>nd</sup> 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. 636-2<sup>nd</sup> 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. 689-2<sup>nd</sup> 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. 338-2<sup>nd</sup> 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. 579-2<sup>nd</sup> 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. 500-2<sup>nd</sup> 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. 780-2<sup>nd</sup> 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. Caliper 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 5000 or more square feet of property, which are comprised of deciduous trees greater than four inches in diameter or coniferous trees greater than four 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. Specimen 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 coordination with 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 feet 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. 693-2<sup>nd</sup> 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. 338-2<sup>nd</sup> Series  
Effective Date: 2/08/93

C. **Setbacks.** All principal structure 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. 500-2<sup>nd</sup> 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. 338-2<sup>nd</sup> 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>Max. 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. 500-2<sup>nd</sup> 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:

			Minimum	
<u>Angle</u>	<u>Stall</u>	<u>Stall</u>	<u>Driveway</u>	<u>Curb Length</u>
	<u>Width</u>	<u>Depth**</u>	<u>Width</u>	<u>Per Car</u>
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 on a City street. 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. 338-2<sup>nd</sup> 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. 769-2<sup>nd</sup> 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. 338-2<sup>nd</sup> 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	1.0/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,

**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. 545-2<sup>nd</sup> 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 (J.) 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 of 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. 338-2<sup>nd</sup> 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. 589-2<sup>nd</sup> 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. 536-2<sup>nd</sup> 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. 589-2<sup>nd</sup> 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. 558-2<sup>nd</sup> Series  
Effective Date: 6/13/05