CHAPTER 15

NON-CONFORMING BUILDINGS, STRUCTURES AND USES

SECTION:

15.01: Purpose
15.02: General Provisions

15.01: PURPOSE: It is the purpose of this Chapter 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. This 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 Ordinance that all non-conforming uses shall be eventually brought into conformity.

15.02: GENERAL PROVISIONS:

A. Any non-conforming structure or use lawfully existing upon the effective date hereof shall not be enlarged or reconstructed, but may be continued at the size and in the manner of operation existing upon such date except as hereinafter specified or subsequently amended.

B. Any proposed structure which will, under this Ordinance, become non-conforming but for which a building permit has been lawfully granted prior to the effective date hereof may be completed in accordance with the approved plans; provided construction is started within sixty (60) days of the effective date hereof, is not abandoned for a period of more than one hundred twenty (120) days, and continues to completion within two (2) years. Such structure and use shall thereafter be a legally non-conforming structure and use.

C. 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.

D. 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. A dwelling may not,

however, be demolished and a new dwelling constructed unless the new dwelling is in full compliance with this Ordinance.

E. Non-conforming, single family dwelling units may be expanded to improve livability as a conditional use as regulated by Chapter 4 of this Ordinance, provided that the non-conformity is not increased.

F. Nothing in this Ordinance shall prevent the placing of a structure in safe condition when said structure is declared unsafe by the Building Official 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.

G. 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 effective date hereof unless such movement shall bring the non-conformance into substantially closer compliance with the requirements of this Ordinance.

H. 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.

I. 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 as to increase the non-conformity.

J. 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, 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 the 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, if it is reconstructed within twelve (12) months after the date of said damage. Estimate of the extent of damage or destruction shall be made by the Building Official.

K. Whenever a lawful non-conforming use of a structure or land is discontinued for a period of six (6) months, any future use of said structure or lands shall be made to conform with the provisions of this Ordinance.

CHAPTER 16

GENERAL PERFORMANCE REQUIREMENTS

SECTION:

16.01: Purpose
16.02: Dwelling Unit Restriction
16.03: Platted and Unplatted Property
16.04: Erosion and Drainage
16.05: Elevation
16.06: Sewage Disposal
16.07: Traffic Visibility
16.08: Lighting and Glare
16.09: Federal and/or State Mandated Standards
16.10: Required Screening and Landscaping
16.11: Fences
16.12: Outdoor Storage
16.13: Signs
16.14: Excavation and Land Reclamation

16.01: PURPOSE: The purpose of this Chapter 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.

16.02: DWELLING UNIT RESTRICTION:

A. No garage, tent, accessory building or motor home shall at any time be used as living quarters, temporarily or permanently.

B. Basements and cellars may be used as living quarters or rooms as a portion of the principal residential dwelling. Energy conserving designs in housing are not prohibited by the provisions of this Ordinance, provided that a conditional use permit is approved by the City Council and the structure complies with standards imposed by the State and the Uniform Building Code.

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

16.03: PLATTED AND UNPLATTED PROPERTY:

A. Any person desiring to improve property shall submit to the Building Official 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 ensure conformance to City ordinances.

B. 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.

C. Except where sanitary sewer has not previously been provided to the lot, a lot of record existing upon the effective date hereof 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. This Chapter is not intended to allow reduction in setbacks and required yards.

D. Not more than one (1) principal building shall be located on a lot. The words "principal building" shall be given their common, ordinary meaning as defined in Section 2.02 of this Ordinance.

E. 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 setback regulations of this Ordinance.

16.04: EROSION AND DRAINAGE:

A. No land shall be developed and no use shall be permitted that results in water runoff causing flooding, erosion, or deposit of sediment on adjacent properties. Such runoff shall be property channeled into a storm drain, watercourse, ponding area, or other public facilities subject to the review and approval of the City Engineer.

B. In the case of all single family lots, multiple family lots, business, industrial and institutional developments, the drainage plans shall be submitted to the City Engineer and the final drainage plan shall be subject to his written approval. No modification in grade and drainage flow through fill, cuts, erection of retaining walls, or other such actions shall be permitted until such plans have been reviewed and received written approval from the City Engineer.

C. Unless approved by the Building Official or City Engineer, the top of the foundation and garage floor of all structures shall be at least eighteen (18) inches above the grade of the crown of the street.

D. Property and streets adjacent to the site of a land disturbance shall be protected from sediment deposition. This shall be accomplished by preserving a well-vegetated buffer strip around the lower perimeter of the land disturbance, by installing perimeter controls such as sediment barriers, filters, dikes, or sediment basins, by stockpiling sod in appropriate locations, or by a combination of such measures.

E. All storm sewer inlets which are functioning during construction shall be protected so that sediment laden water will not enter the conveyance system without first being filtered or otherwise treated to remove sediment.

F. All residential, commercial, industrial, and institutional developments satisfy the provisions of the Subdivision Ordinance in regard to storm water management.

G. All on-site storm water conveyance channels shall be designed and constructed to withstand the design volume of storm water with appropriate stabilization to prevent scour and erosion. Erosion controls must be provided at the outlets of all storm sewer pipes.

H. A permanent vegetative cover shall be established on denuded areas not otherwise permanently stabilized forthwith after land disturbing activity is complete.

I. Whenever construction vehicles access public roads, provision shall be made to minimize the transport of sediment by runoff or vehicle tracking onto the paved surface. Where sediment is transported onto a public road surface, the roads shall be cleaned thoroughly at the end of each day. Sediment shall be removed from roads by shoveling or sweeping.

J. All temporary and permanent erosion and sediment control practices shall be maintained and repaired to assure the continued performance of their intended function.

K. All temporary erosion and sediment control measures shall be removed within thirty (30) days after final site stabilization is achieved or after the temporary measures are no longer needed.

L. The City's Building Official may issue stop work orders for any violation of this Section.

16.05: ELEVATION:

A. Ground Water Elevation: The lowest floor, including basement floor, of all structures shall be at a level at least three (3) feet above the highest known ground water table elevation. If requested by the Building Inspector, the ground water table elevation shall be determined by a licensed soils engineer using soil borings, peizometers, or the observation of mottled soils.

B. High Water Elevation: No structure, except piers, docks, and retaining walls 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, or less than one (1) foot above the 100 year flood level, if determined, of any adjacent lake, pond, river, watercourse, or wetland. If sufficient data on known high water levels is not available, the elevation of the line of permanent aquatic 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.

16.06: SEWAGE DISPOSAL:

A. At such time as a public sewer becomes available to a property serviced by a private waste water disposal system, a direct connection shall be made to the public sewer within one (1) year, subject to compliance with other City ordinances.

B. The installation and maintenance of new (when permitted) or existing on-site sewage treatment systems shall be in conformance with the provisions of Sherburne County.

16.07: TRAFFIC VISIBILITY: On corner lots in all districts, no structure or planting in excess of twenty-four (24) inches above the street centerline grade shall be permitted within a triangular area defined as follows: beginning at the intersection of the projected property lines of two (2) intersecting streets, thence thirty (30) feet along one property line, thence diagonally to a point thirty (30) feet from the point of beginning on the other property line, thence to the point of beginning.

16.08: LIGHTING AND GLARE: Any lighting used to illuminate an off-street parking area, sign or other structures shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky reflected glare, where from floodlights or from high temperature processes such as combustion or welding shall not be directed into any adjoining property. The sources of lights shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light

or combination of lights which cast light on a public street shall not exceed one (1) foot candle (meter reading) as measured from the center line of said street. Any light or combination of lights which cast light on residential property shall not exceed four (4) foot candles (meter reading) as measured from said property.

16.09: LIQUID STORAGE, EMISSIONS, NOISE, ODORS, PARTICULATE MATTER AND WASTE:

A. Bulk Liquid Storage: All uses associated with the bulk storage of all gasoline, liquid fertilizer, chemical, flammable and similar liquids shall comply with requirements of the Minnesota State Fire Marshal's and Minnesota Department of Agriculture offices and have documents from those offices stating the use is in compliance.

B. Emissions:

1. Radiation Emission: All activities that emit radioactivity shall comply with the minimum requirements of the Minnesota Pollution Control Agency.

2. Electrical Emission: All activities which create electrical emissions shall comply with the minimum requirements of the Federal Communications Commission and Minnesota Public Utilities Commission.

C. Noise: Noises emanated from any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation NPC, as amended.

D. Odors: The emission of odor by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC, as amended.

E. Smoke, Dust and Other Particulate Matter: The emission of smoke, dust, fly ash or other particulate matter by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 1015, as amended.

F. Waste:

1. All waste generated shall be disposed in a manner consistent with all Minnesota Pollution Control Agency rules.

2. Any accumulation of waste generated on any premises not stored in containers which comply with the City Code and Minnesota Pollution Control Agency rules, or any accumulation of mixed municipal solid waste generated on any premises which has remained thereof for more than one week, or any

accumulation of infectious, nuclear, pathological, or hazardous waste which is not stored and disposed in a manner consistent with Minnesota Pollution Control Agency rules is a nuisance and may be abated and the cost of abatement may be assessed against the property where the nuisance is found.

3. The accumulation, storage, processing, and disposal of waste on any premises, which is not generated on that premises is prohibited, except as specifically provided in this Ordinance.

16.10: REQUIRED SCREENING AND LANDSCAPING:

A. Screening and Landscaping: Where any business or industrial use (i.e., structure, parking or storage) abuts property zoned for residential use, such business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business or industry is across the street from a residential zone, but not on that side of a business or industry considered to be the front (as determined by the Building Official). All the screening specifically required by this Ordinance shall be subject to this Section and shall consist of a green belt strip as provided for below:

1. A green belt planting strip shall consist of evergreen trees and/or deciduous trees and plants and shall be of sufficient width and density to provide an effective visual screen. This planting strip shall be designed to provide complete visual screening to a minimum height of six (6) feet. Earth mounding or berms may be used but shall not be used to achieve more than three (3) feet of the required screen. The planting plan and type of plantings shall require the approval of the City Council.

2. A fence may also be installed, but not in lieu of the green belt. The fence shall be constructed of masonry, brick, wood or metal. Such fence shall provide a solid screening effect and shall be a minimum of six (6) feet in height but shall not exceed eight (8) feet in height. The design and materials used in constructing a required screening fence shall be subject to the approval of the City Council. Fences in excess of eight (8) feet in height shall require approval of the City Council.

B. Landscaping, General Residential: The lot area remaining after providing for off-street parking, off-street loading, sidewalks, driveways, building site and/or other requirements shall be landscaped using ornamental grass, shrubs, trees or other acceptable vegetation or treatment generally used in landscaping within one year following the date of building occupancy. Fences or trees placed upon utility easements are subject to removal if required for the maintenance or improvement of the utility. Trees on utility easements containing overhead wires shall not exceed

twenty (20) feet in height. (The planting of large trees is not recommended under overhead wires.)

C. Landscaping, New Residential Subdivisions, Semi-Public and All Income Producing Property Uses (Excluding Residential Structures Containing Less than Four (4) Dwelling Units): Prior to approval of a building permit, all above referenced uses shall be subject to mandatory landscape plan and specification requirements. Said landscape plan should be developed with an emphasis upon the following areas: The boundary or perimeter of the proposed site at points adjoining other property and the immediate perimeter of the structure. All landscaping incorporated in said plan shall conform to the following standards and criteria:

1. Minimum Size: All plants must at least equal the following minimum size:

Shade Trees:	2 inch caliper
Ornamental Trees:	1.5 inch caliper
Deciduous/Evergreen Shrubs:	24 inch height
Evergreen Trees	6 foot height

2. Spacing:

   a. Plant material centers shall not be located closer than three (3) feet from the fence line or property line and shall not be planted to conflict with public plantings based on the judgement of the City staff.

   b. Where plant materials for screening are planted in two (2) or more rows, plantings shall be staggered in rows unless otherwise approved by the City staff.

   c. Where massing of plants or screening is intended, large deciduous shrubs shall not be planted more than four (4) feet on center, and/or evergreen shrubs shall not be planted more than three (3) feet on center, or as necessary to create a screen with the selected species.

3. Types of New Trees:

   a. Suitable deciduous trees shall be those commercially available and hardy for planting in this area, but shall not include:

      Box Elder
      Elm Species
      Cottonwood/Poplar Species
      Silver Maple Varieties
      Russian Olive
      Mulberry

4. Design:

   a. The landscape plan must show some form of designed site amenities (i.e., composition of plant materials, and/or creative grading, decorative lighting, exterior sculpture, etc., which are largely intended for aesthetic purposes.

   b. All areas within the property lines (or beyond, if site grading extends beyond) shall be treated. All exterior areas not paved or designated as roads, parking, or storage must be planted into ornamental vegetation (lawns, ground covers, or shrubs) unless otherwise approved by the City Clerk.

   c. Turf slopes in excess of two to one (2:1) are prohibited.

   d. All ground areas under the building roof overhang must be treated with a decorative mulch and/or foundation planting.

   e. All buildings must have an exterior water spigot to ensure that landscape maintenance can be accomplished.

   f. Trees and shrubs shall not be planted in the right-of-way except for designated parkways as determined by the City Council.

5. Landscape Guarantee: All new plants shall be guaranteed for twelve (12) months from the time planting has been completed. All plants shall be alive, of good quality, and disease free at the end of the warranty period or be replaced. Any replacements shall be warranted for twelve (12) months from the time of planting.

D. Buffer Yards:

1. Lot Depth Requirements: Double frontage lots shall have an additional depth of at least twenty (20) feet in order to allow space for buffering/screen planting along the back lot line.

2. Screening Plan Required: For applicable subdivisions, a comprehensive screening plan shall be submitted. The plan shall identify all proposed buffer screening in both plan and sectional view.

3. Design Standards:

   a. Plantings: All plantings within designated buffer yards shall adhere to the following:

(1) Plant material centers shall not be located closer than three (3) feet from the fence line or property line.

(2) Landscape screen plant material shall be planted in two (2) or more rows. Plantings shall be staggered in rows unless otherwise approved by the City staff.

b. Walls and Fences: Unless otherwise approved by the City Council, all walls and fences erected within designated buffer yards shall adhere to the following:

(1) At least fifty (50) percent of the street side of a screening fence shall be landscaped with plant materials. Plant materials shall be at least equal to the fence height.

(2) Exposed fences shall run a maximum length of fifty (50) feet between landscaping areas or clusters.

(3) Fences and landscaping shall not be located within the "traffic visibility triangle" as defined in Section 16.08 of this Chapter.

c. Earth Berms: Earth berms existing within designated buffer yards:

(1) Shall not exceed a two to one (2:1) slope unless approved by the City Engineer.

(2) Shall contain no less than four (4) inches of top soil.

4. Timing/Responsibility of Installation: Weather permitting, all buffer, bermings, and/or plantings shall be constructed or planted prior to the issuance of an occupancy permit.

5. Maintenance:

a. Maintenance of the buffer strip planting and/or fence shall be the responsibility of the individual property owners or, if applicable, the homeowners association.

b. Color of the screening wall or fence shall be uniform along its entire length and shall not be modified without City approval.

c. All repairs to the fence or wall shall be consistent with the original fence design in regard to location and appearance.

d. Replacement of landscape materials or plantings in a screen area shall be consistent with the original screen design.

e. All repair or plant replacement shall be done within forty-five (45) days of written notification from the City or if applicable, the homeowners' association.

E. Mechanical Equipment: The City Council may require all mechanical equipment such as air conditional units, etc., erected on the roof of any structure, to be screened so as not to be visible.

16.11: FENCES: Fences shall be permitted in all yards subject to the following:

A. Permit Required: No person, except on a farm and related to farming, shall hereafter construct or cause to be constructed or erected within the City, any fence without first making an application for and securing a building permit.

B. Locations: Boundary Line Fences:

1. Such a fence of wood, etc. which requires periodic maintenance shall be located no closer than two (2) feet from any side or rear yard lot line on the property of the person constructing or causing the construction of said fence.

2. An exception to the above restriction involving an encroachment up to the side or rear property line shall be allowed by administrative permit provided that a fence agreement addressing construction, maintenance, and repair responsibilities, as well as trespass rights, is established between the adjoining property owners and said agreement is filed with the County Recorder against the titles of the respective properties.

3. Such a fence which is maintenance-free, such as a chain link of steel, plastic or vinyl, and is acceptable as such to the Zoning Administrator, may be constructed up to the side or rear yard property line.

4. The Zoning Administrator or the Building Official may require the owner of the property upon which a fence now exists, or may require any applicant for a fence permit to establish the boundary lines of the property by a survey thereof to be made by any registered land surveyor.

5. In cases where a fence is set back from a property line, adverse possession rights may only be exercised upon approval pursuant to applicable provisions of the City's Subdivision Ordinance.

C. Construction and Maintenance: Every fence shall be constructed in a substantial, workmanlike manner and of substantial material reasonably suited for the purpose for which the fence is proposed to be used. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Any such fence which is, or has become dangerous to the public safety, health or welfare, is a public nuisance, and the Zoning Administrator shall commence proper proceedings for the abatement thereof. Like fences, wherever permitted shall be constructed in such a manner, that no barbed ends shall be at the top. Electric fences shall only be permitted in the Agricultural District when related to farming, and on farms in other districts when related to farming, but not as boundary fences. Barbed wire fences shall only be permitted on farms or in Industrial Districts except as hereinafter provided.

D. Solid Walls: Solid walls eight (8) feet in height may be constructed and maintained only in the buildable area of a lot.

E. Clear Vision Triangle: On corner lots, no fence or screen shall be permitted within the triangular area defined as beginning at the intersection of the projected curb line of two (2) intersecting streets, thence thirty (30) feet from the point of beginning on the other curb line, thence to the point of beginning, unless the fence or screening is at least seventy-five (75) percent open.

F. Residential Fencing and Screening:

1. Except as provided herein, fences shall be at least five (5) percent open for passage of air, light, and drainage.

2. Except as provided herein, fences outside the buildable area of a lot may not exceed six (6) feet in height.

3. Except as provided herein, fences within the buildable area of a lot or in the case of a rear lot lie at least ten (10) feet from the rear lot line, may not exceed eight (8) feet in height.

4. Fences extending across front yards shall not exceed forty-two (42) inches in height and shall be at least seventy-five (75) percent open space for passage of air and light and shall conform to Section 16.08 of this Chapter.

G. Swimming Pool Protection:

1. A permit shall be required for swimming pools having a depth of twenty-four (24) inches at any point and a surface area exceeding one hundred fifty (150) square feet. Each application for a permit to construct or erect a swimming pool shall be accompanied by plans of sufficient detail to show:

a. The proposed location of the pool and its relationship to the other principal building on the lot.

b. The size of the pool.

c. Fencing and other fixtures existing and proposed on the lot, including utility location and trees.

d. The location, size and types of equipment to be used in connection with the pool, including but not limited to filter unit, pump fencing and the pool itself.

e. That the requirements contained in Sub-section G.2, G.3, and G.4 of this Section will be satisfied including submission and approval of a site plan.

2. All swimming pools for which a permit is required and granted shall be provided with safeguards to prevent children from gaining uncontrolled access. This can be accomplished with fencing, screening or other enclosure, or any combination thereof, of sufficient density as to be impenetrable. If fences are employed, they shall be at least four (4) feet in height. The bottoms of the fences shall not be more than four (4) inches from the ground. Fences shall be of a non-corrosive material and shall be constructed as to be not easily climbable. All fence openings or points of entry into the pool enclosure shall be equipped with gates or doors. All gates or doors to swimming pools shall be equipped with self-closing and self-latching devices placed at a sufficient height so as to be inaccessible to all small children. The fencing requirements of this Sub-section G need only be provided around the means of access on above ground pools which have four (4) foot high, vertical or outward included side walls. Prior to filling the pool, the approved fence and/or screen must be completely in place and inspected and approved by the City Building Inspector.

3. In all residential districts, swimming pools shall be set back ten (10) feet from all adjoining lots, and shall be located at least ten (10) feet away from any other building or structure on the same lot and shall not be located within a drainage or utility easement. Swimming pools shall not be permitted in a front yard or in the area between the street right-of-way and the minimum required building setback line.

H. Business and Industrial Fencing:

1. Business and industrial fences may be erected up to eight (8) feet in height. Fences in excess of eight (8) feet shall require a conditional use permit.

2. Business and industrial fences with barbed wire security arms shall be erected a minimum of six (6) feet in height (measured without the security arm). The security arm shall be angled in such a manner that it extends only over the property of the fence permit holder and does not endanger the public. Such security fencing shall be prohibited when located along a property line abutting a residential use.

I. Special Purpose Fences: Fences for special purposes and fences differing in construction, height or length may be permitted in any district in the City by issuance of a conditional use permit approved by the City Council. Findings shall be made that the fence is necessary to protect, buffer or improve the premises for which the fence is intended.

16.12: OUTDOOR STORAGE:

A. Waste and Recycling Receptacles: In all districts, all waste and recycling receptacles shall be stored within the principal structure or within an accessory enclosure area, totally screened from eye level view. Screening shall be at least six (6) feet in height and provide a minimum opacity of eighty (80) percent. All enclosures and receptacles shall be kept in a good state of repair and waste receptacles shall include secure tops or covers to properly contain the waste. All waste and recycling receptacles not contained within principal structures shall be enclosed in conformance with the following:

1. Exterior Walls: Exterior wall treatment shall be similar and/or complement the principal structure.

2. Location: The enclosure shall be located in the side or rear yard and comply with setback requirements.

3. Accessibility: The enclosure must be accessible to waste and recycling collection vehicles.

B. Refuse: Any accumulation of refuse on any premises not stored in containers which comply with City Code, or any accumulation of refuse on any premises which has remained thereon for more than one (1) week is declared to be a nuisance and may be abated pursuant to the City's Nuisance Ordinance, as may be amended.

C. Junked, Dismantled Vehicles: All unlicensed, unregistered or inoperable motor vehicles, household furnishings or appliances, or parts thereof, on any property, public or private, unless housed within a lawfully erected building. An application to the City Council may be made for a two (2) month exception to keep an inoperable motor vehicle that is being repaired and no building is available. Such exception shall be specific for each vehicle and not transferable.

D. Outdoor Storage or Parking of Semi-Tractor Trailers:

1. Accessory Use: Outdoor storage and parking of land/sea containers and semi-tractor trailers shall be allowed only in districts where such use is listed as an accessory use. Any other outdoor storage of land/sea containers and semi-tractor trailers is prohibited.

2. Exemption: The prohibition against outdoor storage of semi-tractor trailers provided in this Section does not apply to:

   a. Parking of semi-tractor trailers for a period of up to one hundred twenty (120) consecutive days per calendar year for the normal freight and cartage in transit; or

   b. Temporary parking of construction trailers on a construction site during the period that the site is being developed.

3. Certification: All semi-tractor trailers with a Minnesota license plate shall be certified by the State and shall display a current inspection certification decal issued in accordance with Minnesota Statutes Section 169.781. All semi-tractor trailers with out-of-state license plates shall produce upon request proof that the vehicle complies with Federal motor vehicle inspection requirements for vehicles in interstate commerce as provided under 49 C.F.R. Section 396.17.

4. Surface: All land/sea containers and semi-tractor trailers used for outdoor storage shall be parked on a surface covered with one of the following: concrete, bituminous, one hundred (100) percent class five crushed rock or crushed concrete.

5. Location: Land/sea containers shall not be stored and semi-tractor trailers shall not be parked in the required front yard setback area or in a required side yard setback area abutting a residential district. Outdoor storage of land/sea containers and parking of semi-tractor trailers shall not be allowed on required parking spaces.

E. Exceptions:

1. Outdoor storage shall not be allowed except as provided in this Ordinance. The following shall not constitute outdoor storage:

   a. Clothes line pole and wires.

   b. Not more than two (2) recreational vehicles or equipment related to recreational vehicles in residential districts.

c. Construction and landscaping material currently being used on the premises.

d. Off-street parking of passenger vehicles and trucks not exceeding a gross weight of twelve thousand (12,000) pounds in residential districts.

e. Within the Industrial District, semi-tractor trailers used for normal freight and cartage in transit for up to one hundred twenty (120) consecutive days per calendar year.

2. Air conditioning cooling structure or condensers shall be located in rear or side yards in all zoning districts.

16.13: SIGNS: All signs shall be erected in accordance with the provisions of the Clear Lake Sign Ordinance.

16.14: EXCAVATION AND LAND RECLAMATION: No person shall within the City fill, excavate, dig or grade the surface of the earth nor open any pits or excavated areas in the earth nor do any other acts where it will raise or lower the average grade of any land by more than three (3) feet, except as provided for in and in conformance with the applicable Clear Lake City Code, as may be amended. All applications for land reclamation or mining shall require a conditional use permit under the provisions of Chapter 4 of this Ordinance.

CHAPTER 17

GENERAL LOT AREA, YARD AND BUILDING REGULATIONS

SECTION:

17.01: Purpose
17.02: Minimum Lot Area, Unsewered Lots
17.03: Minimum Lot Area Per Unit
17.04: Townhouse, Quadraminium, Apartments
17.05: Subdivision of Two Family or Quadraminium Lots
17.06: Yards
17.07: Minimum Floor Area Per Dwelling
17.08: Minimum Floor Area, Commercial and Industrial Structures
17.09: Single Family Dwellings
17.10: Building Type and Construction
17.11: Building Height
17.12: Accessory Buildings, Uses and Equipment

17.01: PURPOSE: This Chapter identifies yard, lot area, building size, building type, and height requirements in each zoning districts.

17.02: MINIMUM LOT AREA, UNSEWERED LOTS: Lot sizes where public sewer is not available shall conform to the minimum requirements set forth below:

A. Unsewered Lots:

1. Except as provided in the A-1, Agricultural District, the minimum single family lot size is ten (10) acres. This minimum lot size shall not apply to smaller separate parcels of record in separate ownership lawfully existing prior to 1 July 1999, provided that it can be demonstrated by means satisfactory to the City that the smaller parcels will not result in ground water, soil or other contamination which may endanger the public health.

2. Apartments and multiple family dwellings are not allowable uses.

3. Subject to the other provisions of this Ordinance, other uses may be permitted by conditional use permit. The minimum lot size for each principal use is ten (10) acres. This minimum lot size shall not apply to smaller separate parcels of record in separate ownership lawfully existing prior 1

July 1999, provided the conditions of the conditional use permit are met. A conditional use permit shall not be granted unless it can be demonstrated by means satisfactory to the City that the use:

a. Will not result in ground water, soil or other contamination which may endanger the public.

b. Will not increase future City utility service demands and expense.

c. Will not jeopardize public safety and general welfare.

d. Will be in conformance with the policies and direction of the Comprehensive Plan.

17.03: MINIMUM LOT AREA PER UNIT:

A.

Elderly Housing	500 square feet
Multiple Family	2,500 square feet
One Family	As specified in zoning district provisions
Townhouse & Quadraminium	5,000 square feet
Two Family	7,500 square feet

B. The lot area per unit requirement for two family, townhouses, quadraminiums and multiple family uses shall be calculated on a basis of the total area in the project and as controlled by individual and joint ownership.

C. Useable Open Space: Each multiple family dwelling site shall contain at least five hundred (500) square feet of useable open space, as defined in Section 2.02 of this Ordinance, for each dwelling unit contained thereof.

17.04: TOWNHOUSE, QUADRAMINIUM, APARTMENTS:

A. No single townhouse structure shall contain more than eight (8) dwelling units.

B. Minimum unit lot frontage for townhouses shall be not less than twenty-five (25) feet.

C. Efficiency Apartments: Except for elderly (senior citizen) housing, the number of efficiency apartments in multiple dwelling shall not exceed twenty-five (25) percent of the total number of apartments. In the case of elderly (senior citizen) housing, efficiency apartments shall not exceed thirty (30) percent of the total number of apartments.

17.05: SUBDIVISION OF TWO FAMILY, TOWNHOUSE, OR QUADRAMINIUM LOTS: The subdivision of base lots containing two family dwellings, townhouses, or quadraminiums to permit individual private ownership of a single dwelling within such a structure is acceptable upon the approval by the City Council. Approval of a subdivision request is contingent on the following requirements:

A. Two family, townhouses, and quadraminiums dwelling units intended for owner occupancy shall be subdivided on an individual unit lot basis according to the provisions of Chapter 24 (Planned Unit Development) of this Ordinance.

B. Prior to a two family dwelling, townhouse, or a quadraminium subdivision, the base lot must meet all the requirements of the zoning district.

C. The following are minimum unit lot requirements for two family dwelling and quadraminium subdivisions where the City sewer or water systems are available:

1. Lot Area Per Dwelling Unit*:

Two Family Dwelling	7,500 square feet
Quadraminium	5,000 square feet
Lot Width	50 feet
Front Yard	30 feet
Rear Yard	30 feet
Adjacent to Another Lot	10 feet**
Side Yard Adjacent to Street	30 feet

* No multiple dwelling is permitted without public sewer and water.

** Side yard setback is not applicable where structure has a shared wall(s) as in the case of two family dwellings and quadraminiums.

2. For conforming base lots, up to a ten (10) percent reduction in either the unit lot area or unit lot width requirement for two family dwelling subdivisions is permitted for requests where the dwelling structure is legally non-conforming, provided all other requirements of this Ordinance are satisfactorily met.

D. There shall be no more than one principal structure on a base lot in all residential districts. The principal structure on unit lots created in a two family or quadraminium subdivision will be the portion of the attached dwelling existing or constructed on the platted unit lots.

E. "Permitted accessory uses" as defined by the zoning districts are acceptable provided they meet all the zoning requirements.

F. A property maintenance agreement must be arranged by the applicant and submitted to the City Attorney for review and approval. The agreement shall ensure the maintenance and upkeep of the structure and the lots to meet minimum City standards. The agreement is to be filed with the Sherburne County Recorder's Office as a deed restriction against the title of each unit lot.

G. Separate public utility service shall be provided to each subdivided unit and shall be subject to the review and approval of the City Engineer.

H. The subdivision is to be platted and recorded in conformance to requirements of the City's Subdivision Ordinance.

17.06: YARDS: Except as provided below, 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 part of any open space required for another structure.

A. Exceptions: The following shall not be considered as encroachments on yard setback requirements:

1. Cantilevers up to ten (10) feet in width, chimneys, flues, 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, decks, 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 five (5) feet from side yard and rear lot lines, or more than five (5) feet into a required front yard. Terraces, steps, decks, uncovered porches, stoops, or similar features may extend to within ten (10) feet of a rear lot line. No encroachment shall be permitted in existing or required drainage and utility easements.

3. In rear yard, recreational and laundry drying equipment, arbors and trellises, gazebos, and air conditioning or heating equipment, provided they are at a distance of five (5) feet from any lot line. No encroachment shall be permitted in existing or required drainage and utility easements.

4. A one story entrance for a detached single family or two family dwelling may extend into the front yard setback not more than five (5) feet and forty (40) square feet in area, subject to the approval of a conditional use permit.

B. Required Front Yard Setback Exceptions: The required front yard setback as established by the respective zoning districts may be reduced, upon the approval of the Zoning Administrator, to a distance equaling the average setback of principal buildings within the block frontage in which the lot is located. In no case shall this distance be placed more than fifteen (15) feet nor shall a principal structure be placed more than seven (7) feet beyond the setback of any principal structure on a directly abutting lot. The Zoning Administrator's approval shall be given as a matter of right if there is compliance with this Ordinance and any other applicable ordinances.

C. Triangular Lots: In the case of triangular lots, where the rear lot line is a single vertex, the rear yard setback points of reference shall be determined by measuring the length of the setback distance from the vertex along the side lot lines. The rear setback line shall be determined by traversing the lot and connecting these points of reference.

17.07: MINIMUM FLOOR AREA PER DWELLING UNIT:

A. Single Family Dwelling Units: Except as otherwise specified in the zoning district provisions, or except as allowed by conditional use permit based upon justifiable cause, single family homes as classified below shall have the following minimum finished floor areas per unit:

Two Bedroom	960 square feet above grade
Three Bedroom	1,040 square feet above grade

B. Multiple Dwelling Units: Except as otherwise specified in zoning district provisions, or except as allowed by conditional use permit based upon justifiable cause, living units classified as multiple dwelling (excepting elderly housing) shall have the following minimum finished floor areas per unit:

Efficiency Units	500 square feet
One Bedroom Units	700 square feet
Two Bedroom Units	500 square feet
More than Two Bedroom Units	An additional 80 square feet for each additional bedroom

C. Elderly (Senior Citizen) Housing: Except as otherwise specified in the zoning district provisions, or except as allowed by conditional use permit based upon justifiable cause, living units classified as elderly (senior citizen) housing units shall have the following minimum floor areas per unit:

Efficiency Units	440 square feet
One Bedroom	520 square feet
More than One Bedroom Units	An additional 80 square feet for each additional bedroom

D. Double Bungalows, Quadraminiums, and Townhouses: Except as otherwise specified in the zoning district provisions, or except as allowed by conditional use permit based upon justifiable cause, double bungalows, quadraminiums and townhouses, as classified below, shall have the minimum floor area per one bedroom unit:

Double Bungalow	650 square feet first floor above grade, plus 100 additional square feet for each additional bedroom
Quadraminiums/Townhouses	600 square feet first floor above grade, plus 100 additional square feet for each additional bedroom

17.08: MINIMUM FLOOR AREA, COMMERCIAL AND INDUSTRIAL STRUCTURES: Commercial and industrial buildings (principal structure) having less than one thousand (1,000) square feet of floor area may only be allowed upon approval of a conditional use permit as provided for in Section 4.02 of this Ordinance.

17.09: SINGLE FAMILY DWELLINGS: All single family detached homes shall:

A. Be constructed upon a continuous perimeter foundation that meets the requirements of the State Uniform Building Code.

B. Not be less than thirty (30) feet in length and not less than twenty-two (22) feet in width over that entire minimum length. Width measurements shall not take account of overhang and other projections beyond the principal walls. Dwellings shall also meet the minimum floor area requirements as set out in this Chapter.

C. Have an earth covered, composition, shingled or tiled roof.

D. Receive a building permit. The application for a building permit in addition to other information required shall indicate the height, size, design and the appearance of all elevations of the proposed building and a description of the construction materials proposed to be used, and the delineation of future deck, porch and/or garage additions whether or not such construction is intended. The exterior architectural design of a proposed dwelling may not be so at variance with, nor so

similar to, the exterior architectural design of any structure or structures already constructed or in the course of construction in the immediate neighborhood, nor so at variance with the character of the surrounding neighborhood as to cause a significant depreciation in the property values of the neighborhood or adversely affect the public health, safety or general welfare.

E. Comply with the City Code and receive a conditional use permit if a dwelling proposed to be moved into the City or to be relocated within the City has been previously occupied as a dwelling.

F. Meet the requirements of the State Uniform Building Code or the applicable manufactured housing code.

17.10: BUILDING TYPE AND CONSTRUCTION:

A. General Provisions:

1. No galvanized or unfinished steel, galvalum or unfinished aluminum buildings (walls or roofs), except those specifically intended to have a corrosive designed finish such as corten steel shall be permitted in any zoning district, except in association with farming activities.

2. Buildings in all zoning districts shall maintain a high standard of architectural and aesthetic compatibility with surrounding properties to ensure that they will not adversely impact the property values of the abutting properties or adversely impact the community's public health, safety, and general welfare.

3. Exterior building finishes shall consist of materials comparable in grade and quality to the following:

   a. Brick.

   b. Natural stone.

   c. Decorative concrete block.

   d. Cast in place concrete or pre-cast concrete panels.

   e. Wood, provided the surfaces are finished for exterior use and wood of proven exterior durability is used, such as cedar, redwood, cypress.

f. Curtain wall panels of steel, fiberglass and aluminum, (non-structural, non-load bearing), provided such panels are factory fabricated and finished with a durable non-fade surface and their fasteners are of a corrosion resistant design.

g. Glass curtain wall panels.

h. Stucco.

i. Vinyl.

B. In all Business Districts, as defined in Chapter 40 of this Ordinance, any exposed metal or fiberglass finish on all buildings shall be limited to no more than fifty (50) percent of any one wall. Any metal finish utilized in the building shall be a minimum of twenty-six (26) gauge steel. The roof slope shall be limited to a maximum of one to twelve (1:12) slopes.

C. In all Industrial Districts, as defined in Chapter 40 of this Ordinance, all buildings constructed of curtain wall panels of finished steel, aluminum or fiberglass shall be required to be faced with brick, wood, stone, architectural concrete cast in place or pre-cast concrete panels on wall surfaces abutting public rights-of-way, residential uses, or public areas. The required wall surface treatment may allow a maximum of fifty (50) percent of the metal or fiberglass wall to remain exposed if it is coordinated into the architectural design.

17.11: BUILDING HEIGHT:

A. Exceptions. The building height limits established by this Ordinance for all zoning 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 usable space.

6. Elevator penthouses.

7. Flagpoles.

8. Monuments.

9. Parapet walls extending not more than three (3) feet above the limiting height of the building.

10. Poles, towers and other structures for essential services.

11. Necessary mechanical and electrical appurtenances.

12. Farming buildings.

B. 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 provided for in Section 17.11.A of this Ordinance.

C. Building heights in excess of limits established by this Ordinance for all zoning districts may be permitted by conditional use permit 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 including fire protection services are adequate.

4. For each additional story over three (3) stories or for each additional ten (10) feet above forty (40) feet, front and side yard setback requirements shall be increased by five (5) percent.

5. The provisions of Section 4.02.E of this Ordinance are considered and satisfactorily met.

17.12: ACCESSORY BUILDINGS, USES AND EQUIPMENT:

A. Farm operations, as defined in Section 2.02 of this Ordinance, are exempt from the requirements of this Section.

B. Single Family Detached Uses:

1. The total floor area of either an attached garage or a detached garage for a single family detached dwelling shall not be less than four hundred eighty (480) square feet, shall not exceed one thousand (1,000) square feet of floor

120 sq. ft. 10x12 or smaller per bldg. code

area, and shall not exceed the ground coverage of the dwelling. Exception to the above may be allowed by conditional use permit.

2. No accessory detached building for a single family dwelling shall occupy more than one hundred fifty (150) square feet when accompanied by an attached garage on the same lot nor shall the combined total floor area of an accessory detached building and/or attached garage exceed one thousand one hundred fifty (1,150) square feet except as each standard may be modified by conditional use permit.

2 - structures
1 - could exceed
2 - 1,000
= 1150

3. No accessory building; structure, and/or detached garage for a single family dwelling shall occupy more than twenty-five (25) percent of the area of the side or rear yard.

4. No accessory use, building, structure or equipment shall be allowed within a required front yard, except by conditional use permit.

5. Accessory buildings may encroach into the required side and rear yard setbacks within the rear yard of a lot, except however, than no such encroachment may occur on required easement, or in a required side yard setback abutting a street in the case of a corner lot. In no chase shall the setback be less than ten (10) feet.

6. No building permit shall be issued for more than one (1) detached or attached private garage for each single family dwelling, nor will a building permit be issued for more than one (1) detached garage or accessory building on one or more lots under common ownership, except by conditional use permit.

C. Except as was otherwise noted, accessory buildings and use for all principal uses other than single family detached dwellings shall conform to the setback requirements specific for the respective zoning district in which they are located.

D. Except in the case of single family detached dwellings, accessory buildings shall no exceed thirty (30) percent of the gross floor area of the principal buildings. In those cases where the standards are exceeded, a planned unit development conditional use permit shall be required.

Sheds 5ft.
Set back
from side +
rear

E. Except as expressly allowed by conditional use permit, accessory buildings shall comply with the following height limitations:

1.

Zoning District	Maximum Height
A-1	16 feet
R-1	16 feet
R-2	16 feet
R-3	16 feet
R-4	16 feet
R-5	16 feet
B-1	16 feet
B-2	District limit but not higher than the principal building
B-3	District limit but not higher than the principal building
I-1	District limit but not higher than the principal building
I-2	District limit but not higher than the principal building
INS	District limit but not higher than the principal building

2. Accessory buildings other than garages shall be limited to ten (10) feet in height on all two family, quadraminium or townhouse unit lots.

F. Building Types and Standards:

1. The same or similar quality exterior building material shall be used in the accessory building and in the principal building. All accessory buildings shall also be compatible with the principal building on the lot. "Compatible" means that the exterior appearance of the accessory building is not different from the principal building from an aesthetic and architectural standpoint as to cause:

   a. A difference to a degree to cause incongruity as determined by the City Council; or

   b. A depreciation of neighborhood or adjacent property values.

2. Pole buildings as defined by this Ordinance are allowed as a permitted accessory structure for non-farm uses within the A-1 District upon approval of a conditional use permit, provided that:

a. The location and placement of the structure does not negatively impact abutting property.

b. The provisions of Section 4.02.E of this Ordinance are considered and satisfactorily met.

G. Conditional Use Permits: Application for a conditional use permit under this section shall be regulated by Chapter 4 of this Ordinance. Such a conditional use permit may be granted, provided that:

1. There is a demonstrated need and potential for continued use of the structure and the purpose stated.

2. The building has an evident reuse or function related to the principal use.

3. Accessory building shall be maintained in a manner that is compatible with the adjacent residential uses and does not present a hazard t public health, safety and general welfare.

4. The provisions of Section 4.02.E of this Ordinance shall be considered an a determination made that the proposed activity is in compliance with such criteria.

CHAPTER 18

OFF-STREET PARKING REQUIREMENTS

SECTION:

18.01: Purpose
18.02: Site Plan Drawing Necessary
18.03: General Provisions
18.04: Number of Spaces Required
18.05: Use of Required Area
18.06: Location
18.07: Maintenance

18.01: PURPOSE: The regulation of off-street parking spaces in this Ordinance is to alleviate or prevent congestion of the public rights-of-way and to promote the safety and general welfare of the public, by establishing parking of motor vehicles in accordance with the occultation of various parcels of land or structures. The regulations and requirements set forth herein shall apply to all off-street parking facilities in all of the zoning districts of the City.

18.02: 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 Ordinance. All site plans for single family homes must provide for location of a three (3) stall attached garage, whether or not construction is intended.

18.03: GENERAL PROVISIONS:

A. Exemption: All commercial uses located within the B-1, Central Business District shall be exempt from the off-street parking requirements of this Ordinance.

B. Restrictions on Parking: On and 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 truck not to exceed gross capacity of twelve thousand (12,000) pounds, not including 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.

Ammended by public hearing 8-6-07

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

D. Change of Use or Occupancy:

1. 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 this Ordinance.

2. 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 this Ordinance.

E. Non-Conforming Structures: Should a non-conforming structure or use be damaged or destroyed by natural causes, 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.

18.04: NUMBER OF SPACES REQUIRED: The following minimum number of off-street parking spaces shall be provided and maintained as provided for in this Chapter during the life of the respective uses hereinafter set forth:

A. Single Family, Two Family, Townhome Unit, ~~Quadraminium~~ Condominium Unit, and Manor Home Unit: Two (2) spaces per unit.

B. Multiple Family Dwellings: Two and one-half (~~2-1/2~~ 1.5) rent-free spaces per unit plus one (1) space for each bedroom per unit over two (2).

C. Other Uses: The required number of parking spaces for uses not mentioned herein shall be determined by the City Council on an individual basis using the guidelines established by the Institute of Transportation Engineers. Factors to be considered in said determination shall include (without limitation) size of buildings, type of use, number of employees, expected volume and turnover of customer traffic and expected number and frequency of delivery and/or service vehicles.

18.05: 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, storage of inoperable vehicles as regulated by this Ordinance and/or storage of snow.

A. Stall, Aisle and Driveway Design:

1. Direct Access: Except for single family, two family, townhouse and quadraminium 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.

2. Circulation: Except in the case of single and two family, townhouse and quadraminium 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.

3. Design: Except in the case of single family, two family townhouse and quadraminium dwellings, parking areas and their aisles shall be developed in accordance with the standards on the following page.

4. Grade Elevation: The grade elevation of any parking area shall not exceed five (5) percent.

5. Surfacing: All areas intended to be utilized for parking space and driveways shall be surfaced with materials suitable to control dust and drainage. Except in the case of farm dwellings and farm operations and single family uses constructed prior to 1 July 1999, driveways and parking stalls shall be surfaced with asphalt, concrete, cobblestone or paving brick. Plans for surfacing and drainage of driveways and stalls for five (5) or more vehicles shall be submitted to the City Engineer for review and the final plans shall be subject to the Engineer's written approval.

6. Striping: Except for single, two family, townhouse, and quadraminiums, all parking stalls shall be marked with white or yellow painted lines not less than four (4) inches.

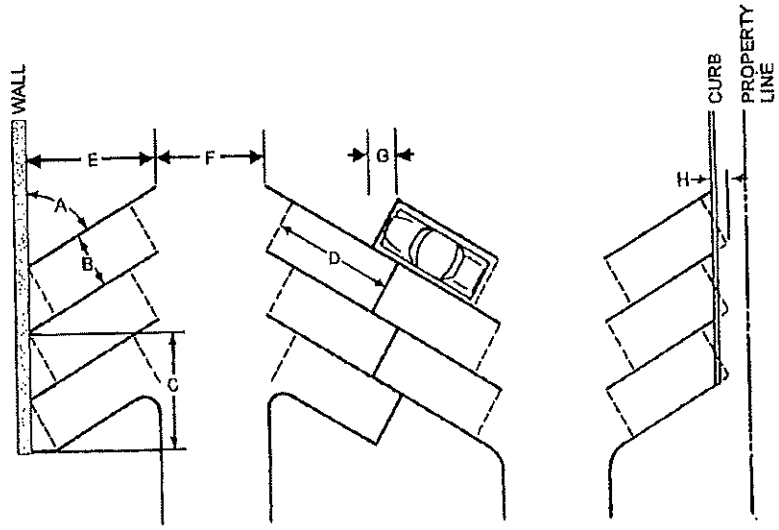
7. Curbing and Landscaping: Except for single, two family, townhouse and quadraminiums, all open off-street parking shall have a continuous concrete perimeter curb barrier around the entire parking lot, said curb barrier shall not be closer than five (5) feet to any lot line. Grass, plantings or screening shall be provided in all areas bordering the parking area.

PARKING LOT DIMENSIONS TABLE

Angle of Parking (Degree)	Stall Width	Curb Length Per Car	Stall Depth	Aisle Width	Angle of Parking (Degree)	Stall Width	Curb Length Per Car	Stall Depth	Aisle Width
0	8'6" 9'0" 9'6" 10'0"	23'0" 23'0" 23'0" 23'0"	8'6" 9'0" 9'6" 10'0"	12'0" 12'0" 12'0" 12'0"	50	8'6" 9'0" 9'6" 10'0"	11'2" 11'9" 12'5" 13'2"	20'0" 20'5" 20'9" 21'0"	12'6" 12'0" 12'0" 12'0"
20	8'6" 9'0" 9'6" 10'0"	24'11" 26'4" 27'10" 29'3"	14'6" 15'0" 15'6" 15'11"	11'0" 11'0" 11'0" 11'0"	60	8'6" 9'0" 9'6" 10'0"	9'10" 10'5" 11'0" 11'6"	20'9" 21'0" 21'3" 21'6"	18'6" 18'0" 18'0" 18'0"
30	8'6" 9'0" 9'6" 10'0"	17'0" 18'0" 19'0" 20'0"	16'11" 17'4" 17'10" 18'3"	11'0" 11'0" 11'0" 11'0"	70	8'6" 9'0" 9'6" 10'0"	9'0" 9'8" 10'2" 10'8"	20'10" 21'0" 21'3" 21'3"	19'6" 19'0" 18'6" 18'0"
40	8'6" 9'0" 9'6" 10'0"	13'3" 14'0" 14'10" 15'8"	18'9" 19'2" 19'6" 19'11"	12'0" 12'0" 12'0" 12'0"	80	8'6" 9'0" 9'6" 10'0"	8'8" 9'2" 9'8" 10'3"	20'3" 20'4" 20'5" 20'6"	24'0" 24'0" 24'0" 24'0"
45	8'6" 9'0" 9'6" 10'0"	12'0" 12'9" 13'5" 14'2"	19'5" 19'10" 20'2" 20'6"	13'6" 13'0" 13'0" 13'0"	90	8'6" 9'0" 9'6" 10'0"	8'6" 9'0" 9'6" 10'0"	20'0" 20'0" 20'0" 20'0"	24'0" 22'0" 22'0" 22'0"

Note: This table pertains to a wall to wall situation. In calculating dimensions, two (2) feet may be subtracted from each stall depth for each overhang and overlap. No subtraction for overlap is allowed for angles greater than sixty (60) degrees.

A = Angle of Parking
B = Stall Width
C = Curb Length per Car
D = Stall Length
E = Stall Depth
F = Aisle Width
G = Overlap
H = Overhang



8. Required Screening: All open, non-residential off-street parking areas of four (4) or more spaces shall be screened and landscaped from abutting or surrounding residential districts in compliance with this Ordinance.

9. Access:

   a. All property shall be entitled to at least one (1) curb cut access. Each property shall be allowed one (1) curb cut access for each one hundred twenty-five (125) feet of street frontage. Single family uses shall be limited to one (1) curb cut access per property, except by conditional use permit.

   b. Location: No curb cut access shall be located less than forty (40) feet from the intersection of two (2) or more street rights-of-way. This distance shall be measured from the intersection of lot lines.

   c. Access Spacing: Access curb openings on a public street except for single, two family, quadraminium and townhouse dwellings shall not be located less than forty (40) feet from one another.

   d. Property Lines: Except with special approval from the Zoning Administrator, curb cut openings shall be a minimum of five (5) feet from the side yard property line.

   e. Curb Cut Width: No curb cut access shall exceed twenty-four (24) feet in width unless approved by the City Engineer.

   f. Lot Access: Individual lot access serving single family, two family, townhome, quadraminium, and manor home dwellings directly onto "major collector" or "arterial streets", as defined by the Clear Lake Comprehensive Plan, shall be prohibited, unless approved by the City Engineer.

18.06: LOCATION: All accessory off-street parking facilities required by this Chapter shall be located and restricted as follows:

A. Lot and Ownership: Required accessory off-street parking shall be on the same lot under the same ownership as the principal use being served, except as may be permitted by conditional use permit.

B. Off-Street Parking: There shall be no off-street parking within fifteen (15) feet of any street surface.

C. Boulevard Portion: The boulevard portion of the street right-of-way shall not be used for parking.

D. Setback Area: Required accessory off-street parking shall not be provided in required front yards or in side yards in the case of a corner lot, in Residential Districts.

E. Prohibited in Yard: In the case of single family, two family, townhouse and quadraminium dwellings, parking shall be prohibited in any portion of the front yard except designated driveways leading directly into a garage or one open, surfaced space located on the side of a driveway, away from the principal use. Said extra space shall be surfaced with concrete or bituminous material. If the use is single family, and such use has a conforming gravel driveway, the extra open space may also be gravel surface.

18.07: 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, access ways, striping, landscaping, and required fences.

CHAPTER 19

OFF-STREET LOADING

SECTION

19.01: Purpose
19.02: Number of Loading Berths Required
19.03: Accessory Use, Parking and Storage
19.04: Loading Berth Design
19.05: Location

19.01: PURPOSE: The regulation of loading spaces in this Ordinance is to alleviate or prevent congestion of the public right-of-way and so to promote the safety and general welfare of the public, by establishing minimum requirements for off-street loading and unloading from motor vehicles in accordance with the utilization of various parcels of land or structures.

19.02: NUMBER OF LOADING BERTHS REQUIRED: Any structure erected or substantially altered for a use which requires the receipt of distribution of materials or merchandise by trucks or similar vehicles, shall provide off-street loading space as required for a new structure. The number of required off-street loading berths shall be as follows:

A. Non-Residential Buildings and Uses: For each building containing less than twenty-five thousand (25,000) square feet, one loading berth and one additional berth for each additional twenty-five thousand (25,000) square feet or fraction thereof.

B. Multiple Family Dwelling: Where such building has five (5) or more dwelling units, one loading berth per structure.

19.03: ACCESSORY USE, PARKING AND STORAGE: Any space allocated as a required loading berth or access drive so as to comply with terms of this Ordinance shall not be used for the storage of goods, inoperable vehicles or snow and shall not be included as part of the space requirements to meet the off-street area.

19.04: LOADING BERTH DESIGN:

A. Each loading berth shall be located with appropriate means of vehicular access to a street or public alley in a manner which will cause the least interference with traffic.

B. Size: The first loading berth shall be not less than seventy (70) feet in length and additional berths required shall be not less than thirty (30) feet in length and all loading berths shall be not less than ten (10) feet in width and fourteen (14) feet in height, exclusive of aisle and maneuvering space.

C. Surfacing: All loading berths and access way shall be improved to control the dust and drainage according to a plan submitted to and subject to the approval of the City Engineer.

D. Screening: Except in the case of multiple dwellings, all loading areas shall be screened and landscaped from abutting and surrounding residential uses in compliance with this Ordinance.

19.05: LOCATION:

A. All required loading berths shall be off-street and located on the same lot as the building or use to be served.

B. All loading berth curb cuts shall be located at minimum fifty (50) feet from the intersection of two (2) or more street rights-of-way. This distance shall be measured from the property line.

C. Except for loading berths required for multiple family dwellings, no loading berth shall be located closer than fifty (50) feet from a residential district unless within a structure.

D. Loading berths shall not occupy the required front yard setbacks.

E. Loading berths located at the front or side of the buildings on a corner lot shall be screened from view.