

ORDINANCE NO. 156, FOURTH SERIES

AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR  
THE CITY OF NORTH MANKATO, MINNESOTA  
REVISING, UPDATING AND  
COMPILING CERTAIN ORDINANCES OF THE CITY DEALING WITH THE  
SUBJECTS EMBRACED IN THE CODE OF ORDINANCES AND PROVIDING  
PENALTIES FOR THE VIOLATION OF THE CODE OF ORDINANCES

WHEREAS, Minnesota Statutes Section 415.02 and 415.021 authorize the City to cause its ordinances to be revised, updated and compiled;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, ordains as follows:

**Section 1.** Ordinance Nos.139, 140, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, and 154 Fourth Series, are incorporated into the revised Code of Ordinances;

**Section 2.** This ordinance amending the Code of Ordinances shall be a sufficient publication of any ordinance included in it and not previously published in the City's official newspaper. The City Clerk shall cause a substantial quantity of the amended Code of Ordinances to be printed for public distribution to the public at actual cost. The official copy of this amended Code of Ordinances shall be marked and kept in the Office of the City Clerk.

**Section 3.** The Code of Ordinances is declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by Minnesota Statutes by the Courts of the State of Minnesota.

**Section 4.** This ordinance amending the Code of Ordinances shall take effect upon publication of this ordinance in the City's official newspaper.

Adopted by the City Council of the City of North Mankato this 5<sup>th</sup> day of June 2023.

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Mayor

ATTEST:

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City Clerk

ORDINANCE NO. 139, FOURTH SERIES  
AN ORDINANCE OF THE CITY OF NORTH MANKATO, MINNESOTA  
AMENDING NORTH MANKATO CITY CODE, CHAPTER 156.041 (J) HEIGHT REGULATIONS

THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, ORDAINS:

Section 1. North Mankato City Code, Section 156.041 (J) entitled "Height Regulations" is hereby amended:

(J) Height regulations. No structure hereafter erected or altered shall exceed ~~3 stories or~~ 45 feet in height, except as may be permitted in division (D) (4) of this section, as regulated by this chapter. Accessory uses shall not exceed 1-1/2 stories or 22 feet in height.

Section 2. After adoption, signing, and attestation, this Ordinance shall be published once in the official newspaper of the City and shall be in effect on or after the date following such publication.

Adopted by the Council this 15th day of March 2021.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

Published in the Mankato Free Press on 3-19-21.

## **ORDINANCE NO. 140**

### **AN ORDINANCE OF THE CITY OF NORTH MANKATO, MINNESOTA ANNEXING CITY-OWNED LAND LOCATED IN BELGRADE TOWNSHIP, NICOLLET COUNTY, MINNESOTA PURSUANT TO MINNESOTA STATUTES § 414.033 SUBDIVISION 2(1), PERMITTING ANNEXATION BY ORDINANCE**

**WHEREAS**, the City of North Mankato is the sole owner of the following described property all that part of the Southwest Quarter of the Southwest Quarter of Section 35, Township 108 North, Range 27 West and Part of the Southeast Quarter of the Southeast Quarter of Section 34, Township 108 North, Range 27 West located in Belgrade Township, Nicollet County, Minnesota.

The South 113 feet of the West 32 feet of the Southwest Quarter of the Southwest Quarter of Section 35, Township 109 North, Range 27 West, Nicollet County, Minnesota and the South 113 feet of the East 128 feet of the Southeast Quarter of the Southeast Quarter of Section of Section 34, Township 109 North, Range 27 West, Nicollet County, Minnesota. Except any land already within the City limits. Containing 0.42 acres.

**WHEREAS**, the City of North Mankato desires to annex the Property pursuant to Minnesota Statutes § 414.033, subd. 2(1).

**WHEREAS**, the Property consists of .42 acres; abuts the present corporate limits of the City of North Mankato: and is not included within the boundaries of any other city.

**WHEREAS**, the Property is currently used as a location for regional municipal utilities; annexation is requested because of continued municipal use.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH MANKATO HEREBY ORDAINS AS FOLLOWS:**

1. The City Council hereby determines that the property as hereinafter described abuts the city limits and is or is about to become urban or suburban in nature and is currently owned by the City of North Mankato.
2. None of the property is now included within the limits of any other city.
3. The corporate limits of the City of North Mankato, Minnesota, are hereby extended to include the Property described above.
4. The City of North Mankato shall make no cash payment to Belgrade Township in regard to Minnesota Statutes § 414.036, as the Property is tax exempt.

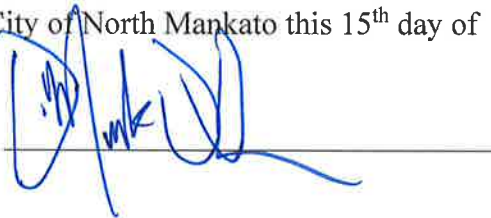
6. That the City Clerk of the City of North Mankato is hereby authorized and directed to file a copy of this Ordinance with the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, the Minnesota Secretary of State, the Nicollet County Auditor, and the Belgrade Township Clerk.

7. That this Ordinance shall be in full force and effect and final upon the date this Ordinance is approved by the Office of Administrative Hearings.

PASSED AND ADOPTED by the City Council of the City of North Mankato, Minnesota , this 15<sup>th</sup> day of March, 2021.

Adopted by the City Council of the City of North Mankato this 15<sup>th</sup> day of March 2021.

Mayor








ATTEST:

City Clerk





**Legend**

-  City Limits
-  Medians
-  Roadways
-  Parcels (1-13-2021)
-  Lakes & Ponds
-  Minnesota River

**Map Name**



**Disclaimer:**

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. The City of North Mankato is not responsible for any inaccuracies herein contained.



## **ORDINANCE NO. 142**

### **AN ORDINANCE OF THE CITY OF NORTH MANKATO, MINNESOTA ANNEXING LAND LOCATED IN BELGRADE TOWNSHIP, NICOLLET COUNTY MINNESOTA PURSUANT TO MINNESOTA STATUTES § 414.033 SUBDIVISION 5, PERMITTING ANNEXATION BY ORDINANCE**

**WHEREAS**, a majority of the property owners of the land described below have petitioned the North Mankato City Council to annex this territory to the City of North Mankato pursuant to Minnesota Statute Section 414.033, Subd. 5; and

**WHEREAS**, the property is directly adjacent to and abutting of the City of North Mankato City Limits; and

**WHEREAS**, the property is not presently part of any incorporated city; and

**WHEREAS**, the property consists of un-platted land in the Belgrade Township, Nicollet County, containing approximately 2.57 acres in one parcel owned by one property owner.

**NOW, THEREFORE**, THE CITY COUNCIL OF THE CITY OF NORTH MANKATO HEREBY ORDAINS AS FOLLOWS:

SECTION I. The City Council hereby determines that the property as hereinafter described abuts the city limits and is or is about to become urban or suburban in nature.

SECTION II. That the City of North Mankato's corporate limits are hereby extended to include land as described and the same is hereby annexed and included within the City.

SECTION III. That the territory to be annexed is described as:

That part of the Southwest Quarter of the Southwest Quarter of Section 3, Township 108 North Range 27 West, Nicollet County, Minnesota, described as:

Beginning at the southwesterly corner of G.P.H. Subdivision, according to the plat thereof on file and of record with the Nicollet County Recorder; thence North 84 degrees 09 minutes 19 seconds West,

(Minnesota County Coordinate System - Nicollet County Zone - HARN NAD83 - 1996), along the northerly right of way line of Pleasant View Drive, according to the plat of North Ridge Estates Phase XI, on file and of record with the Nicollet County Recorder, a distance of 291.70 feet to monument B52064 according to Nicollet County Right Of Way Plat No. 26, on file and of record with the Nicollet County Recorder; thence North 07 degrees 12 minutes 25 seconds East, along the easterly line of Parcel 9N4 of said Right Of Way Plat, a distance of 20.33 feet to monument B52063 of said Right Of Way Plat; thence North 82 degrees 47 minutes 35 seconds West, along the northerly line of said Parcel 9N4, a distance of 37.00 feet; thence North 00 degrees 07 minutes 37 seconds West, a distance of 216.43 feet; thence North 18 degrees 33 minutes 34 seconds East, a distance of 163.04 feet to monument B52058 of said Right Of Way Plat, said point being on the southerly right of way line of U.S. Highway No. 14; thence South 66 degrees 37 minutes 19 seconds East, along said southerly right of way line, a distance of 296.85 feet to the point of intersection with the westerly line of said G.P.H. Subdivision; thence South

00 degrees 04 minutes 40 seconds East, along said westerly line, a distance of 307.71 feet to the point of beginning. Containing 2.57 acres.

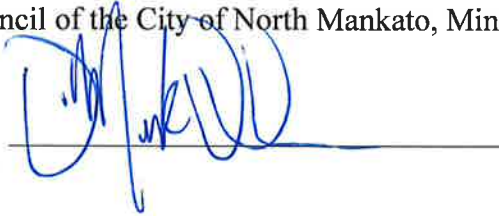
SECTION IV. The City of North Mankato pursuant to Minnesota Statutes 414.036, and in accordance with the reimbursement agreement (Exhibit A) with respect to the property taxes payable on the area legally described herein, hereby annexed, shall make a cash payment to Belgrade Township of \$1,210.00 and shall not receive any further property tax income from the land commencing with the tax year 2021.

SECTION V. That the City Clerk of the City of North Mankato is hereby authorized and directed to file a copy of this Ordinance with the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, the Minnesota Secretary of State, the Nicollet County Auditor and the Belgrade Township Clerk.


SECTION VI. That this Ordinance shall be in full force and effect and final upon the date this Ordinance is approved by the Office of Administrative Hearings.

PASSED AND ADOPTED by the City Council of the City of North Mankato, Minnesota, this 3<sup>rd</sup> day of May, 2021.

Mayor



ATTEST:



City Clerk



ANNEXATION REIMBURSEMENT AGREEMENT  
BETWEEN THE CITY OF NORTH MANKATO  
AND BELGRADE TOWNSHIP

Pursuant to Minn. Stat. Sec. 414.036:

Unless otherwise agreed to by the annexing municipality and the affected town, when an order or other approval under this chapter annexes part of a town to a municipality the order or other approval must provide a reimbursement from the municipality to the town for all or part of the taxable property annexed as part of the order. The reimbursement shall be completed in substantially equal payments over not less than two nor more than eight years from the time of annexation. The municipality must reimburse the township for all special assessments assigned by the townships to the annexed property and any portion of debt incurred by the town prior to the annexation and attributable to the property to be annexed but for which no special assessments are outstanding, in substantially equal payments over a period of not less than two or no more than eight years.

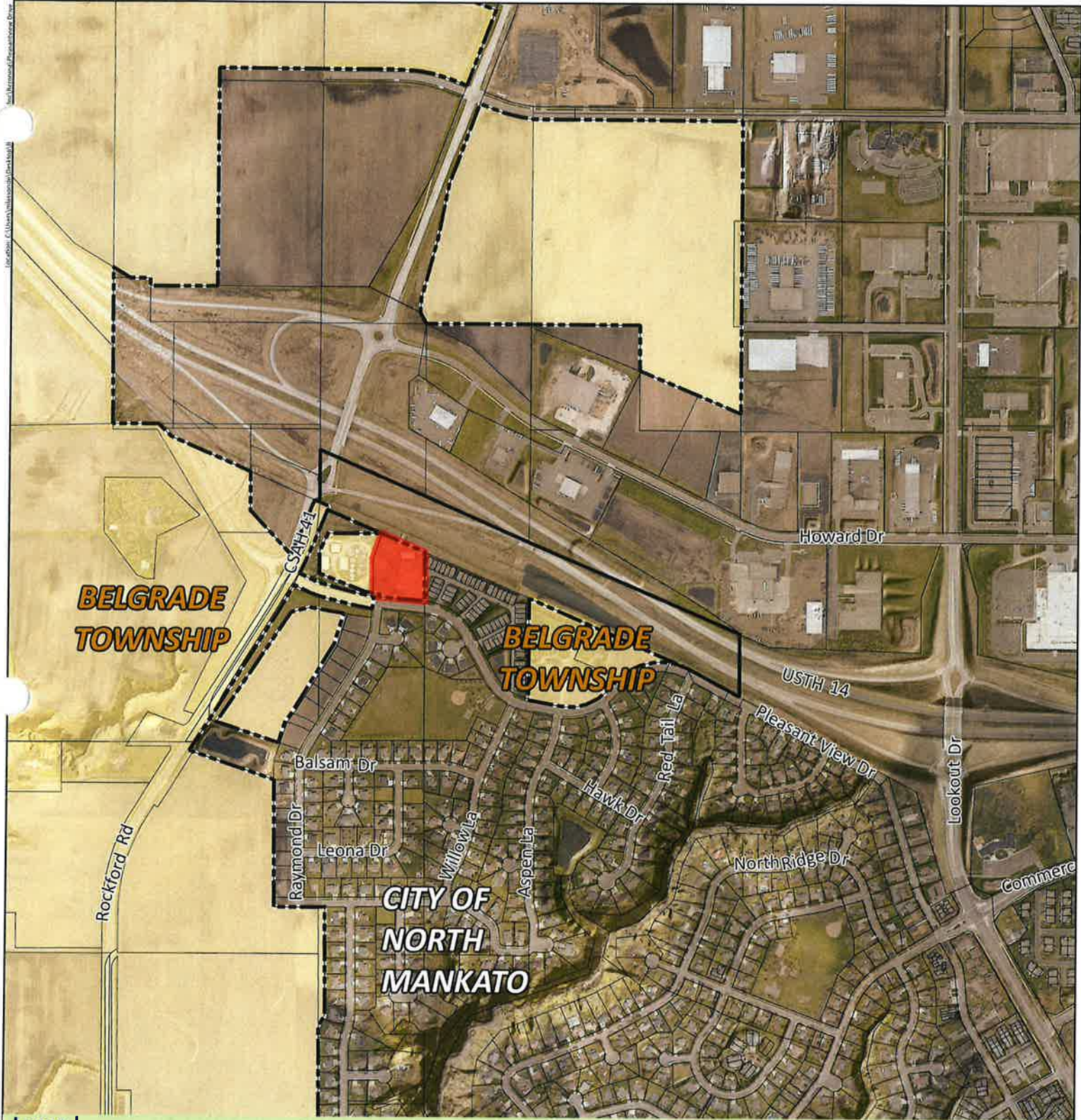
In accordance with this State Statute, the City of North Mankato will reimburse Belgrade Township an annual amount based on the property taxes collected by Belgrade Township in the last year it collected taxes on any land valued over \$50,000 which the City of North Mankato annexes into its City limits. There will be no reimbursement for land valued under \$50,000 which the City annexes. Any reimbursement shall be paid for a period of five years. The City reserves the right to pre-pay at any time.

  
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Mayor, City of North Mankato





  
\_\_\_\_\_  
Belgrade Township Supervisor

1-16-07  
\_\_\_\_\_  
Date

1-9-2007  
\_\_\_\_\_  
Date



**Legend**

-  Subject Property
-  Parcels
-  North Mankato City Limits
-  Belgrade Township





ORDINANCE NO. 143, FOURTH SERIES  
AN ORDINANCE OF THE CITY OF NORTH MANAKTO, MINNESOTA  
AMENDING NORTH MANKATO CITY CODE, CHAPTER 156, ENTITLED "ZONING CODE",  
BY CHANGING THE ZONING DISTRICT MAP AND, BY ADOPTING BY REFERENCE NORTH  
MANKATO CITY CODE, CHAPTER 10 AND SECTION 10.99 WHICH,  
AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS

THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, ORDAINS:

Section 1. North Mankato City Code, Section 156.021, entitled "Zoning District Map," is hereby amended by changing the zoning as follows:

A. To Zone Part of Section 2 as R-1, One-Family Development.

Section 2. North Mankato City Code, Chapter 10, entitled "General Provisions" are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Section 3. After adoption, signing, and attestation, this Ordinance shall be published once in the official newspaper of the City and shall be in effect on or after the date following such publication.

Adopted by the Council this 17<sup>th</sup> day of May 2021.

  
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Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

Published in the Mankato Free Press on 5/21/21.

## **ORDINANCE NO. 144**

AN ORDINANCE AUTHORIZING THE ISSUANCE OF BONDS BY THE PORT AUTHORITY OF NORTH MANKATO IN THE MAXIMUM PRINCIPAL AMOUNT OF \$4,500,000 FOR THE PURPOSE OF SECURING FUNDS AS NEEDED BY THE CITY OF NORTH MANKATO TO FINANCE THE ACQUISITION OF PROPERTY WITHIN THE WEBSTER AVENUE INDUSTRIAL DEVELOPMENT DISTRICT IN FURTHERANCE OF SAID PORT AUTHORITY'S PROGRAM OF ECONOMIC DEVELOPMENT AND REDEVELOPMENT; AND AUTHORIZING SAID PORT AUTHORITY TO PLEDGE THE FULL FAITH, CREDIT AND RESOURCES OF THE CITY OF NORTH MANKATO AND THE LEVY OF AD VALOREM PROPERTY TAXES FOR THE SECURITY OF SAID BONDS.

WHEREAS, The Council of the City of North Mankato, being duly advised in the premises, finds and determines that it is necessary for the Port Authority of North Mankato to issue and sell bonds in the aggregate principal amount of \$4,500,000 for the purpose of securing funds as needed by the City of North Mankato to finance the acquisition of property within the Webster Avenue Industrial Development District as set forth in the Webster Avenue Industrial Development District Plan in furtherance of the program of economic development and redevelopment authorized by Minnesota Statutes, Sections 469.048 through 469.068; and it is necessary and proper for the Council, pursuant to said laws, to authorize the issuance and sale of said bonds and the pledge of the full faith, credit and resources of the City of North Mankato and the levying of ad valorem property taxes for the security thereof, and to prescribe and consent to the form and terms of said bonds when and as issued by the Port Authority under the authorization granted by this ordinance;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF NORTH MANKATO DOES ORDAIN:

Section 1. That pursuant to and in accordance with the provisions, terms and conditions of this ordinance and of Minnesota Statutes Section 469.048 through 469.068, and 469.079, authority is hereby granted to the Port Authority of North Mankato to issue and sell its bonds as authorized by Minnesota Statutes, Section 469.060 and Chapter 475 and that said bonds are authorized to be issued and sold in the aggregate principal amount not to exceed \$4,500,000 for the purpose of securing funds as needed by the City, in said aggregate amount, to finance the acquisition and betterment of property required for the Port Authority's program of economic development and redevelopment, within the Webster Avenue Industrial Development District.

Section 2. That as security for the prompt and faithful payment of both principal and interest on said bonds, said Port Authority is hereby authorized to pledge the full faith, credit and resources of the City of North Mankato and to levy and ad valorem property taxes therefor as provided in Section 469.060, Minnesota Statutes, and that the bonds issued and sold pursuant to this ordinance shall be issued and sold by the Port

Authority in the manner provided by law, and subject to such terms and conditions as the Port Authority may determine and the City Council may approve by resolution.

Section 3. That said Port Authority shall provide for the exercise of the authority hereby granted for its issuance and sale of its said bonds, and the pledge of the full faith, credit and resources of said City of North Mankato as security for the payment of the same by appropriate resolutions; and that in each such instance said Port Authority shall make due compliance with all applicable requirements of this ordinance, Minnesota Statutes, Sections 469.048 through 469.068 and Chapter 475, and all other applicable laws.

Section 4. After adopting, signing and attestation, this Ordinance shall be posted as required by law, and shall be published once in the official newspaper of the City and shall be effective upon such publication.

The foregoing Ordinance was introduced by Councilmember Steiner, who moved its adoption. The motion for the adoption of the foregoing Ordinance was duly seconded by Councilmember Norland and upon a vote being taken thereon, the following Councilmembers voted in favor thereof: Council Members Steiner, Norland, Oachs, and Whitlock and Mayor Dehen.

and the following voted against the same: None.

Whereupon said Ordinance was declared duly passed and adopted this 7<sup>th</sup> day of September, 2021.

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
City Clerk

Published in the Mankato Free Press this 10<sup>th</sup> day of September, 2021.



**ORDINANCE NO. 145**

**AN ORDINANCE ESTABLISHING A CULTURE, RECREATION, & QUALITY OF LIFE DEPARTMENT IN THE CITY OF NORTH MANKATO**

THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA,  
ORDAINS:

**SECTION I.** Chapter 32 of the North Mankato City Code is amended as follows:

**Sec. 32.10. CULTURE, RECREATION, & QUALITY OF LIFE DEPARTMENT**

The City Administrator may, in his or her discretion, create a Culture, Recreation, and Quality of Life Department. The head of this Department shall be the Culture, Recreation, & Quality of Life Director who shall be the City Administrator, or such other person as may be designated by him or her. The activities of this Department shall be assigned to it by the City Administrator and may include the coordination of the Taylor Library, Caswell Sports, the Swim Facility, adult and youth recreation, community events, promotion and marketing of the City of North Mankato, and other duties determined so by the City Administrator.

**SECTION II.** This Ordinance shall be in full force and effect from and after its passage and publication.

**ADOPTED** by the City Council this 3<sup>rd</sup> day of January, 2022

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

Pub-Jan 6, 2022 - Free Press

ORDINANCE NO. 146, FOURTH SERIES  
AN ORDINANCE OF THE CITY OF NORTH MANAKTO, MINNESOTA  
AMENDING NORTH MANKATO CITY CODE, CHAPTER 156, ENTITLED "ZONING CODE",  
BY CHANGING THE ZONING DISTRICT MAP AND, BY ADOPTING BY REFERENCE NORTH  
MANKATO CITY CODE, CHAPTER 10 AND SECTION 10.99 WHICH,  
AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS

THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, ORDAINS:

Section 1. North Mankato City Code, Section 156.021, entitled "Zoning District Map," is hereby amended by changing the zoning as follows:

A. To Zone parts of Sections 3 & 4 as R-1, One-Family Dwelling.

Section 2. North Mankato City Code, Chapter 10, entitled "General Provisions" are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Section 3. After adoption, signing, and attestation, and successful annexation of the property this Ordinance shall be published once in the official newspaper of the City and shall be in effect on or after the date following such publication.

Adopted by the Council this 18<sup>th</sup> day of January 2022.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

Published in the Mankato Free Press on \_\_\_\_\_.

## **ORDINANCE NO. 147, FOURTH SERIES**

### **AN ORDINANCE OF THE CITY OF NORTH MANKATO, MINNESOTA ANNEXING LAND LOCATED IN BELGRADE TOWNSHIP, NICOLLET COUNTY, MINNESOTA PURSUANT TO MINNESOTA STATUTES § 414.033 SUBDIVISION 2(2), PERMITTING ANNEXATION BY ORDINANCE**

**WHEREAS**, the described tract of unincorporated property is 100% surrounded by municipal limits of the City of North Mankato, MN; and

**WHEREAS**, said property is not located within a flood plain or shoreland area; and

**WHEREAS**, the City of North Mankato held a public hearing pursuant to Minnesota Statutes 414.033 Subd. 2, on February 7, 2022, following thirty (30) days written notice by certified mail to the Township of Belgrade and to all landowners within and contiguous to the area legally described, to be annexed; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH MANKATO  
HEREBY ORDAINS AS FOLLOWS:**

1. The City Council hereby determines that the property as hereinafter described is 100% surrounded by municipal limits and is or is about to become urban or suburban in nature in that residential use is being proposed for said property the construction of which requires or will need city services, including public sewer facilities.
2. None of the property is now included within the limits of any city, or in any area that has already been designated for orderly annexation pursuant to Minnesota Statute § 414.0325.
3. The corporate limits of the City of North Mankato, Minnesota, are hereby extended to include the following described property to wit:

That part of the West Half of the West Half of the Southwest Quarter of Section 3 and that part of the Southeast Quarter of the Southeast Quarter of Section 4 and that part of the Northeast Quarter of the Northeast Quarter of Section 9, all in Township 108 North Range 27 West, Nicollet County, Minnesota, described as:

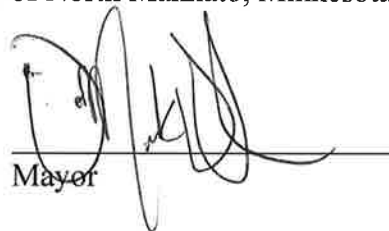
Beginning at the southwesterly corner of Burnett's Ravine Ridge No. 6, according to the plat thereof on file and of record with the Nicollet County Recorder; thence North 18 degrees 36 minutes 31 seconds East, (Minnesota County Coordinate System - Nicollet County Zone - HARN NAD83 - 1996), along the westerly line of said Burnett's Ravine Ridge No. 6, a distance of 140.00 feet; thence North 37 degrees 44 minutes 16 seconds East, along said westerly line, a distance of 63.51 feet; thence North 32 degrees 11 minutes 09 seconds East, along said westerly line, a distance of 512.00 feet; thence North 17 degrees 34 minutes 52 seconds East, along said westerly line, a distance of 209.11 feet to a point on the southerly line of Parcel 9N5 according to Nicollet County Right Of Way Plat No. 26, on file and of record with the Nicollet County Recorder; thence North 81 degrees 44 minutes 09 seconds West, along said southerly line, a distance of 37.07 feet to monument B52077 of said Right Of Way Plat; thence North 79 degrees 14 minutes 25 seconds West, along said southerly line, a distance of 144.85 feet to monument 574 of said Right Of Way Plat; thence continuing North 79 degrees 14 minutes 25 seconds West,

along the southerly line of Parcel 9N6 of said Right Of Way Plat, a distance of 56.18 feet to monument B52078 of said Right Of Way Plat; thence South 76 degrees 10 minutes 02 seconds West, along said southerly line, a distance of 125.13 feet to monument B52079 of said Right Of Way Plat; thence South 33 degrees 53 minutes 16 seconds West, along the easterly line of Parcel 9N7 of said Right Of Way Plat, a distance of 835.05 feet to the point of intersection with the northerly line of Outlot B of Burnett's Ravine Ridge No. 3, according to the plat thereof on file and of record with the Nicollet County Recorder; thence South 71 degrees 23 minutes 29 seconds East, along said northerly line, a distance of 424.03 feet to the point of beginning.


Said parcel contains 7.63 acres, subject to any and all easements of record.

4. That the population of the area legally described herein and hereby annexed is 0.
5. The City of North Mankato pursuant to Minnesota Statutes §414.036, and in accordance with the reimbursement agreement (Exhibit A) with respect to the property taxes payable on the area legally described herein, hereby annexed, shall make a cash payment to Belgrade Township of \$268.70 and shall not receive any further property tax income from the land commencing with the tax year 2022.
6. That pursuant to Minnesota Statutes § 414.036 with respect to any special assessments assigned by the Town to the annexed property and any portion of debt incurred by the Town prior to the annexation and attributable to the property to be annexed, but for which no special assessments are outstanding, for the area legally described there are no special assessments or debt incurred by the Town on the subject are for which reimbursement is required.
7. That the City Clerk of the City of North Mankato is hereby authorized and directed to file a copy of this Ordinance with the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, the Minnesota Secretary of State, the Nicollet County Auditor, and the Belgrade Township Clerk.
8. That this Ordinance shall be in full force and effect and final upon the date this Ordinance is approved by the Office of Administrative Hearings.

PASSED AND ADOPTED by the City Council of the City of North Mankato, Minnesota, this 7<sup>th</sup> day of February 2022.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk  
(City Seal)

ANNEXATION REIMBURSEMENT AGREEMENT  
BETWEEN THE CITY OF NORTH MANKATO  
AND BELGRADE TOWNSHIP

Pursuant to Minn. Stat. Sec. 414.036:

Unless otherwise agreed to by the annexing municipality and the affected town, when an order or other approval under this chapter annexes part of a town to a municipality the order or other approval must provide a reimbursement from the municipality to the town for all or part of the taxable property annexed as part of the order. The reimbursement shall be completed in substantially equal payments over not less than two nor more than eight years from the time of annexation. The municipality must reimburse the township for all special assessments assigned by the townships to the annexed property and any portion of debt incurred by the town prior to the annexation and attributable to the property to be annexed but for which no special assessments are outstanding, in substantially equal payments over a period of not less than two or no more than eight years.

In accordance with this State Statute, the City of North Mankato will reimburse Belgrade Township an annual amount based on the property taxes collected by Belgrade Township in the last year it collected taxes on any land valued over \$50,000 which the City of North Mankato annexes into its City limits. There will be no reimbursement for land valued under \$50,000 which the City annexes. Any reimbursement shall be paid for a period of five years. The City reserves the right to pre-pay at any time.

  
\_\_\_\_\_  
Mayor, City of North Mankato



  
\_\_\_\_\_  
Belgrade Township Supervisor

1-16-07  
\_\_\_\_\_  
Date

1-9-2007  
\_\_\_\_\_  
Date

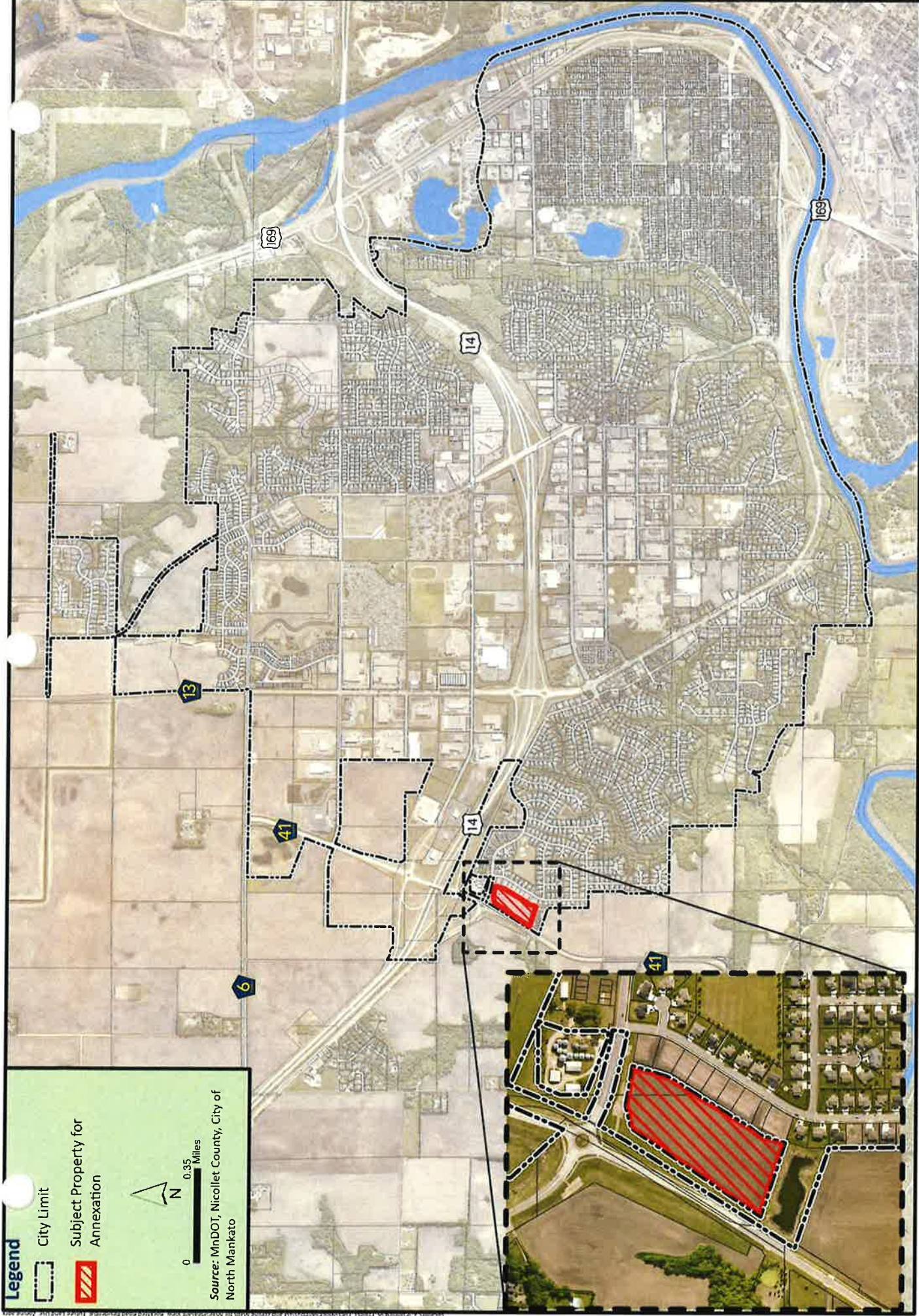


**Legend**

-  City Limit
-  Subject Property for Annexation

0 0.35 Miles

Source: MnDOT, Nicollet County, City of North Mankato





ORDINANCE NO. 148

AN ORDINANCE OF THE CITY OF NORTH MANKATO, MINNESOTA AMENDING NORTH MANKATO CITY  
CODE CODE CHAPTER 11.01 PRECINCT BOUNDARIES

WHEREAS, state law allows upon release of the new decennial census information that precinct boundaries may be adjusted; and

WHEREAS, state law allows the City to realign precincts to accommodate population changes or to change polling locations; and

WHEREAS, precinct changes must be completed by March 29, 2022; and

WHEREAS, proposed precinct changes have been presented to Council, and a Public Hearing was held concerning the precinct boundaries.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA;

SECTION 1. The currently adopted Chapter 11.01 Precinct Boundaries are hereby removed and Exhibit A as attached is adopted.

SECTION 2. After adoption, signing, and attestation, this Ordinance shall be published once in the official newspaper of the City and shall be in effect on or after the date following such publication.

Adopted by the City Council this 7<sup>th</sup> day of March 2022.

  
\_\_\_\_\_  
Mayor

ATTEST:

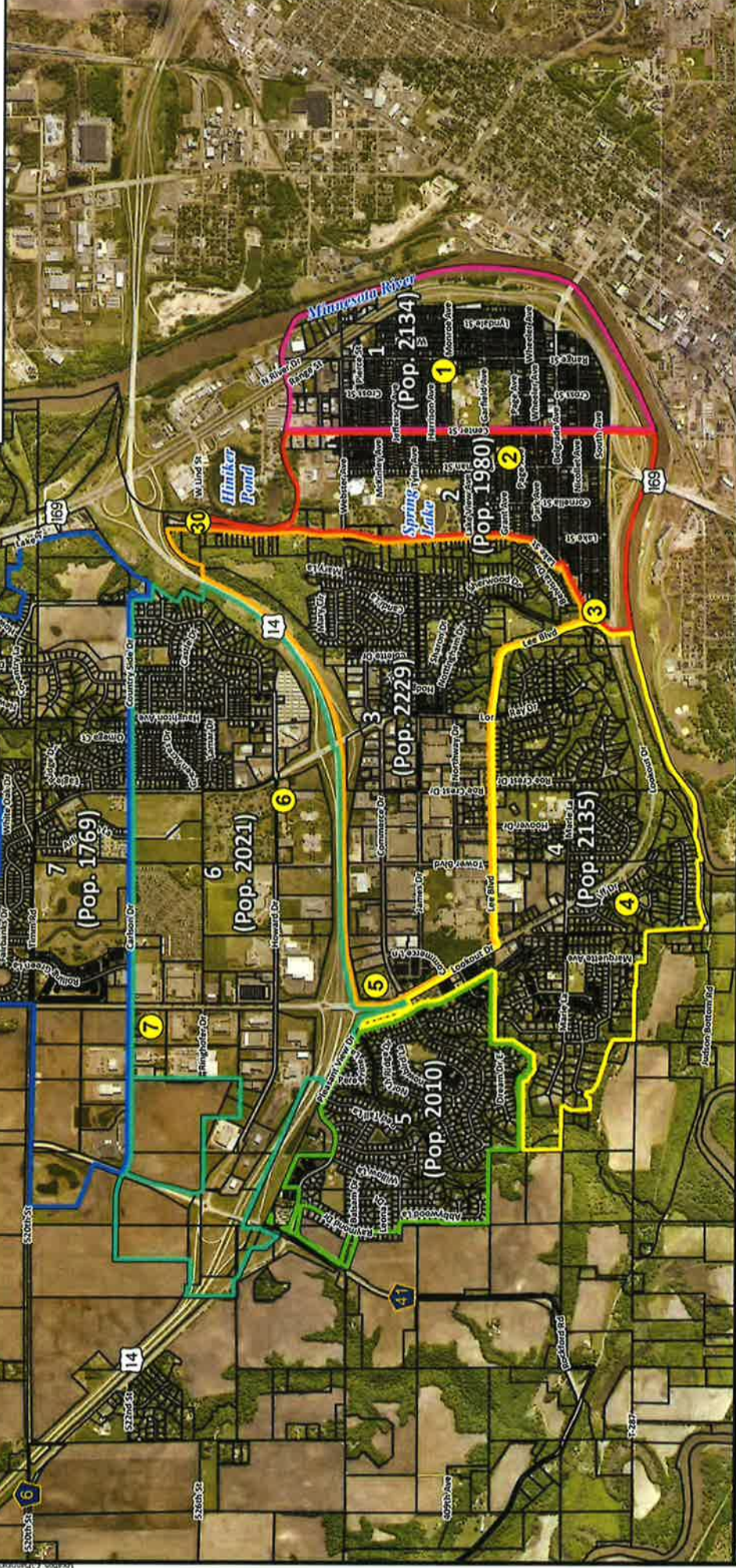
  
\_\_\_\_\_

City Clerk



## Polling Location Key

- 1 - St. Paul's Lutheran Church, 4 Monroe Ave.
- 2 - Holy Rosary Church, 525 Grant Ave.
- 3 - City Hall Council Chambers, 1001 Belgrade Ave.
- 4 - River Ridge Evangelical Church, 354 Carol Ct.
- 5 - Peace Lutheran Church, 2090 Commerce Dr.
- 6 - Fire Station No. 2, 1825 Howard Dr.
- 7 - South Central Services Cooperative, 2075 Lookout Dr.
- 30 - Mail-In Ballot, 204 South 5th Street, Mankato, MN 56001



Precincts

1 2 3 4 5 6 7 Parcels

Polling Locations



ORDINANCE NO. 149, FOURTH SERIES  
AN ORDINANCE OF THE CITY OF NORTH MANKATO, MINNESOTA  
AMENDING NORTH MANKATO CITY CODE, CHAPTER 156, ENTITLED "ZONING CODE",  
BY CHANGING THE ZONING DISTRICT MAP AND, BY ADOPTING BY REFERENCE NORTH  
MANKATO CITY CODE, CHAPTER 10 AND SECTION 10.99 WHICH,  
AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS

THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, ORDAINS:

Section 1. North Mankato City Code, Section 156.021, entitled "Zoning District Map," is hereby amended by changing the zoning as follows:

- A. To Zone the Northeast Quarter of Northwest Quarter of Section 35, Township 109 North, Range 27 West as R-1S, One Family Dwelling, Small Lot.

Section 2. North Mankato City Code, Chapter 10, entitled "General Provisions" are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Section 3. After adoption, signing, and attestation, and successful annexation of the property this Ordinance shall be published once in the official newspaper of the City and shall be in effect on or after the date following such publication.

Adopted by the Council this 16<sup>th</sup> day of May 2022.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

Published in the Mankato Free Press on \_\_\_\_\_.

**ORDINANCE NO. 150, FOURTH SERIES**

**AN ORDINANCE OF THE CITY OF NORTH MANKATO, MINNESOTA ANNEXING  
LAND LOCATED IN BELGRADE TOWNSHIP, NICOLLET COUNTY, MINNESOTA  
PURSUANT TO MINNESOTA STATUTES § 414.033 SUBDIVISION 2(3),  
PERMITTING ANNEXATION BY ORDINANCE**

**WHEREAS**, a petition signed by all the property owners, requesting that property legally described in Exhibit A be annexed to the City of North Mankato Minnesota, was duly presented to the Council of the City of North Mankato on the 2<sup>nd</sup> day of May 2022; and

**WHEREAS**, said property is unincorporated and abuts the City of North Mankato on its North boundary; is less than 120 acres; is not presently served by public sewer facilities or public sewer facilities are not otherwise available; and

**WHEREAS**, said property is not located within a flood plain or shoreland area; and

**WHEREAS**, said property is currently farmland, and annexation is requested to facilitate the extension of city services for residential development of the property; and

**WHEREAS**, the City of North Mankato held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2(3), on June 6, 2022, following thirty (30) days written notice by certified mail to the Township of Belgrade and to all landowners within and contiguous to the area to be annexed; and

**WHEREAS**, provisions of Minnesota Statutes § 414.033 Subd. 13 are not applicable in that there will be no change in the electric utility service provider resulting from the annexation of the territory to the municipality.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH MANKATO  
HEREBY ORDAINS AS FOLLOWS:**

1. The City Council hereby determines that the property as hereinafter described abuts the city limits and is or is about to become urban or suburban in nature in that residential use is being proposed for said property the construction of which requires or will need city services, including public sewer facilities.
2. None of the property is now included within the limits of any city, or in any area that has already been designated for orderly annexation pursuant to Minnesota Statute § 414.0325.
3. The corporate limits of the City of North Mankato, Minnesota, are hereby extended to include the following described property, said land abutting the City of North Mankato and being 120 acres or less in area, and is not presently served by public sewer facilities or public sewer facilities are not otherwise available, and the City has received a petition for annexation from all the property owners of the land, to wit:

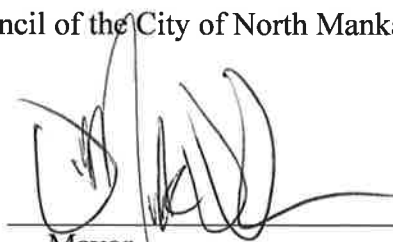
All that part of the Northeast Quarter of Northwest Quarter of Section 35, Township 109 North, Range 27 West, Nicollet County, Minnesota, is described as follows:

Beginning at the northeast corner of said Northeast Quarter of the Northwest Quarter; thence South 00 degrees 01 minutes 30 seconds West (assumed bearing) on the east line of said Northeast Quarter of the Northwest Quarter, 1281.01 feet to a point on the north line of the existing road right of way; thence North 89 degrees 04 minutes 18 seconds West, on said north right of way line, 1321.83 feet to a point on the west line of said Northeast Quarter of the Northwest Quarter; thence North 00 degrees 02 minutes 44 seconds West, on said west line, 1284.35 feet to the northwest corner of said Northeast Quarter of the Northwest Quarter; thence South 88 degrees 55 minutes 43 seconds East, on the north line of said Northeast Quarter of the Northwest Quarter, 1323.47 feet to the point of beginning.

Said parcel contains 38.94 acres, subject to any and all easements of record.  
The above-described property consists of a total of 38.94 acres, more or less.

4. That the population of the area legally described herein and hereby annexed is 0.
5. The City of North Mankato pursuant to Minnesota Statutes §414.036, and in accordance with the reimbursement agreement (Exhibit A) with respect to the property taxes payable on the area legally described herein, hereby annexed, shall make a cash payment to Belgrade Township of \$1,974.15 and shall not receive any further property tax income from the land commencing with the tax year 2022.
6. That pursuant to Minnesota Statutes § 414.036 with respect to any special assessments assigned by the Town to the annexed property and any portion of debt incurred by the Town prior to the annexation and attributable to the property to be annexed, but for which no special assessments are outstanding, for the area legally described there are no special assessments or debt incurred by the Town on the subject is for which reimbursement is required.
7. That the City Clerk of the City of North Mankato is hereby authorized and directed to file a copy of this Ordinance with the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, the Minnesota Secretary of State, the Nicollet County Auditor, and the Belgrade Township Clerk.
8. That this Ordinance shall be in full force and effect and final upon the date this Ordinance is approved by the Office of Administrative Hearings.

PASSED AND ADOPTED by the City Council of the City of North Mankato, Minnesota, this 6<sup>th</sup> day of June 2022.

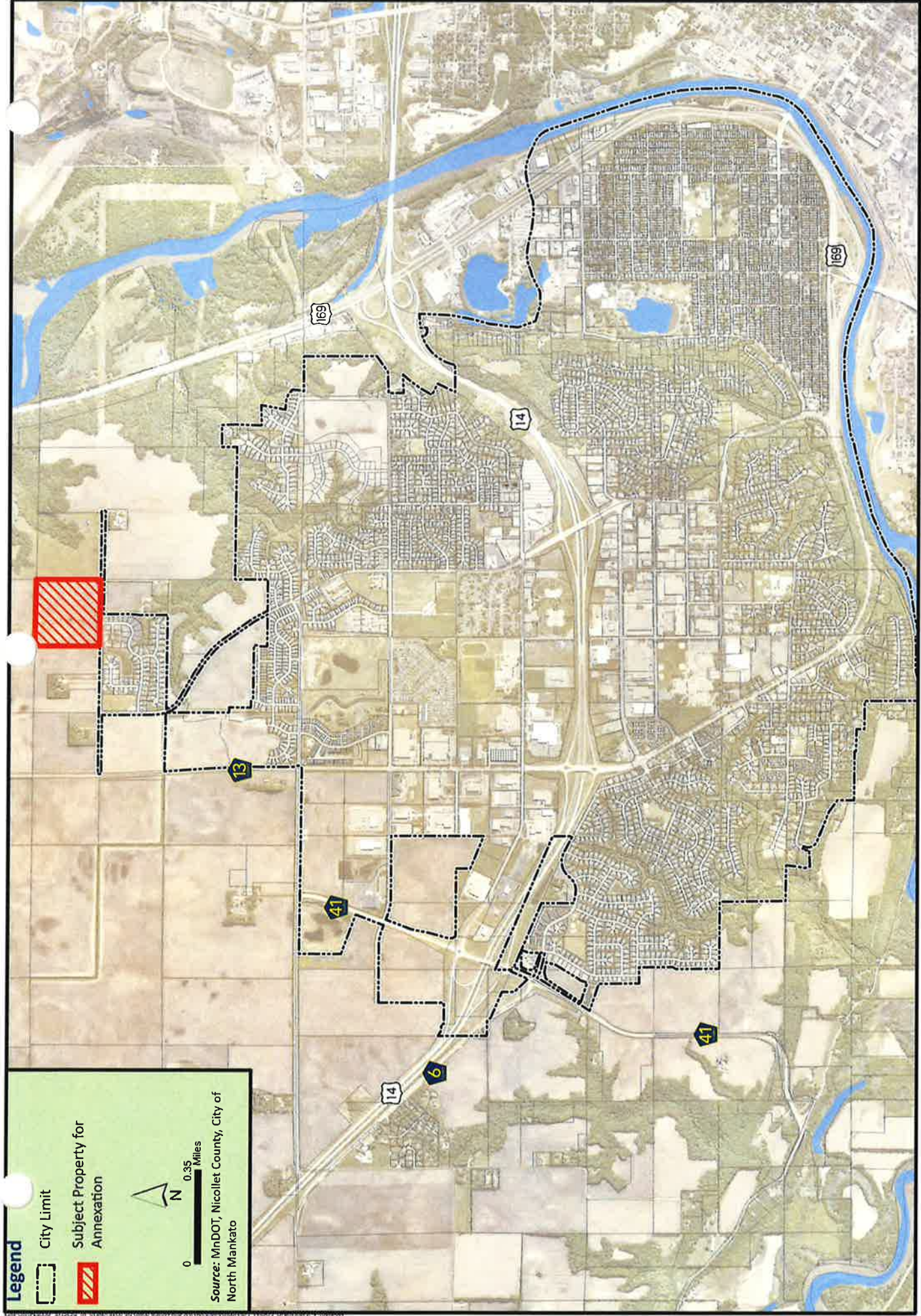
  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

(City Seal)







## ORDINANCE NO. 151, FOURTH SERIES

### AN ORDINANCE OF THE CITY OF NORTH MANKATO, MINNESOTA, REPEALING AND REPLACING CITY CODE CHAPTER 153: FLOOD PLAIN REGULATION

THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA ORDAINS:

Section 1. North Mankato City Code, Title XV: Land Usage, Chapter 153, Flood Plain is hereby replaced and will read as follows:

#### § 153.01 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE

- (A) *Statutory Authorization.* This floodplain ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F; Minnesota Rules, parts 6120.5000 – 6120.6200; the rules and regulations of the National Flood Insurance Program in 44 CFR § 59 to 78; and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462.
- (B) *Purpose.*
- (1) This ordinance regulates development in the flood hazard areas of the City of North Mankato. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.
  - (2) This ordinance is adopted in the public interest to promote sound land use practices, and floodplains are a land resource to be developed in a manner which will result in minimum loss of life and threat to health, and reduction of private and public economic loss caused by flooding.
  - (3) This ordinance is adopted to maintain eligibility in the National Flood Insurance Program.
  - (4) This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.
- (C) *Abrogation and Greater Restrictions.* It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. The standards in this ordinance takes precedence over any less restrictive, conflicting local laws, ordinances, or codes. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
- (D) *Warning and Disclaimer of Liability.* This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance does not create liability on the part of the City of North Mankato or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.
- (E) *Severability.* If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

#### § 153.02 DEFINITIONS

Unless specifically defined, words or phrases used in this ordinance must be interpreted according to common usage and so as to give this ordinance its most reasonable application.

**ACCESSORY STRUCTURE.** A structure, as defined in this ordinance, that is on the same parcel of property as, and is incidental to, the principal structure or use; an accessory structure specifically excludes structures used for human habitation.

**BASE FLOOD.** The flood having a one-percent chance of being equaled or exceeded in any given year. "Base flood" is synonymous with the term "regional flood" used in Minnesota Rules, part 6120.5000.

**BASE FLOOD ELEVATION (BFE).** The elevation of the base flood, regional flood, or one-percent annual chance flood. The term "base flood elevation" is used in the flood insurance study.

**BASEMENT.** Any area of a structure, including crawl spaces, having its floor subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

**BUILDING.** See *Structure*.

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

**DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

**EQUAL DEGREE OF ENCROACHMENT.** A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

**FEMA.** Federal Emergency Management Agency.

**FLOOD.** A temporary rise in the stream flow or water surface elevation from any source that results in the inundation of normally dry land areas.

**FLOOD FRINGE.** The portion of the one-percent annual chance floodplain located outside of the floodway. This district also includes any additional area encompassed by the horizontal extension of the RFPE.

**FLOOD INSURANCE RATE MAP (FIRM).** An official map on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

**FLOOD INSURANCE STUDY (FIS).** The study referenced in § 153.03(B), which is an examination, evaluation and determination of flood hazards, and if appropriate, corresponding surface elevations, or an examination, evaluation, and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

**FLOODPLAIN.** The beds, channel and the areas adjoining a wetland, lake or watercourse, or other source which have been or hereafter may be inundated by the base flood.

**FLOODPROOFING.** A combination of structural and non-structural additions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

**FLOODWAY.** The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which must be reserved to carry or store the base flood discharge without cumulatively increasing the water surface elevation more than one-half foot.

**INTERIOR PONDING AREA.** Stillwater flooded area identified on the adopted FEMA FIRM associated with interior drainage behind a levee.

**LOWEST FLOOR.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR § 60.3.

**MANUFACTURED HOME.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."

**NEW CONSTRUCTION.** Structures for which the start of construction commenced on or after the effective date of an adopted floodplain management regulation, and includes any subsequent improvements to such structures.

**PRINCIPAL STRUCTURE.** The main building or other structure on a lot that is utilized for the property's principal use.

**REACH.** A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

**RECREATIONAL VEHICLE.** A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping,

travel, or seasonal use. Those vehicles not meeting this definition shall be considered a structure for the purposes of this ordinance. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term "travel trailer/travel vehicle."

**REGULATORY FLOOD PROTECTION ELEVATION (RFPE).** An elevation that is one foot above the elevation of the base flood plus any increases in the water surface elevation caused by encroachments on the floodplain that result from designation of a floodway. These increases in water surface elevations are typically identified in the Floodway Data Tables, found in the Flood Insurance Study.

**REPETITIVE LOSS.** Flood related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

**STAGE INCREASE.** Any increase in the water surface elevation during the one-percent annual chance flood caused by encroachments on the floodplain.

**START OF CONSTRUCTION.** Includes substantial improvement, and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE.** A roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Recreational vehicles not considered travel ready, as detailed in § 153.04(D) shall also be considered a structure for the purposes of this ordinance.

**SUBDIVISION.** Land that has been divided for the purpose of sale, rent, or lease, including planned unit developments.

**SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT.** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." For the purpose of this ordinance, "historic structure" is defined in 44 CFR § 59.1.

**VARIANCE.** "Variance" means the same as that defined in 44 CFR § 59.1 and Minnesota Statutes, Section 462.357, Subd. 6(2).

**WATERCOURSE.** A channel in which a flow of water occurs either continuously or intermittently in a definitive direction. The term applies to either natural or artificially constructed channels.

## **§ 153.03 JURISDICTION AND DISTRICTS**

- (A) **Lands to Which Ordinance Applies.** This ordinance applies to all lands within the jurisdiction of the City of North Mankato within the boundaries of the Floodway, Flood Fringe, Interior Ponding Areas, and General Floodplain Districts.

- (1) The Floodway, Flood Fringe, Interior Ponding Areas, or General Floodplain Districts are overlay districts. The standards imposed in the overlay districts are in addition to any other requirements. In case of a conflict, the more restrictive standards will apply.
  - (2) Where a conflict exists between the floodplain limits illustrated on the official floodplain maps and actual field conditions the Base Flood Elevation (BFE) shall be the governing factor in locating the outer boundaries of the one-percent annual chance floodplain, with the exception of areas protected from flooding by the Minnesota River North Mankato Levee as indicated on the FIRM.
  - (3) Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Zoning Administrator, Planning Commission and City Council and to submit technical evidence.
- (B) *Incorporation of Maps by Reference.* The following maps together with all attached material are hereby adopted by reference and declared to be a part of the official zoning map and this ordinance. The attached material includes the Flood Insurance Study for Nicollet County, Minnesota, and Incorporated Areas, and the Flood Insurance Rate map panels enumerated below, and prepared by the Federal Emergency Management Agency.

27103C0405H, dated October 13, 2022  
 27103C0410H, dated October 13, 2022  
 27103C0415H, dated October 13, 2022  
 27103C0416H, dated October 13, 2022  
 27103C0417H, dated October 13, 2022

These materials are on file in the City Hall at 1001 Belgrade Ave, North Mankato, MN 56003.

- (C) *Districts.*
- (1) *Floodway District.* Those areas within Zones AE delineated within floodway areas as shown on the Flood Insurance Rate Maps referenced in § 153.03(B).
  - (2) *Flood Fringe District.* Those areas within Zones AE located outside of the delineated floodway, as shown on the Flood Insurance Rate Maps referenced in § 153.03(B).
  - (3) *Interior Ponding Areas.* Those areas within the flood fringe district located in the area protected by the Minnesota River North Mankato Levee. The following Interior Ponding Areas are identified:
    - Sherman Street Ponding Area
    - Wheeler Avenue Ponding Area
  - (4) Reserved for General Floodplain District.
- (D) *Annexations.* The Flood Insurance Rate Map panels referenced in § 153.03(B) may include floodplain areas that lie outside of the corporate boundaries of the City of North Mankato at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of North Mankato after the date of adoption of this ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately upon the date of annexation. Annexations into panels not referenced in § 153.03(B) require ordinance amendment in accordance with § 153.13.

#### **§ 153.04 REQUIREMENTS FOR ALL FLOODPLAIN DISTRICTS**

- (A) *Permit Required.* A permit must be obtained from the Zoning Administrator to verify compliance with all applicable standards outlined in this ordinance prior to the following uses or activities:
- (1) The erection, addition, modification, rehabilitation, repair, or alteration of any building, structure, or portion thereof. Normal maintenance requires a permit to determine if such work, either separately or in conjunction with other planned work, constitutes a substantial improvement, as specified in § 153.11(A)(3).
  - (2) The construction of a fence, pool, deck, or placement of anything that may cause a potential obstruction.
  - (3) The change or expansion of a nonconforming use.



- (4) The repair of a structure that has been damaged by flood, fire, tornado, or any other source.
  - (5) The placement of fill, excavation, utilities, on-site sewage treatment systems, or other service facilities.
  - (6) The storage of materials or equipment, in conformance with § 153.04(C)(2).
  - (7) Relocation or alteration of a watercourse (including stabilization projects or the construction of new or replacement dams, culverts and bridges). A local permit is not required if a public waters work permit has been obtained from the Department of Natural Resources, unless a significant area above the ordinary high water level is also to be disturbed.
  - (8) Any other type of "development," as defined in § 153.02 of this ordinance.
- (B) **No Permit Required.** Certain uses or activities may be exempt from obtaining a permit, such as planting a garden, farming, or other obviously insignificant activities such as putting up a mailbox or flagpole. The continuation of existing uses, when the associated activities do not encroach further on the regulatory floodplain or trigger associated standards in this ordinance, do not require a permit.
- (C) **Minimum Development Standards.**
- (1) All development must:
    - (a) Be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
    - (b) Be constructed with materials and equipment resistant to flood damage;
    - (c) Be constructed by methods and practices that minimize flood damage;
    - (d) Be constructed with heating, ventilation, duct work, and air conditioning equipment and other service facilities elevated at least up to the Regulatory Flood Protection Elevation (RFPE). Water, sewage, electrical, and other utility lines below the RFPE shall be constructed so as to prevent water from entering or accumulating within them during conditions of flooding;
    - (e) Be reasonably safe from flooding and consistent with the need to minimize flood damage;
    - (f) Be assured to provide adequate drainage to reduce exposure to flood hazards;
    - (g) Not be detrimental to uses in adjoining areas; and
    - (h) Not adversely affect the efficiency or restrict the flood carrying capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.
  - (2) Materials that, in time of flooding, are buoyant, flammable, explosive, or could be injurious to human, animal, or plant life shall be stored at or above the Regulatory Flood Protection Elevation (RFPE), floodproofed, or protected by other measures as approved by the Zoning Administrator. Storage of materials likely to cause pollution of the waters, such as sewage; sand; rock; wrecked and discarded equipment; dredged spoil; municipal, agricultural or industrial waste; and other wastes as further defined in Minnesota Statutes, section 115.01, are prohibited unless adequate safeguards approved by the Minnesota Pollution Control Agency are provided. For projects not requiring approvals by the Minnesota Pollution Control Agency, adequate safeguards must be approved by the Zoning Administrator prior to issuance of a permit.

**Table 1. Summary of Permitting Requirements for Structures**

<b>Structure Type</b>	<b>Floodway</b>	<b>Flood Fringe</b>	<b>Standards*</b>
Accessory Structures – on fill	Only specific uses and types allowed – with CUP	Allowed with Permit	§153.06(B)(1)(a), via §153.06(B)(3)(d)(ii)
Accessory Structures – Wet Floodproofing	Only specific uses and types allowed – with CUP	Allowed with Permit	§153.06(B)(3)(d)(i)
Accessory Structures – Dry (watertight) Floodproofing	Only specific uses and types allowed – with CUP	Allowed with Permit	§153.06(B)(3)(d)(iii)
Residential – on fill	Not allowed	Allowed with Permit	§153.06(B)(1)(a)
Residential – Dry (watertight) Floodproofing	Not allowed	Not allowed	N/A

Non-Residential – on fill	Not allowed	Allowed with Permit	§153.06(B)(1)(a), via §153.06(B)(2)(a)
Non-Residential – Dry (watertight) Floodproofing	Not allowed	Allowed with Permit	§153.06(B)(2)(b)

*\*Note - many of these standards are cross-referenced to avoid duplication*

(D) **Recreational Vehicles.** Recreational vehicles must be travel ready, meeting the following criteria:

- (1) The vehicle must be fully licensed.
- (2) The vehicle must be ready for highway use, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities.
- (3) No permanent structural type additions may be attached to the vehicle.

#### **§ 153.05 FLOODWAY DISTRICT**

(A) **Permitted Uses in Floodway.** Development allowed in the floodway district is limited to that which has low flood damage potential and will not obstruct flood flows, increase velocities, or increase the water surface elevations of the one-percent annual chance flood. The following uses and activities may be allowed with a permit, subject to the standards in § 153.05(B):

- (1) Recreational uses, parking lots, loading areas, water control structures, navigational facilities, as well as public open space uses.
- (2) Roads, railroads, trails, bridges, and culverts.
- (3) Public utility facilities and water-oriented industries which must be in or adjacent to watercourses.
- (4) Grading, filling, land alterations, and shoreline stabilization projects.
- (5) No structures, as defined in § 153.02, are allowed in the Floodway District, except structures accessory to the uses detailed in § 153.05(A)(1).

(B) **Standards for Permitted Uses in Floodway.** In addition to the applicable standards detailed in § 153.04:

- (1) The applicant must demonstrate that the development will not result in any of the following during the one-percent chance flood: cause a stage increase of 0.00 feet or greater, obstruct flood flows, or increase velocities. This shall be demonstrated through hydrologic and hydraulic analysis performed by a professional engineer, or using other standard engineering practices (e.g. projects that restore the site to the previous cross-sectional area). This is commonly documented through a "no-rise certification."
- (2) Any development that would result in a stage increases greater than 0.00 feet may only be allowed with a permit if the applicant has applied for and received approval for a Conditional Letter of Map Revision (CLOMR) in accordance with 44 CFR § 65.12. Map revisions must follow the procedures in § 153.10(A)(5) and § 153.13.
- (3) Any development resulting in decreases to the water surface elevation of the base flood identified in the Flood Insurance Study requires a Letter of Map Revision (LOMR) following the procedures in § 153.10(A)(5) and § 153.13.
- (4) Any development in the beds of public waters that will change the course, current or cross section is required to obtain a public waters work permit in accordance with Minnesota Statutes, section 103G.245 or a utility crossing license in accordance with Minnesota Statutes, section 84.415, from the Department of Natural Resources, or demonstrate that no permit is required, before applying for a local permit.
- (5) Fill and other land alteration activities must offer minimal obstruction to the flow of flood waters, and be protected from erosion and sediment entering surface waters by the use of vegetative cover, riprap or other methods as soon as possible.

#### **§ 153.06 FLOOD FRINGE DISTRICT**

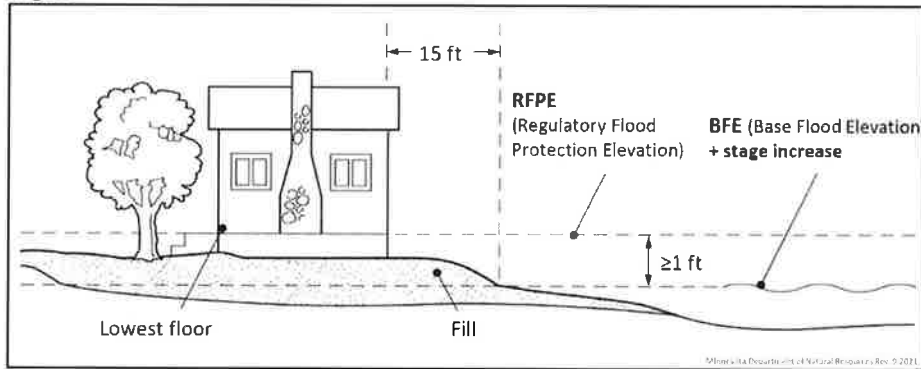
(A) **Permitted Uses in Flood Fringe.** Any uses or activities allowed in any applicable underlying zoning districts may be allowed with a permit, subject to the standards set forth in § 153.06(B).

(B) **Standards for Permitted Uses in Flood Fringe.** In addition to the applicable standards detailed in § 153.04:

- (1) **Residential Structures.**

- (a) **Elevation on Fill.** All structures to be erected, constructed, reconstructed, altered, or moved on fill within the Flood Fringe District shall be placed so that the lowest floor, as defined in § 153.02 of this ordinance, is elevated at or above the Regulatory Flood Protection Elevation (RFPE). The finished fill elevation shall be at or above the elevation associated with the base flood plus any stage increases that result from designation of a floodway. Fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure. Elevations must be certified by a registered professional engineer, land surveyor or other qualified person designated by the Zoning Administrator.

Figure 1: Overview of fill standards for residential structures.



- (2) **Nonresidential Principal Structures.** Nonresidential principal structures must meet one of the following construction methods:
- (a) **Elevation on Fill.** Structures may be elevated on fill, meeting the standards in § 153.06(B)(1)(a) of this ordinance. Fill for nonresidential structures is not required to be extended 15 feet beyond the outside limits of the structure.
  - (b) **Dry Floodproofing.** Structures having watertight enclosed basements or spaces below the Regulatory Flood Protection Elevation (RFPE) must meet the following standards:
    - (i) Walls must be substantially impermeable to the passage of water, with structural components having the capacity of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, at least up to the Regulatory Flood Protection Elevation (RFPE);
    - (ii) Must meet the standards of FEMA Technical Bulletin 3, as amended; and
    - (iii) A registered professional engineer or architect shall be required to certify that the design and methods of construction meet the standards detailed in this Section.
- (3) **Accessory Structures.** All accessory structures must meet the following standards:
- (a) Structures shall not be designed or used for human habitation.
  - (b) Structures will have a low flood damage potential.
  - (c) Structures with fewer than two rigid walls, such as carports, gazebos, and picnic pavilions, may be located at an elevation below the Regulatory Flood Protection Elevation.
  - (d) Structures with two or more rigid walls, must meet one of the following construction methods:
    - (i) **Wet Floodproofing.** Structures may be floodproofed in a way to accommodate internal flooding. Such structures shall constitute a minimal investment not to exceed 576 square feet in size, one-story in height, and shall only be used for parking and storage. To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention.
    - (ii) **Elevation on Fill.** Structures may be elevated on fill, meeting the standards in § 153.06(B)(1)(a) and § 153.06(C) of this ordinance. Fill is not required to be extended 15 feet beyond the outside limits of the structure for accessory structures.

(iii) *Dry Floodproofing.* Structures may be dry-floodproofed, or watertight, meeting the standards in § 153.06(B)(2)(c) of this ordinance.

(4) Any facilities used by employees or the general public must be designed with a flood warning system acceptable to the City of North Mankato that provides adequate time for evacuation, or be designed to ensure that within the area inundated during the base flood event, the depth (in feet) multiplied by the velocity (in feet per second) is less than four.

(C) *Standards for Interior Ponding Areas.* In addition to the applicable standards detailed in § 153.06(A) through (B), the following criteria apply to activities in the Interior Ponding Areas identified in § 153.03(C)(2).

(1) *Compensatory Storage Requirement.* Any fill placed in the Interior Ponding Areas must be offset with compensatory flood storage volume of equal or greater volume below the BFE. Compensatory storage must occur contiguous with the same impacted Interior Ponding Area. The excavated material removed to create the compensatory storage area must not be deposited elsewhere in the floodplain. Preparation and final grading must be consistent with the applicable flood fringe standards set forth in § 153.06.

(2) Earthwork, grading, or construction in the Interior Ponding Areas cannot inhibit, reroute, or restrict runoff patterns, and must maintain adequate area for runoff to flow to the stormwater system.

**§ 153.07 RESERVED FOR GENERAL FLOODPLAIN DISTRICT**

**§ 153.08 SUBDIVISION STANDARDS**

(A) *Subdivisions.* All subdivided land must meet the following requirements. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.

(1) All lots within floodplain districts must be suitable for a building site outside of the Floodway District.

(2) Subdivision of lands within the floodplain districts may not be approved if the cost of providing governmental services would impose an unreasonable economic burden on the City of North Mankato.

(3) All subdivisions must have vehicular access both to the subdivision and to the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation (RFPE), unless a flood warning/emergency evacuation plan has been approved by the City of North Mankato.

(4) The Floodway and Flood Fringe District boundaries, the Regulatory Flood Protection Elevation (RFPE) and the required elevation of all access roads must be clearly identified on all required subdivision drawings and platting documents.

**§ 153.09 RAILROADS, ROADS, BRIDGES, AND PUBLIC AND PRIVATE UTILITIES AND SERVICE FACILITIES**

(A) *Public Transportation Facilities.* Railroad tracks, roads, and bridges must be elevated to the Regulatory Flood Protection Elevation (RFPE) where such facilities are essential to the orderly functioning of the area, or where failure or interruption would result in danger to public health or safety. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety. All public transportation facilities should be designed to minimize increases in flood elevations.

(B) *Public Utilities.* All utilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be elevated and/or floodproofed to the Regulatory Flood Protection Elevation (RFPE), be located and constructed to minimize or eliminate flood damage, and be designed to eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. All public utilities should be designed to minimize increases in flood elevations. New solid waste management facilities, as defined in Minnesota Rules, part 7035.0300, are prohibited in the one-percent annual chance floodplain. Water supply systems are subject to the provisions in Minnesota Rules, part 4725.4350.

(C) *Private On-site Water Supply, Individual Sewage Treatment Systems, and other Service Facilities.* Private facilities shall be subject to applicable provisions detailed in § 153.09(B). In addition, new or replacement on-site sewage treatment systems are to be located to avoid impairment to them or contamination from them during times of flooding, shall not be located in a designated floodway, and are subject to the provisions in Minnesota Rules, parts 7080.2270.

**§ 153.10 ADMINISTRATION**

(A) **Duties.** A Zoning Administrator or other official must administer and enforce this ordinance.

- (1) **Permit Application Requirements.** Permit applications must be submitted to the Zoning Administrator. The permit application must include the following, as applicable:
  - (a) A site plan showing all existing or proposed buildings, structures, service facilities, potential obstructions, and pertinent design features having an influence on the permit.
  - (b) Location and detail of grading, fill, or storage of materials.
  - (c) Compensatory storage calculations for projects in the Interior Ponding Areas of the Flood Fringe District.
  - (d) Copies of any required local, state or federal permits or approvals.
  - (e) Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.
- (2) **Recordkeeping.** The Zoning Administrator must maintain applicable records in perpetuity documenting:
  - (a) All certifications for dry floodproofing, where applicable.
  - (b) Analysis of no-rise in the Floodway District, as detailed in § 153.05 (B)(1), and encroachment analysis ensuring no more than one-half foot of rise in the General Floodplain District, as detailed in § 153.07.
  - (c) Final elevations, as applicable, detailing the elevation to which structures and improvements to structures are constructed or floodproofed. Elevations shall be determined by an engineer, architect, surveyor or other qualified individual, as approved by the Zoning Administrator.
  - (d) Substantial damage and substantial improvement determinations, as detailed in § 153.11(A)(3), including the cost of improvements, repairs, and market value.
  - (e) All variance actions, including justification for their issuance, and must report such variances as requested by the Federal Emergency Management Agency.
- (3) **Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use.** No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the finished fill and building floor elevations or other flood protection measures are in compliance with the requirements of this ordinance.
- (4) **Notifications for Watercourse Alterations.** Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters in accordance with Minnesota Statutes, section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to FEMA.
- (5) **Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations.** Where physical changes affecting flooding conditions may increase or decrease the water surface elevation of the base flood, the City of North Mankato must notify FEMA of the changes in order to obtain a Letter of Map Revision (LOMR), by submitting a copy of the relevant technical or scientific data as soon as practicable, but no later than six months after the date such supporting information becomes available.

(B) **Variances.**

- (1) **Variance Applications.** An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with Minnesota Statutes, section 462.357, Subd. 6(2) and this ordinance.
- (2) **Adherence to State Floodplain Management Standards.** Variances must be consistent with the general purpose of these standards and the intent of applicable provisions in state and federal law. Though variances may be used to modify permissible methods of flood protection, no variance shall permit a lesser degree of flood protection than the Regulatory Flood Protection Elevation (RFPE).
- (3) **Additional Variance Criteria.** The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:
  - (a) Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

- (b) Variances may only be issued by a community upon:
  - (i) A showing of good and sufficient cause;
  - (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
  - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (4) Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (5) *Flood Insurance Notice.* The Zoning Administrator must notify the applicant for a variance in writing that:
  - (a) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
  - (b) Such construction below the base flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.
- (6) *Considerations for Approval.* The community may consider the following factors in granting variances and imposing conditions on variances in floodplain districts:
  - (a) The potential danger to life and property due to increased flood heights or velocities caused by encroachments.
  - (b) The danger that materials may be swept onto other lands or downstream to the injury of others.
  - (c) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (7) *Conditions of Approval.* The City of North Mankato may attach such conditions to the granting of variances as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:
  - (a) Limitations on period of use, occupancy, and operation.
  - (b) Imposition of operational controls, sureties, and deed restrictions.
  - (c) The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
  - (d) Other conditions as deemed appropriate by the Zoning Administrator, Planning Commission and City Council.
- (C) *Notifications to the Department of Natural Resources.*
  - (1) All notices of public hearings to consider variances under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist at least ten (10) days before the hearings. Notices of hearings to consider subdivisions/plats must include copies of the subdivision/plat.
  - (2) A copy of all decisions granting variances under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist within ten (10) days of final action.

#### § 153.11

#### NONCONFORMITIES

- (A) *Continuance of Nonconformities.* A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance, but which is not in conformity with the provisions of this ordinance, may be continued subject to the following conditions:
  - (1) Within the floodway and general floodplain districts, expansion or enlargement of uses or structures is prohibited.
  - (2) Within all districts, any addition, modification, rehabilitation, repair, or alteration shall be in conformance with the provisions of this ordinance, shall not increase the flood damage potential or increase the degree of obstruction to flood flows, and where applicable, must be protected to the Regulatory Flood Protection Elevation (RFPE).

- (3) If any nonconforming structure is determined to be substantially damaged or substantially improved based on the procedures in § 153.11(A)(2), it may not be reconstructed except in conformity with the provisions of this ordinance. Existing structures within the regulatory floodplain, but outside of the one-percent annual chance floodplain, are exempt from this provision.
  - (4) If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance.
- (B) **Substantial Improvement and Substantial Damage Determinations.** Prior to issuing any permits for additions, modifications, rehabilitations, repairs, alterations, or maintenance to nonconforming structures, the Zoning Administrator is required to determine if such work constitutes substantial improvement or repair of a substantially damaged structure. A determination must be made in accordance with the following procedures:
- (1) **Estimate the market value of the structure.** In cases where the property has sustained damage, the market value of the structure shall be the market value before the damage occurred and before any restoration or repairs are made.
  - (2) **Estimate the cost of the project.** The property owner shall accommodate for inspection, and furnish other documentation needed by the zoning administrator to evaluate costs.
    - (a) Improvement costs shall be comprised of the market rate of all materials and labor, as well as the costs of all ordinary maintenance and upkeep carried out over the past one year.
    - (b) Costs to restore damages shall be comprised of the market rate of all materials and labor required to restore a building to its pre-damaged condition regardless of the work proposed, as well as associated improvement costs if structure is being restored beyond its pre-damaged condition.
  - (3) Compare the cost of the project and/or repairs to the estimated market value of the structure, and determine whether the proposed work constitutes substantial improvement or repair of a substantially damaged structure, as defined in § 153.02 of this ordinance.
  - (4) Based on this determination, the zoning administrator shall prepare a determination letter and notify the property owner accordingly. Structures determined to be substantially damaged or substantially improved may not be reconstructed except in conformity with the provisions of this ordinance.

#### **§ 153.12 VIOLATIONS AND PENALTIES**

- (A) **Uses in Violation of the Ordinance.** Every structure, fill, deposit, or other use placed or maintained in the floodplain in violation of this ordinance shall be considered a public nuisance.
- (B) **Civil Remedies.** The creation of a public nuisance may be enjoined and the maintenance of a public nuisance under this ordinance may be abated by an action brought by the City of North Mankato or the Department of Natural Resources.
- (C) **Enforcement.** Violations of the provisions of this ordinance constitutes a misdemeanor and is punishable as defined by law. The Zoning Administrator may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance. The City of North Mankato must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

#### **§ 153.13 AMENDMENTS**

- (A) **Ordinance Amendments.** Any revisions to the floodplain maps by the Federal Emergency Management Agency or annexations of new map panels require an ordinance amendment to update the map references in § 153.03. of this ordinance.
- (B) **Required Approval.** All amendments to this ordinance must be submitted to the Department of Natural Resources for review and approval prior to adoption, for compliance with state and federal rules and requirements. The floodplain ordinance shall not be considered valid until approved.

Section 2. After adoption, signing and attestation, a summary of this Ordinance shall be published once in the official newspaper of the City of North Mankato and shall be in effect on or after the date following such publication

Adopted by the North Mankato City Council this 6<sup>th</sup> day of September 2022.

  
\_\_\_\_\_  
Mayor

Attest:   
\_\_\_\_\_  
City Clerk



**ORDINANCE NO. 152 FOURTH SERIES  
CITY OF NORTH MANKATO  
NICOLLET, COUNTY MINNESOTA**

**AN ORDINANCE REGULATING THE SALES, TESTING, MANUFACTURING,  
AND POSSESSION OF PRODUCTS CONTAINING THC,  
CANNABIS OR CANNABINOIDS**

**WHEREAS**, the City Council of the City of North Mankato is the official governing body of the City of North Mankato, Minnesota ("the City"); and

**WHEREAS**, the City Council, at its regular meeting on September 19, 2022, enacted ordinance number 152, amending the city code to include regulation of the sales, testing, manufacturing, and possession of products containing THC, Cannabis, or Cannabinoids.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA**, does ordain that the City Code is modified to include:

TITLE XI: BUSINESS REGULATIONS, CHAPTER 113 SALES, TESTING,  
MANUFACTURING, AND POSSESSION OF PRODUCTS CONTAINING THC,  
CANNABIS, OR CANNABINOIDS

**Sale of Cannabinoid Products**

**SECTION 113.01 Definitions.** The following words, terms, and phrases, when used in this section, except where the context clearly indicates a different meaning:

***Certified Hemp.*** Means hemp plants that have been tested and found to meet the requirements of Minnesota Statute Chapter 18K.

***Child Resistant Packaging.*** Packaging that meets the definition set forth in C.F.R., Title 16 Section 1700.15 (b), as in effect on January 1, 2022, and was tested in accordance with the method described in C.F.R., Title 16, Section 1700.20.

***Compliance Checks.*** The system the city uses to investigate and ensure that those authorized to sell a licensed product are following and complying with the chapter. Compliance checks may involve the use of persons under the age of twenty-one (21) as authorized by this chapter. Compliance checks shall also mean the use of persons under the age of twenty-one (21) who attempt to purchase licensed products for educational, research, and training purposes as authorized by state and federal laws. Other government units may also

conduct compliance checks to enforce appropriate federal, state, or local laws and regulations relating to the licensed products.

***Edible Cannabinoid product.*** Means any product that is intended to be eaten or consumed as a food or beverage by humans and contains a cannabinoid in combination with food ingredients and are not drugs.

***Moveable Place of Business.*** Any form of business operated out of a kiosk, truck, van, automobile, or other type of vehicle or transportable shelter and not a fixed address storefront or other permanent type of structure authorized for sales transactions.

***Nonintoxicating cannabinoid.*** Means a substance extracted from certified hemp plants that do not produce intoxicating effects when consumed by any route of administration.

***Retail Establishment.*** Any place of business where licensed products are available for sale to the general public.

**SECTION 113.02 License Required.** It is unlawful for any person, directly or indirectly, to keep for retail sale, sell at retail, or otherwise dispose of any cannabinoid product in any form unless a license is obtained from the City.

- (1) ***Application.*** An application for a license shall be made on a form provided by the city. The application shall contain the full name of the applicant, the applicant's business and residential addresses, the applicant's phone number, the name of the business for which the license is sought, and any additional information the city may find necessary. Upon receipt of the completed application, the City Clerk shall forward the application to the City Council for action at its next regularly scheduled City Council meeting. If the Clerk determines that the application is incomplete, he or she shall return the application to the applicant with notice of the information necessary to make the application complete.
- (2) ***Action.*** The City Council may either approve or deny the license or delay action for a reasonable period of time as necessary to complete any investigation of the application or the applicant deemed necessary. If the City Council approves the license, the City Clerk shall issue the license to the applicant. If the City Council denies the license, a notice of the denial shall be given to the applicant along with notice of the applicant's right to appeal the council's decision.
- (3) ***Term.*** All licenses shall expire on December 31 of each year.
- (4) ***Revocation and Suspension.*** Any license issued may be revoked or suspended as provided for in this ordinance.
- (5) ***Transfers.*** All licenses issued shall be valid only for the premises and party for which the license has been issued. No transfer of any license to another location or person shall be valid.

- (6) *Display.* All licenses shall be posted and displayed in plain view of the general public on the licensed premises.
- (7) *Renewals.* The renewal of a license issued under this section shall be handled in the same manner as the original application. The request for renewal shall be made at least 30 days but not more than 60 days prior to the current license expiration.
- (8) *Issuance is a privilege and not a right.* The issuance of a license under this section shall be considered a privilege and not an absolute right of the applicant and shall not entitle the holder to an automatic renewal of the license.
- (9) All licensed premises shall be open to inspection by any police officer as a condition of receiving a license and must consent to such inspection without a warrant. If a license holder refuses to allow an inspection, the license shall be suspended immediately and may be revoked by the City Council at their next meeting.

**SECTION 113.03** *Limits on License.* The license only allows for the sale or disposing of edible and nonintoxicating cannabinoid products that have been made legal in the State of Minnesota under the provision of Minnesota State Statutes.

**SECTION 113.04** *Restrictions.*

- (1) No cannabinoid product may be sold from a dispensing machine.
- (2) No cannabinoid product may be sold by law online, through a delivery service, transient sales, or any movable place of business.
- (3) All cannabinoid products must be sold in child-resistant packaging.
- (4) A license may not be issued to any establishment that has an on-sale or an off-sale intoxicating liquor license
- (5) It is unlawful for any person to sell or give away any cannabinoid in any form to anyone under age 21. Licensees shall verify by means of a government-issued photographic identification that the person is over the age of twenty-one (21).
- (6) Any product placed for sale must conform to the labeling requirements under Minnesota Statute 151.72 Sub 5.

**SECTION 113.05** *Limits on the Number of Licenses.* The City Council shall issue no more than ten (10) licenses as required under this ordinance at any given time.

**SECTION 113.06** *Other illegal acts.* Unless otherwise provided, the following acts shall be a violation of this chapter:

(1) *Illegal Sales.* It shall be a violation of this chapter for any person to sell or otherwise provide any licensed product to a person who has not reached the age of twenty-one (21).

(2) *Illegal possession.* It shall be a violation of this chapter for any person under the age of twenty-one to possess any licensed product. This shall not apply to persons under the age of twenty-one lawfully involved in a compliance check.

(3) *Illegal use.* It shall be a violation of this chapter for any person under the age of 21 to consume or otherwise use any licensed product.

(4) *Illegal procurement.* It shall be a violation of this chapter for any person under the age of twenty-one (21) to purchase or attempt to purchase, obtain or attempt to obtain any licensed product. It shall be a violation of this chapter for any person to purchase or otherwise obtain those items on behalf of a person under the age of twenty-one (21). This shall not apply to a person under the age of twenty-one (21) who is involved in a compliance check

(5) Violation is a misdemeanor. A person who violates a provision of this subdivision when they perform an act thereby prohibited and, upon conviction thereof, shall be punished as a misdemeanor.

**SECTION 113.07 Fees.** No license shall be issued under this chapter until the appropriate license fee has been paid in full. Fee for any license under this chapter shall be established by the City's resolution establishing fees and charges, as it may be amended from time to time.

**SECTION 113.08 Violations and penalties.** Per administrative penalties, any licensee found to have violated this chapter or whose employee shall have violated this chapter shall be charged an administrative fine of \$300.00 for the first violation of this chapter; \$600.00 for a second offense on the same licensed premises within a twenty-four (24) month period; and \$1,000.00 for a third or subsequent offense at the same located within a twenty-four (24) month period. In addition, after the third or any subsequent violation, the license shall be suspended for not less than seven consecutive days.

**SUMMARY PUBLICATION** Pursuant to Minnesota Statutes Section 412.191, in case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council to be published in lieu of publishing the entire ordinance:

On September 19, 2022 at its regular meeting, the North Mankato City Council enacted Ordinance No 152. The following is a summary of the ordinance. The full text is available for public inspection by any person during regular office hours at City Hall.

The ordinance regulates the sale, testing, manufacture, and possession of products containing THC, Cannabis, or Cannabinoids. The ordinance requires that any person who directly or indirectly seeks to sell or otherwise dispose of any cannabinoid product have a license issued by the City. The ordinance limits the number of licenses that may be issued to five (5). The ordinance restricts the manner in which these products may be sold. The ordinance restricts sales and possession of these products to persons who are over the age of twenty-one. The ordinance further establishes penalties for the violation of the ordinance.

**Effective date.** This section becomes effective on the date of its publication or upon the publication of the summary of the Ordinance 152, Fourth Series as provided by

M.S. Section 412-191 Sub 4 as may be amended from time to time, which meets the requirements of M.S. Section 331A.01 Sub 10 as it may be amended from time to time.

Adopted by the North Mankato City Council

This 3<sup>rd</sup> of Oct., 2022  
(Day) (Month) (Year)

Attest: [Signature], Mayor  
(Name of Elected Official)

Attest: [Signature], City Clerk



ORDINANCE NO. 153, FOURTH SERIES

AN ORDINANCE OF THE CITY OF NORTH MANKATO, MINNESOTA, AMENDING NORTH MANKATO CITY CODE, CHAPTER 54: STORMWATER, CHAPTER 92: HEALTH AND SAFETY; NUISANCES, CHAPTER 155 SUBDIVISION REGULATIONS, AND CHAPTER 156: ZONING CODE.

THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA ORDAINS:

Section 1. All portions of the City of North Mankato Code will be revised as outlined in Exhibit A attached; and

Section 2. This ordinance amending the Code of Ordinances shall be a sufficient publication of any ordinance included in it and not previously published in the City's official newspaper. The official copy of this amended code of Ordinances shall be marked and kept in the Office of the City Clerk.

Section 3. The Code of Ordinances is declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by Minnesota Statutes by the Courts of the State of Minnesota.

Section 4. This ordinance shall take effect upon publication of this ordinance in the City's official newspaper.

Adopted by the City Council of the City of North Mankato this 3<sup>rd</sup> day of October 2022.

A handwritten signature in black ink, appearing to be "D. M. L.", written over a horizontal line.

Mayor

A handwritten signature in blue ink, appearing to be "A. M.", written over a horizontal line.

City Clerk

NORTH MANKATO, MINNESOTA  
CODE OF ORDINANCES  
TITLE V: PUBLIC WORKS  
CHAPTER 54: STORMWATER

§ 54.05 PURPOSE, SCOPE AND DEFINITIONS.

(A) Purpose. The purpose of this chapter is to establish standards and requirements for conservation practices and planning activities designed to control or reduce point and non-point source stormwater pollution, soil erosion, sedimentation, and illicit discharges that may occur within the city.

(B) Scope. Any person, business entity, state agency, or political subdivision proposing a land disturbance activity impacting 1.0 acre or more of land within the city shall apply to the city for the approval of the Stormwater Pollution Prevention Plan (SWPPP). No land shall be disturbed until the plan is approved by the city and conforms to the standards set forth herein. This chapter also develops regulations to manage illicit stormwater discharge within the city.

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NORTH MANKATO, MINNESOTA  
CODE OF ORDINANCES  
TITLE V: PUBLIC WORKS  
CHAPTER 54: STORMWATER

§ 54.06 EROSION PREVENTION AND SEDIMENT CONTROL PLAN.

All plans shall be consistent with National Pollution Discharge Elimination Permit (NPDES) requirements, and the filing or approval requirements of relevant watershed districts, watershed management organizations, ditch authorities, soil and water conservation districts, or other regulatory bodies.

(A) Required. Every applicant for a building permit, excavation permit, plumbing permit or subdivision approval that involves any land disturbing activities within the city shall submit an erosion prevention and sediment control plan to the city. No land shall be disturbed until the plan is approved by the city and conforms to the standards set forth herein.

(B) General criteria for Erosion and Sediment Control Plans for sites less than 1.0 acres. shall be designed to avoid erosion on the site and to capture sediment before it leaves the site. 1. All off-site tracking shall be removed by the end of the business day unless otherwise authorized by the City.

(C) All SWPPPs for sites 1.0 acres or larger shall meet or exceed the requirements of the MN General Permit to Discharge Stormwater Associated with Construction Activity No. MN R100001 in place at the time of submittal as modified below:

(1) All grading plans and building site surveys must be reviewed by the City for the effectiveness of erosion control measures in the context of site topography and drainage.

(2) Easements. If a stormwater management plan involves directing some or all of the site's runoff, the Applicant or his designated representative shall obtain from adjacent property owners any necessary easements or other property interests concerning the flowing of such water.

An Erosion and Sediment Control Plan shall be required for any land disturbing activity and shall meet the following criteria:

- ~~— (1) Implement best management practices.~~
- ~~— (2) Protect storm sewers from sediment.~~
- ~~— (3) Prevent sediment damage to adjacent properties and other designated areas.~~
- ~~— (4) Protect paved roads from vehicle tracking.~~
- ~~— (5) Engineer the construction of steep slopes.~~
- ~~— (6) Stabilize all exposed soils and soil stockpiles.~~
- ~~— (7) Stabilize all waterways and outlets.~~
- ~~— (8) When working in or crossing water bodies, take precautions to contain sediment.~~
- ~~— (9) Maintain all temporary and permanent erosion and sediment control practices.~~
- ~~— (10) Establish permanent vegetation.~~
- ~~— (11) Dispose of temporary erosion and sediment control measures following final stabilization.~~
- ~~— (C) Contents of plan. The erosion and sediment control plan shall include the following:~~
  - ~~— (1) Project description. The nature and purpose of the land disturbing activity.~~
  - ~~— (2) Project schedule. A projected timeline for completion of all site activities.~~

NORTH MANKATO, MINNESOTA  
CODE OF ORDINANCES  
TITLE V: PUBLIC WORKS  
CHAPTER 54: STORMWATER

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NORTH MANKATO, MINNESOTA  
CODE OF ORDINANCES  
TITLE V: PUBLIC WORKS  
CHAPTER 54: STORMWATER

§ 54.06 EROSION PREVENTION AND SEDIMENT CONTROL PLAN.

All plans shall be consistent with National Pollution Discharge Elimination Permit (NPDES) requirements, and the filing or approval requirements of relevant watershed districts, watershed management organizations, ditch authorities, soil and water conservation districts, or other regulatory bodies.

(A) Required. Every applicant for a building permit, excavation permit, plumbing permit or subdivision approval that involves any land disturbing activities within the city shall submit an erosion prevention and sediment control plan to the city. No land shall be disturbed until the plan is approved by the city and conforms to the standards set forth herein.

(B) General criteria for Erosion and Sediment Control Plans for sites less than 1.0 acres. shall be designed to avoid erosion on the site and to capture sediment before it leaves the site. 1. All off-site tracking shall be removed by the end of the business day unless otherwise authorized by the City.

(C) All SWPPPs for sites 1.0 acres or larger shall meet or exceed the requirements of the MN General Permit to Discharge Stormwater Associated with Construction Activity No. MN R100001 in place at the time of submittal as modified below:

(1) All grading plans and building site surveys must be reviewed by the City for the effectiveness of erosion control measures in the context of site topography and drainage.

(2) Easements. If a stormwater management plan involves directing some or all of the site's runoff, the Applicant or his designated representative shall obtain from adjacent property owners any necessary easements or other property interests concerning the flowing of such water.

~~An Erosion and Sediment Control Plan shall be required for any land disturbing activity and shall meet the following criteria:~~

- ~~— (1) Implement best management practices.~~
- ~~— (2) Protect storm sewers from sediment.~~
- ~~— (3) Prevent sediment damage to adjacent properties and other designated areas.~~
- ~~— (4) Protect paved roads from vehicle tracking.~~
- ~~— (5) Engineer the construction of steep slopes.~~
- ~~— (6) Stabilize all exposed soils and soil stockpiles.~~
- ~~— (7) Stabilize all waterways and outlets.~~
- ~~— (8) When working in or crossing water bodies, take precautions to contain sediment.~~
- ~~— (9) Maintain all temporary and permanent erosion and sediment control practices.~~
- ~~— (10) Establish permanent vegetation.~~
- ~~— (11) Dispose of temporary erosion and sediment control measures following final stabilization.~~
- ~~— (C) Contents of plan. The erosion and sediment control plan shall include the following:~~
  - ~~— (1) Project description. The nature and purpose of the land disturbing activity.~~
  - ~~— (2) Project schedule. A projected timeline for completion of all site activities.~~



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- ~~— (3) Existing site conditions. Elevations, vegetation, utilities and drainage.~~
- ~~— (4) Adjacent areas. Properties, bodies of water, roads, and the like, which may be affected by the land disturbing activity.~~
- ~~— (5) Erosion and sediment control measures. Methods to be used to control erosion and sedimentation on the site before, during and after the construction process.~~
- ~~— (6) Maintenance. Schedule of regular inspections and repair of erosion and sediment control structures.~~
- ~~— (7) Permanent stabilization. How the site will be stabilized after construction is completed.~~
- ~~— (8) Dewatering. The plan must include provisions for dewatering. Water may not be discharged in a manner that causes erosion or flooding of the site or of receiving channels or a wetland. Water pumped from the site shall be treated by 1 of the following processes: temporary sedimentation basins, grit chambers, sand filters, up flow chambers, hydrocyclones, swirl concentrators, or other controls as approved by the Director of Public Works or his/her designee.~~
- ~~— (9) Temporary sedimentation basins. Temporary sedimentation basins shall be installed when required by the version of the Minnesota Pollution Control Agency's NPDES Construction Permit Requirements in place at the time of application. All temporary and permanent basins shall be designed in accordance with the MN Stormwater Manual.~~

(D) NPDES Construction Site Permit. Any construction activity that disturbs 1 or more acres is required to obtain a separate NPDES Construction Site Permit from the Minnesota Pollution Control Agency (MPCA). A copy of this permit and erosion and sediment control plan shall be submitted to the city.

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§ 54.07 REVIEW OF PLAN.

(A) Site plans for new development and redevelopment of any kind will be assessed for stormwater quantity control and stormwater quality management. No permits shall be issued until a site plan meeting the requirements of this section has been submitted by the applicant.

(B) The applicant shall submit information adequate for the city to evaluate if the plans meet the requirements of the section.

(C) The city shall complete a review of the erosion and sediment control plan within 14 calendar days of receiving the plan from the developer.

(1) Permit required. If it determines that the plan meets the requirements of this chapter, the city shall issue the appropriate permit valid for a specified period of time that authorizes the land disturbance activity contingent on the implementation and completion of the plan.

(2) Denial. If it determines that the plan does not meet the requirements of this chapter, the city shall not issue a permit for the land disturbance activity.

(D) City inspections and enforcement. The city shall conduct inspections on a regular basis to ensure that the plan is properly installed and maintained. In all cases, the inspectors will attempt to work with the developer to maintain proper erosion and sediment control at all sites. In cases where cooperation is withheld, enforcement action(s) shall be taken by the city until erosion and sediment control measures meet the requirements of this chapter. An inspection may be needed before work can commence. Inspections are required as follows:

(1) Before any land disturbing activity begins.

(2) As necessary or required during construction.

(3) At the completion of the project.

(E) The city reserves the right to conduct other random inspections during the course of the project to ensure compliance with the plan.

(F) Inspections and maintenance of temporary and permanent BMPs shall be performed by the Applicant during construction.

(G) Inspections and maintenance shall meet or exceed the criteria listed in the MN General Permit to Discharge Stormwater Associated with Construction Activity No. MN R100001 except as modified below:

(1) All off-site tracking shall be removed by the end of the business day unless otherwise authorized by the City.

(2) The Application shall provide site access during construction to the City for compliance inspections and shall make Applicant's records of maintenance and inspections available to the City upon request.

(a) The City shall notify the Applicant of deficiencies identified during City inspections.

(b) The Applicant shall correct deficiencies identified by the City within the timeframe requested by the City.

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~~(c) Where cooperation is withheld, construction stop orders may be issued by the City, until all erosion and sediment control deficiencies are corrected to the satisfaction of the City.~~

~~Owner inspections. Unless otherwise authorized by the city, all construction sites shall be inspected by the owner or the owner's representative at least once per 7 calendar days and within 24 hours after a rainfall event greater than 0.5 inches in a 24-hour period.~~

~~— (1) Records of each inspection shall be kept at the project site. The records shall clearly show the following information:~~

~~— (a) Date and time of inspection;~~

~~— (b) Date and amount of any rainfall greater than 0.5 inches in a 24-hour period;~~

~~— (c) Name of inspector;~~

~~— (d) Findings of the inspection; and~~

~~— (e) Documentation of corrective actions required and the actions taken.~~

~~— (2) The owner shall make these records available to the city upon request.~~

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§ 54.09 PERMANENT STORMWATER BMPs.

(A) The applicant shall install or construct, on or for the proposed land disturbing or development activity, all stormwater management facilities necessary to manage:

(1) Storm peak discharge rates to pre-project rates for the 2.0-yr, 10-yr, and 100-yr 24-hour storm events.

(2) Sites that disturb less than 1.0 acres shall be designed to control runoff rate so as to not cause downstream flooding or erosion.

(3) Sites that disturb 1.0 acre or more shall provide permanent BMPs, with highest preference given to Green Infrastructure techniques and practices necessary to meet the following conditions on the site of construction activity to the Maximum Extent Practicable.

(a) Stormwater release rates and volume from the site on an annual average basis shall not increase over the predevelopment twenty-four (24) hour two (2) year, ten (10) year and one hundred (100) year peak storm discharges rates, based on the last ten (10) years of how that land was used. Also accelerated channel erosion must not occur as a result of the proposed activity.

(b) Permanent best management practices for sites where the sum of new and reconstructed impervious surface is 1.0 or more acres shall be designed to meet the requirements for Post-Construction Stormwater Management as described in the MN Small Municipal Separate Storm Sewer Systems General Permit No. MNR040000 in place at the time of submittal.

(c) Applicants shall provide documentation showing rate, volume, and water quality compliance. Calculations shall be by a methodology listed in the MPCA Stormwater Manual or other method approved by the City.

(B) Oil and grease control. Where the potential for pollution by oil, grease, or both, exists, the City may require installation of an oil and grease removal device designed to handle the volume and type of material anticipated.

~~— (2) Volume, Total Suspended Solids (TSS), Total Phosphorus (TP) such that there is no net increase from pre-project conditions on an annual average basis for new developments and such that there is a net reduction from pre-project conditions on an annual average basis for redevelopment projects.~~

~~— (a) For projects where site constraints limit the ability to provide the required control practices within the project boundary; the project shall provide for downstream improvements for that portion that cannot be treated within project boundaries. Such projects may include:~~

~~—— 1. Linear projects where reasonable effort has been made to obtain sufficient right-of-way to install required control practices and said efforts have been unsuccessful;~~

~~—— 2. Sites where infiltration is prohibited; or~~

~~—— 3. Other locations as determined by the Director of Public Works or his/her designee.~~



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~~—(B) Investigation of practices. The following stormwater management practices shall be investigated in developing a Stormwater Management Plan in the following descending order of preference:~~

~~—(1) Infiltration of runoff on site, if suitable soil conditions are available for use except that infiltration shall be prohibited where:~~

~~—(a) Industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by the MPCA.~~

~~—(b) Vehicle fueling and maintenance occur.~~

~~—(c) Less than 3 feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock can be achieved.~~

~~—(d) High levels of contaminants in soil or groundwater will be mobilized by the infiltrating stormwater.~~

~~—(e) Soil infiltration rates are more than 8.3 inches per hour.~~

~~—(f) Soils are predominately Hydrologic Soil Group D (clay), except where soil amendment will allow for appropriate infiltration.~~

~~—(2) Flow attenuation by use of open vegetated swales and natural depressions;~~

~~—(3) Stormwater retention facilities; and~~

~~—(4) Stormwater detention facilities.~~

~~—(C) Projects must include creation of new or retrofit existing structural stormwater Best Management Practices or utilize properly designed regional structural stormwater Best Management Practices. Routine maintenance of existing structural stormwater Best Management Practices does not meet the requirement to provide stormwater management under division (D). Projects that have made reasonable effort but been unable to fully meet volume, TSS and TP requirements within the project limits may upon authorization by the Director of Public Works or his/her designee utilize the following methods to meet that portion not met onsite:~~

~~—(1) Provide treatment that yields the same benefits in an offsite location to the same receiving water that receives runoff from the project site. If this is not feasible then;~~

~~—(2) Provide treatment that yields the same benefits in an offsite location within the same Minnesota Department of Natural Resources catchment area as the project site, if this is not feasible then;~~

~~—(3) Provide treatment that yields the same benefits in an offsite location within an adjacent Minnesota Department of Natural Resources catchment area up-stream of the project site. If this is not feasible then;~~

~~—(4) Provide treatment that yields the same benefits at a site approved by the city.~~

~~—(D) Applicants shall provide documentation showing compliance with divisions (A), (B), and (C) above. Acceptable options shall be:~~

~~—(1) For Rate and Volume:~~

~~—(a) Select from the Modeling Tool Section of the MPCA Stormwater Manual; or~~

~~—(b) Other method approved by the Director of Public Works or his/her designee.~~



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~~—(2) For TSS and TP:~~

~~—(a) Minimal Impact Design Standards (MIDS) Calculator available on the MPCA website; or~~

~~—(b) Other method approved by the Director of Public Works or his/her designee.~~

(CE) Performance security. Prior to approval of permits for construction, the applicant may be required to submit an agreement to construct such required physical improvements, to dedicate property or easements, to provide performance security (letter of credit or performance bond), and to comply with such conditions as may have been agreed to.

(DE) Failure to complete. If the applicant fails to complete the required stormwater improvements within 24-months of beginning construction of the project they are intended to mitigate, the city may make provisions to complete the required stormwater improvements or to provide equivalent downstream treatment. The city shall use any performance security held for the work or may utilize special assessments as provided in M.S. § 429 to reimburse itself for costs associated with this work.

(EG) Where the City Council authorizes the construction of private stormwater management facilities, the applicant shall designate the responsible party for inspection and maintenance of all private stormwater management facilities in an agreement to be recorded against the properties being developed. In addition, the agreement shall provide for:

(1) Description of anticipated maintenance activities and frequency.

(2) Access in perpetuity for inspection of the facilities by the Director of Public Works or his/her designee.

(3) Access in perpetuity for maintenance of the facilities should the Director of Public Works or his/her designee find that stormwater facility maintenance is required and upon written notice the property owners fail to take corrective action with the cost of such maintenance to be paid by the property owner.

(4) If the expense is not paid, the expense will be made a special assessment against the property concerned in accordance with M.S. § 429.061 and other pertinent statutes for certification to the County Auditor and collection along with the current taxes the following year or in annual installments, as the City Council may determine in each case.

(H) Removal or alteration of Structural Stormwater Best Management Practices. Structural Stormwater Best Management Practices installed to fulfill the requirements of this chapter shall be maintained in compliance with the approved maintenance plan. Where no plan is in place they shall be maintained in compliance with accepted Industry Standard and Minnesota Pollution Control Agency recommendations. No Structural Stormwater Best Management Practices shall be removed or altered in such a way to decrease structural Stormwater Best Management Practices effectiveness without:

(1) Authorization of the Director of Public Works or his/her designee; and

(2) Providing new or improved Structural Stormwater Best Management Practices providing or exceeding that amount lost due to the alteration or removal.

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TITLE IX: GENERAL REGULATIONS

CHAPTER 92: HEALTH AND SAFETY; NUISANCES

§ 92.19 NUISANCE PARKING AND STORAGE.

(A) Declaration of nuisance. The outside parking and storage on residentially-zoned property or public rights-of-way of large numbers of vehicles, trailers, materials, supplies or equipment not customarily used for residential purposes in violation of the requirements set forth below is declared to be a public nuisance because it (a) obstructs views on streets and private property, (b) creates cluttered and otherwise unsightly areas, (c) prevents the full use of residential streets for residential parking, (d) introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited, (e) decreases adjoining landowners' and occupants' enjoyment of their property and neighborhood, and (f) otherwise adversely affects property values and neighborhood patterns.

(B) Unlawful parking and storage.

(1) A person must not place, store, or allow the placement or storage of ice fish houses, skateboard ramps, playhouses or other similar non-permanent structures outside continuously for longer than 24 hours in the front-yard area of residential property unless more than 100 feet back from the front property line.

(2) A person must not place, store, or allow the placement or storage of pipe, lumber, forms, steel, machinery, or similar materials, including all materials used in connection with a business, outside on residential property.

(3) A person must not cause, undertake, permit or allow the outside parking and storage of vehicles on residential property unless it complies with the following requirements:

(a) Vehicles that are parked or stored outside in the front-yard area must be on a paved driveway area.

(b) Vehicles, watercraft and other articles stored outside on residential property must be owned by a person who resides on that property. Students who are away at school for periods of time but still claim the property as their legal residence will be considered residents on the property.

(4) A person must not place, store or allow the placement of any garbage dumpster, portable storage unit or similar non-permanent structure on any residential property, including driveways, for longer than 10 consecutive days, except for dumpsters on private property where a valid building permit has been issued. These types of non-permanent structures are not permitted on any street or public right-of-way.

(C) Salt Storage.

(1) Commercial, institutional, and non-NPDES permitted industrial facilities storing salt and salt-containing materials outdoors must meet minimum standards for storage and handling.

(a) Designated salt storage areas must be covered or indoors;

(b) Located outside of areas likely to flood or to be exposed to stormwater or snowmelt runoff;

(c) Located on an impervious surface; and

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\_\_\_\_\_ (d) Protection practices to reduce exposure when transferring material in designated salt storage areas such as but not limited to sweeping, diversions, and/or containment must be implemented.

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TITLE XV: LAND USAGE

CHAPTER 155: SUBDIVISION REGULATIONS

§ 155.49 STORMWATER DESIGN CRITERIA.

(A) Stormwater modeling shall be in accordance with United States Soil Conservation Service (SCS) Technical Release 55 or 20, i.e. TR-55 or TR-20.

(B) Permanent best management practices for sites where the sum of new and reconstructed impervious surface is 1.0 or more acres shall be designed to meet the requirements for Post-Construction Stormwater Management as described in the MN Small Municipal Separate Storm Sewer Systems General Permit No. MNR040000 in place at the time of submittal. Stormwater detention basins shall be designed to store sufficient excess runoff from the proposed development. Composite post-developed site runoff must be equal to or less than the composite pre-developed site runoff for the 5 and 100 year rainfall events. The SCS 24-hour, 5 year and 100 year rainfall events are 3.7 inches and 6.1 inches, respectively.

(C) Post-developed design site conditions, requiring diversion of stormwater from an existing inlet point to another inlet point on a different outfall sewer, shall meet the following: post-developed flow draining to an existing stormwater inlet point shall be equal to or less than the undisturbed pre-developed flow draining to that point.

(D) The following information shall be submitted to the city for review by the City Engineer:

- (1) SCS curve numbers for the pre-developed and post-developed site conditions;
- (2) Soil type(s) used in calculations;
- (3) Size, elevation and location of proposed stormwater system outfall(s);
- (4) Size, elevation, location and detail of proposed pond outlet structure;
- (5) Map or plan showing the pre-developed and post-developed design drainage districts;
- (6) Pond grading plan showing the proposed contour elevations and location of the pond's emergency overflow spillway; and
- (7) All drainage hydrographs, pond routing and peak elevation/outfall calculations.

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CHAPTER 156: ZONING CODE

§ 156.035 GENERALLY.

The regulations of this chapter within each district shall be minimum regulations and shall apply uniformly within each district, except as may be permitted or provided by this chapter.

(A) District conformance. No building, structure or land shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

(B) Alterations. No building or other structure shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or allowed to be erected or altered in any other manner contrary to the provisions of this chapter.

(C) Requirement computations. No part of a yard or other open space, or off-street parking required for or in connection with any building for the purpose of complying with this chapter, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building except as may be permitted by this chapter. Regulations requiring the use of numerical computations shall utilize the method provided by this chapter. Where no method has been provided by this chapter, it shall be the duty of the Zoning Administrator to determine appropriate uniform means of computation. In the event fractional sums, differences, products or quotients are determined in the application of this chapter, these values shall be "rounded off" to the applicable unit of measurement.

(D) Yard or lot reductions.

(1) No yard or lot existing at the time of the passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein except detached dwellings located on lots contained in plats recorded prior to the year 1958 which shall not be less than the following:

- (a) Front yards: 20 feet;
- (b) Side yards: 5 feet;
- (c) Rear yards: 20 feet;
- (d) Lot width: 50 feet.

(2) Yards or lots created after the effective date of this chapter shall not be less than the minimum requirements established by this chapter.

(E) Accessory uses. Accessory uses or structures shall not be located in any required front, side, rear or transitional yard except as may be permitted in this section.

(1) The following accessory uses or structures shall be permitted in any required rear or front yard in any residential zoning district, provided a 15 foot rear yard setback and the required front yard setback is maintained:

(a) Decks or elevated platforms, either attached to a dwelling or free standing, with no roof or overhead structure of any type;



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(b) Patios or paved areas that are level, flush or at grade with the ground, with no roof or overhead structure of any type, and are not used for parking purposes.

(2) The following accessory uses or structures shall be permitted in any required rear yard in any zoning district, provided a 5 foot rear yard setback is maintained, and any required side yard in any zoning district, provided a 5 foot side yard is maintained from the furthest point of the building to the respective property line: utility buildings;

(3) The following are minimum rear yard setbacks for swimming pools, including attached deck or apron:

Pool Type	Property Type	Minimum Rear Yard Setbacks
In-ground	Non-ravine	Rear - 10 feet
In-ground	Ravine	Rear - 10 feet with the provision that upon inspection of the ravine by city staff, the setback can be increased to 25 feet
Above-ground	Non-ravine	Rear - 10 feet
Above-ground	Ravine	Rear - 25 feet

(a) The breakline shall be established by the Building or Construction Inspector prior to construction.

(F) Height exceptions. The building height limits established herein for districts shall not apply to belfries, cupolas, domes, spires, monuments, radio towers, flag poles, chimneys, water tanks, towers, solar collectors, wind energy conversion systems and other structures for essential services, nor to similar structures or necessary mechanical appurtenances extending above the roof of any building and not occupying more than 10% of the area of such roof. Building height limit exceptions shall conform to all structural design standards specified by the Minnesota State Building Code, as amended. In no event shall this section be construed to allow the construction or continued maintenance of structures constituting a hazard to the abutting property or the public at large. Where the average slope of lot is greater than 1 foot rise or fall in 7 feet of horizontal distance from the established street elevation at the property line, 1 story in addition to the number permitted in the district in which the lot is situated shall be permitted on the downhill side of any building.

(G) Accessory buildings. If an accessory building is attached to the main building, it shall be made a structural part of the main building and shall comply in all respects with the requirements of this chapter applicable to the main building. An accessory building, unless attached to and made a part of the main building, shall not be closer than 5 feet to the main building or another accessory building. In no event shall an accessory building be permitted on a vacant lot or when not subordinate to and serving the principal use structure on the same lot.

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(1) An accessory building larger than 168 square feet shall be accessible by a hard-surfaced driveway which meets all applicable setback regulations.

(2) Private garages used as accessory structures for one and two-family residential dwellings shall not exceed a combined total of 1,400 square feet of floor space per lot for all structures.

(3) No pole barn type construction is permitted for any residential private garage.

(4) Detached residential garage roofs must have a hipped or gable design. No barn-type roofs are permitted on detached garages.

(H) Earth sheltered buildings.

(1) Where an earth sheltered building substantially alters the natural watershed of the lot, computations for yard area shall be based on measurements from the surrounding cover of earth. In cases where the earth sheltered building has been made part of the natural terrain, computations for yard area shall be made from the exterior surface of the building.

(2) All applications for building permits for earth sheltered buildings shall be accompanied by a drainage plan.

(I) Wind energy conversion systems (WECS).

(1) The location, design, maintenance and removal of WECS shall be governed as follows. WECS shall be considered a conditional use in all zoning districts. All appropriate regulations within each zoning district must be complied with in addition to regulations outlined below;

(2) Applicants requesting a building permit for a WECS shall furnish such scale drawings and information as the city deems necessary. This information may include, but is not limited to the following: a plot plan of the premises involved showing lot lines, the accurate location of all buildings or structures on the premises and on each adjacent plot and the location of proposed tower and all guy wires, poles or anchors, and a sketch elevation of the premises accurately depicting the proposed tower and its relationship to structures on adjacent lots.

(3) The permitted maximum height of a WECS shall be determined in one of two ways:

(a) A ratio of 1 to 1 between the distance from the closest property line to any part of the WECS to the height of the tower;

(b) A maximum of 100 feet in agricultural and industrial districts and 60 feet in residential and commercial districts. The shortest height of the two above-mentioned methods shall be used in determining maximum height. Height shall be measured from the surrounding grade to the rotor hub or top of the tower, whichever is higher.

(4) No part of a WECS shall be located within or above any required front, side or rear setback area.

(5) All WECS shall be designed to meet the following minimum standards:

(a) An automatic braking device capable of halting operation in high winds (40 m.p.h. or greater) shall be incorporated;

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(b) The WECS shall be designed, constructed and operated so as to not cause radio and television interference;

(c) The WECS shall be operated and maintained in a condition which will not cause unreasonable noise emissions;

(d) The WECS shall be placed on the property in a position which will not unreasonably obstruct the view from neighboring properties;

(e) The WECS shall be guarded against unauthorized climbing. The first 12 feet of the tower shall be unclimbable by design or be enclosed by a 6 foot high, nonclimbable fence with a secured access;

(f) The WECS shall be designed and installed to withstand natural lightning strikes;

(g) The WECS electrical equipment and connections shall adhere to all state and local government, as well as power company rules and regulations and standards.

(6) Any WECS which fails to comply with this chapter shall be brought into compliance within 90 days after notice by the city, or be dismantled. Any WECS not in operation for 12 months shall be dismantled.

(7) WECS existing at the date of adoption of this chapter or existing at the time of annexation, shall be brought into compliance within 12 months or be dismantled.

(8) The owner of a WECS which is to be dismantled must accomplish such act within 30 days or the city is empowered to dismantle such WECS and assess the costs against the property.

(9) WECS that are by nature ornamental, rather than functional, shall be exempt from this chapter if total height is less than 25 feet.

(10) The city requires liability insurance to be maintained on the WECS by its owner.

(11) In order to insure adequate wind access, the city does encourage the use of private easements and restrictive covenants as a means to protect wind access.

(J) Minimum structural requirements. The following shall be minimum structural requirements in all residential districts:

(1) All structures used for residential occupancy shall have a minimum width of 24 feet and shall be affixed to a continuous permanent foundation constructed of concrete block, poured concrete or wood.

(2) A private attached or unattached garage having a minimum floor area of 280 square feet shall be required to be built concurrent with each dwelling constructed.

(3) Roof systems must have a 2-12 minimum pitch. Hip, gable, mansard, gambrel or shed roof designs are allowable. Flat roofs are not recommended and will require engineering drawings and snow load certification.

(4) The provisions of this subdivision shall apply to all structures used for residential occupancy except structures controlled by the provisions of Ch. 152.

(5) A residential structure shall have a minimum width of 24 feet at its narrowest point and a minimum depth of 32 feet with a minimum floor area of 800 square feet on the main floor.

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(6) Residential structures shall be placed upon and affixed to a permanent foundation consisting of concrete block, concrete, or treated wood. The foundation shall be solid for the complete circumference of the structure except for necessary doors or windows. The foundation shall align vertically with the outer walls of such structure for its complete circumference and shall, as well, provide such other support for the structure as is required pursuant to the Minnesota State Building Code.

(K) Residential driveways.

(1) The maximum allowable driveway width measured at the front property line on residential property having a width of less than 80 feet shall not exceed 24 feet. The maximum allowable driveway width measured at the front property line on a residential property having a width of 80 feet or more shall not exceed 30 feet. There shall be a minimum of 20 feet of hard surfaced driveway located perpendicular from the face of any garage stall to the street. All driveways shall conform to the required side yard building setbacks for the district it is within.

(2) Circular drives. The maximum allowable driveway width measured at the property line on residential property shall not exceed 14 feet.

(3) For garages with access from the alley there shall be a minimum of 20 feet of hard-surfaced driveway, located perpendicular from the face of any garage stall to the alley or side property line, depending on the position of the garage doors. In no event shall a driveway encroach into a side yard building setback.

(L) Ravine setbacks. For all uses permitted there shall be a setback of no less than 25 feet, measured from the breakline of an adjacent ravine to any permanent structure, including but not limited to: dwellings, garages, decks, and above-ground patios. Gazebos exceeding 144 square feet in size are subject to a 25-foot ravine breakline setback. The breakline shall be established by the Building or Construction Inspector prior to construction. Permitted uses in the 25-foot setback

(M) Cul de sac lot provisions.

(1) Lot width. The minimum lot width measured at the front property line on platted cul de sac lots shall be a minimum of 50 feet.

(2) Driveways. The maximum allowable driveway width measured at the property line on cul de sac lots shall not exceed 24 feet. Beginning at the front property line, the driveway width may be enlarged at an angle not greater than 45 degrees to a point not closer than 10 feet to any side property line.

(N) Carports. Permitted within any zoning district subject to applicable setback regulations within each zoning regulation.

(O) Amateur radio towers. Permitted within any zoning district subject to applicable setback and building height requirements.

(P) Storage or utility sheds. Permitted in any residential zoning district subject to the following:

(1) Maximum floor area shall not exceed 168 square feet.

(2) Minimum setback is 5 feet from any rear or side property line.

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(3) Located a minimum of 5 feet from any main or accessory building.

(4) Shall not be located within any front yard.

(5) Maximum height shall not exceed 14 feet.

(6) Overhangs shall not exceed 2 feet.

(7) Access door shall not exceed 6 feet in width.

(8) No more than 1 storage shed or utility shed is permitted on any lot.

(9) Minimum setback is 5 feet from any ravine breakline.

(Q) Setbacks for accessory buildings. The building setbacks for garages on lots platted prior to 1958 are as follows:

(1) Garage when the vehicle entrance doors face an adjacent alley; 20 foot rear, 5 foot side.

(2) Garage when the vehicle entrance doors face a side property line; 5 foot rear, 5 foot side.

(3) Garage when the vehicle entrance doors face an adjacent street; 5 foot rear, 5 foot side.

(4) Corner lots are subject to 2 front yard setbacks.

(R) Foundation drainage. All residential and commercial foundation drains shall be connected to a sump pump or directed into an adjacent ravine with the discharge line located at the bottom of the ravine. Beginning at a distance of 3 feet from the foundation wall, a drainage pipe shall be non-perforated.

(S) Land preparation. The initial stripping of land for any development requires the removal of all organic material and soil to a depth of at least 12 inches. Professional soil engineer or building inspector findings may require the removal of more than 12 inches of soil.

(T) Minimum distance between buildings. The minimum distance between privately owned primary or accessory buildings shall be 5 feet.

(U) Foundation elevations. The following standards apply for all new residential construction:

(1) Finished grade elevations shall have a minimum of 5% slope up to a maximum of 8% slope, from the back top of curb to the finished grade elevation adjacent to the foundation wall. This applies to the minimum front yard setback requirements for valley and hilltop locations. Any variations are subject to be reviewed for approval by the City Building Official. Criteria for determining setback elevations beyond minimum setbacks are subject to the following:

(a) Required setbacks.

(b) Surface contours.

(c) Elevations of adjacent properties.

(d) Distance from top back of curb.

(e) Drainage.



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(2) The City Building Official shall establish the final floor elevation for all new residential, commercial or industrial buildings.

(3) Window well casings shall be constructed a minimum of 6 inches above finished grade.

(4) Residential property drainage. Drainage resulting from new home construction must conform to the topography of the land and be directed so as to not to adversely affect neighboring property. Drainage plans are subject to Building Inspector approval.

(V) Driveway paving. Driveway paving shall occur within 1 year after a building permit is issued for a garage and/or driveway having access to a public street or alley. The driveway shall be hard surfaced.

(W) Stormwater drainage plan. On-site stormwater detention is required for any new parking lot. Prior to issuance of a building permit, a stormwater drainage plan shall be submitted and approved by the City's Construction Inspector (refer to standards).

~~(X) Stormwater detention pond. For any residential, commercial or industrial development utilizing more than 1 acre of land, an on-site stormwater detention pond is required. Permanent best management practices for sites where the sum of new and reconstructed impervious surface is 1.0 or more acres shall be designed to meet the requirements for Post-Construction Stormwater Management as described in the MN Small Municipal Separate Storm Sewer Systems General Permit No. MNR040000 in place at the time of submittal.~~ Prior to issuance of a building permit, a Stormwater Drainage Plan shall be submitted and approved by the Building Inspector. Setbacks for storm water ponds, rain gardens or other storm water retention areas shall be a minimum of 10 feet from any property line.

(Y) Address identification numbers. Any residential dwelling unit or Commercial/Industrial building shall display address identification numbers on the dwelling or building that shall be visible from the nearest public street and be of a contrasting color from the dwelling or building. The height of the numbers shall be no less than 4 inches.

(Z) Property corners. Prior to construction of any new residential dwelling, dwelling addition, garage, garage addition or commercial/industrial building, it is the responsibility of the property owner to establish or display all property corners. For any other type of project that requires a building permit, it may be necessary for the property owner to display property corners at the request of the Building Official or Assistant Building Inspector. Property corners shall be located by the property owner or a registered land surveyor.

(AA) Underground systems. Underground invisible pet fencing shall be located a minimum of 3 feet from any sidewalk or street. Any underground sprinkler system installed within any public right-of-way is at risk from damage as a result of street or utility maintenance or any other public improvement project. The city accepts no responsibility for underground sprinkler system or invisible pet fencing damage in any public right-of-way.

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(BB) Home occupations. Home occupations are permitted uses in residential districts and shall conform to the following standards:

- (1) Such use shall be operated entirely within the primary living dwelling. The use of an attached or detached accessory building or garage for such use is prohibited.
- (2) Such use shall not employ any person not residing on the premises.
- (3) Such use shall not exceed 1/3 of the main floor space of a dwelling.
- (4) Only 1 home occupation shall be operated within a dwelling.
- (5) There shall be no outside storage of materials, goods, supplies, or equipment of any kind related to the home occupation.
- (6) No traffic or parking demand shall be generated by such use in greater volumes than would normally be expected in a residential neighborhood.
- (7) Any occupation shall be clearly secondary to the main use of the premises as a residential dwelling.
- (8) The owner of the building shall be the operator of the home occupation.

(CC) Outside storage of materials in Business or Commercial districts. Where outside storage of materials, equipment and product is permitted in a Business or Commercial district, such outside storage shall conform to the following provisions.

- (1) Outside storage shall be fenced and screened from any abutting property and public street by privacy fencing or planting of vegetation. Such fencing or vegetation shall be not less than 6 feet in height.
- (2) Outside storage areas shall be hard surfaced using concrete or asphalt material.
- (3) Outside storage areas shall not be located within setback areas.
- (4) All materials stored outside shall be directly associated with the business.

(DD) Outside storage in Industrial districts. Where outside storage of materials, equipment and product is permitted in an Industrial district, such outside storage shall conform to the following provisions.

- (1) Outside storage areas shall be fenced and screened from any abutting property and public street by privacy fencing or planting of vegetation. Such fencing or vegetation shall be not less than 8 feet in height.
- (2) Outside storage areas shall be hard surfaced using concrete or asphalt material.
- (3) Outside storage areas shall not be located within setback areas.
- (4) All materials stored outside shall be directly associated with the industry.

(EE) Outside storage of materials in Residential districts. In any Residential zoning district, it is unlawful for any person to discard, place, accumulate, maintain or store out of doors, the following:

- (1) (a) Unlicensed, unregistered or inoperable motor vehicles, recreational vehicle, boats, campers, snowmobiles, trailers or similar equipment.

(b) In the event a licensed motor vehicle parked or stored out of doors on private property has not been moved within a consecutive 30-day time period, the Zoning Administrator may, by written letter to the property owner, request that the vehicle owner

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demonstrate the vehicle is operable by starting and driving the vehicle a distance of not less than 500 feet. The operation to be observed by the Zoning Administrator or his or her designee.

- (2) Motor vehicle bodies, frames, parts, tires, rims or other machinery or equipment.
- (3) Household furnishings or appliances.
- (4) Lumber or construction materials.
- (5) Non-residential vehicles including but not limited to: tractors, buses, skid loaders and commercial trucks.
- (6) Lawnmowers, snowblowers and other lawn and garden equipment.
- (7) Garbage, litter and other debris which is considered to be a public nuisance by the Zoning Administrator.
- (8) The outside storage of materials shall not be located within any building setback area.

(FF) Outside storage of vehicles in Residential districts. In any Residential district, the off-street parking of vehicles shall conform to the following provisions.

(1) The off-street parking on any automobile, trailer, camper, boat, or recreational vehicle shall be on a lawfully permitted hard-surfaced area constructed of concrete or asphalt.

(2) The off-street parking of any automobile, trailer, camper, boat, or recreational vehicle shall not be within any building setback area unless on a lawfully constructed parking area adjacent to an alley.

(3) Any automobile, trailer, camper, boat or recreational vehicle stored on private property shall be licensed and registered to the property owner or tenant.

(4) Any automobile, trailer, camper, boat, recreational vehicle stored on private property shall not be used to store materials or equipment.

(GG) Driveways and curb openings. The following standards shall apply for each use.

	Maximum Curb Cut (Measured at Property Line)	Maximum # of Curb Cuts	Minimum Distance Between Curb Cuts	Minimum Side Yard Driveway Setback
	Maximum Curb Cut (Measured at Property Line)	Maximum # of Curb Cuts	Minimum Distance Between Curb Cuts	Minimum Side Yard Driveway Setback
Single Family Interior Lot	24 feet	1	20 feet	10 feet
Single Family Corner Lot	24 feet	1	20 feet	10 feet
Single Family Corner Lot utilizing circular drive	14 feet	2	20 feet	10 feet

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Single Family Cul-de-Sac Lot	24 feet	1	20 feet	10 feet
Multi-Family (2-8Units)	24 feet	1	20 feet	10 feet
Multi-Family (Over 8 Units)	24 feet	2	20 feet	10 feet
Commercial/Business	36 feet	2	20 feet	10 feet
Industrial	50 feet	4	20 feet	10 feet

(HH) Residential occupancies. Residential occupancies of single and two family dwellings in the R-1, R-1S and R-2 Districts shall be limited to family-functional and family-traditional as defined by § 156.003. A family-traditional or family-functional may have 1 additional person residing with them for non-rental purposes or for the purposes of providing a housekeeping or personal service for the resident(s) therein.

(II) For every new attached or detached residential dwelling unit constructed, an individual water service and shut-off shall be installed for each dwelling unit. Multi-unit rental apartment buildings are not subject to this provision.

(JJ) Landscaping. In conjunction with any new residential dwelling, commercial or industrial building, landscaping, including seeded or sodding, shall occur within 1 year after a building permit is issued.

(KK) Pergolas and dog kennels.

(1) Building setbacks for pergolas and dog kennels are as follows:

Valley	Hilltop
Side yard - 5 feet	Side yard - 10 feet
Rear yard - 5 feet	Rear yard - 10 feet

(2) Pergolas and dog kennels shall not be located within any front yard building setback.

(LL) Playhouses. Permitted in any residential zoning district, subject to the following:

- (1) Maximum floor area shall not exceed 60 square feet.
- (2) Maximum height shall not exceed 5 feet.
- (3) Minimum setback is 5 feet from any rear or side property line.
- (4) Shall not be located within any front yard.
- (5) No more than 1 playhouse permitted on any lot.
- (6) Minimum setback is 5 feet from any ravine breakline.
- (7) Shall be located a minimum of 5 feet from any main, accessory or utility building.

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(MM) Garage and yard sales. Permitted in all residential districts and the Central Business District subject to the following:

(1) Events shall not exceed 3 days in length with no more the 4 events allowed in any 12-month period.

(2) No items related to the event shall be stored out-of-doors overnight.

(3) No items or materials shall be located in any boulevard or public right-of-way area.  
(1975 Code, § 11.06) (Am. Ord. 3, passed 3-2-1981; Am. Ord. 5, passed 3-16-1981; Am. Ord. 21, passed 4-9-1982; Am. Ord. 23, passed 8-16-1982; Am. Ord. 24, passed 10-18-1982; Am. Ord. 36, passed 8-15-1983; Am. Ord. 114, passed 5-7-1990; Am. Ord. 146, passed 3-6-1995; Am. Ord. 193, passed 7-24-2000; Am. Ord. 194, passed 7-24-2000; Am. Ord. 206, passed 4-16-2001; Am. Ord. 233, passed 12-1-2003; Am. Ord. 235, passed 1-20-2004; Am. Ord. 8, 4th Series, passed 1-16-2007; Am. Ord. 17, 4th Series, passed 1-17-2008; Am. Ord. 21, 4th Series, passed 1-20-2009; Am. Ord. 34, 4th Series, passed 1-18-2011; Am. Ord. 48, 4th Series, passed 1-22-2013; Am. Ord. 63, 4th Series, passed 1-5-2015; Am. Ord. 86, 4th Series, passed 4-3-2017; Am. Ord. 102, 4th Series, passed 4-2-2018; Am. Ord. 112, 4th Series, passed 1-22-2019; Am. Ord. 114, 4th Series, passed 5-6-2019; Am. Ord. 125, 4th Series, passed 2-18-2020)



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- ~~— (3) Existing site conditions. Elevations, vegetation, utilities and drainage.~~
- ~~— (4) Adjacent areas. Properties, bodies of water, roads, and the like, which may be affected by the land disturbing activity.~~
- ~~— (5) Erosion and sediment control measures. Methods to be used to control erosion and sedimentation on the site before, during and after the construction process.~~
- ~~— (6) Maintenance. Schedule of regular inspections and repair of erosion and sediment control structures.~~
- ~~— (7) Permanent stabilization. How the site will be stabilized after construction is completed.~~
- ~~— (8) Dewatering. The plan must include provisions for dewatering. Water may not be discharged in a manner that causes erosion or flooding of the site or of receiving channels or a wetland. Water pumped from the site shall be treated by 1 of the following processes: temporary sedimentation basins, grit chambers, sand filters, up flow chambers, hydrocyclones, swirl concentrators, or other controls as approved by the Director of Public Works or his/her designee.~~
- ~~— (9) Temporary sedimentation basins. Temporary sedimentation basins shall be installed when required by the version of the Minnesota Pollution Control Agency's NPDES Construction Permit Requirements in place at the time of application. All temporary and permanent basins shall be designed in accordance with the MN Stormwater Manual.~~

(D) NPDES Construction Site Permit. Any construction activity that disturbs 1 or more acres is required to obtain a separate NPDES Construction Site Permit from the Minnesota Pollution Control Agency (MPCA). A copy of this permit and erosion and sediment control plan shall be submitted to the city.

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§ 54.07 REVIEW OF PLAN.

(A) Site plans for new development and redevelopment of any kind will be assessed for stormwater quantity control and stormwater quality management. No permits shall be issued until a site plan meeting the requirements of this section has been submitted by the applicant.

(B) The applicant shall submit information adequate for the city to evaluate if the plans meet the requirements of the section.

(C) The city shall complete a review of the erosion and sediment control plan within 14 calendar days of receiving the plan from the developer.

(1) Permit required. If it determines that the plan meets the requirements of this chapter, the city shall issue the appropriate permit valid for a specified period of time that authorizes the land disturbance activity contingent on the implementation and completion of the plan.

(2) Denial. If it determines that the plan does not meet the requirements of this chapter, the city shall not issue a permit for the land disturbance activity.

(D) City inspections and enforcement. The city shall conduct inspections on a regular basis to ensure that the plan is properly installed and maintained. In all cases, the inspectors will attempt to work with the developer to maintain proper erosion and sediment control at all sites. In cases where cooperation is withheld, enforcement action(s) shall be taken by the city until erosion and sediment control measures meet the requirements of this chapter. An inspection may be needed before work can commence. Inspections are required as follows:

(1) Before any land disturbing activity begins.

(2) As necessary or required during construction.

(3) At the completion of the project.

(E) The city reserves the right to conduct other random inspections during the course of the project to ensure compliance with the plan.

(F) Inspections and maintenance of temporary and permanent BMPs shall be performed by the Applicant during construction.

(G) Inspections and maintenance shall meet or exceed the criteria listed in the MN General Permit to Discharge Stormwater Associated with Construction Activity No. MN R100001 except as modified below:

(1) All off-site tracking shall be removed by the end of the business day unless otherwise authorized by the City.

(2) The Application shall provide site access during construction to the City for compliance inspections and shall make Applicant's records of maintenance and inspections available to the City upon request.

(a) The City shall notify the Applicant of deficiencies identified during City inspections.

(b) The Applicant shall correct deficiencies identified by the City within the timeframe requested by the City.

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~~(c) Where cooperation is withheld, construction stop orders may be issued by the City, until all erosion and sediment control deficiencies are corrected to the satisfaction of the City.~~

~~Owner inspections. Unless otherwise authorized by the city, all construction sites shall be inspected by the owner or the owner's representative at least once per 7 calendar days and within 24 hours after a rainfall event greater than 0.5 inches in a 24-hour period.~~

~~— (1) Records of each inspection shall be kept at the project site. The records shall clearly show the following information:~~

~~— (a) Date and time of inspection;~~

~~— (b) Date and amount of any rainfall greater than 0.5 inches in a 24-hour period;~~

~~— (c) Name of inspector;~~

~~— (d) Findings of the inspection; and~~

~~— (e) Documentation of corrective actions required and the actions taken.~~

~~— (2) The owner shall make these records available to the city upon request.~~

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§ 54.09 PERMANENT STORMWATER BMPS.

(A) The applicant shall install or construct, on or for the proposed land disturbing or development activity, all stormwater management facilities necessary to manage:

(1) Storm peak discharge rates to pre-project rates for the 2.0-yr, 10-yr, and 100-yr 24-hour storm events.

(2) Sites that disturb less than 1.0 acres shall be designed to control runoff rate so as to not cause downstream flooding or erosion.

(3) Sites that disturb 1.0 acre or more shall provide permanent BMPs, with highest preference given to Green Infrastructure techniques and practices necessary to meet the following conditions on the site of construction activity to the Maximum Extent Practicable.

(a) Stormwater release rates and volume from the site on an annual average basis shall not increase over the predevelopment twenty-four (24) hour two (2) year, ten (10) year and one hundred (100) year peak storm discharges rates, based on the last ten (10) years of how that land was used. Also accelerated channel erosion must not occur as a result of the proposed activity.

(b) Permanent best management practices for sites where the sum of new and reconstructed impervious surface is 1.0 or more acres shall be designed to meet the requirements for Post-Construction Stormwater Management as described in the MN Small Municipal Separate Storm Sewer Systems General Permit No. MNR040000 in place at the time of submittal.

(c) Applicants shall provide documentation showing rate, volume, and water quality compliance. Calculations shall be by a methodology listed in the MPCA Stormwater Manual or other method approved by the City.

(B) Oil and grease control. Where the potential for pollution by oil, grease, or both, exists, the City may require installation of an oil and grease removal device designed to handle the volume and type of material anticipated.

~~— (2) Volume, Total Suspended Solids (TSS), Total Phosphorus (TP) such that there is no net increase from pre-project conditions on an annual average basis for new developments and such that there is a net reduction from pre-project conditions on an annual average basis for redevelopment projects.~~

~~— (a) For projects where site constraints limit the ability to provide the required control practices within the project boundary; the project shall provide for downstream improvements for that portion that cannot be treated within project boundaries. Such projects may include:~~

~~—— 1. Linear projects where reasonable effort has been made to obtain sufficient right-of-way to install required control practices and said efforts have been unsuccessful;~~

~~—— 2. Sites where infiltration is prohibited; or~~

~~—— 3. Other locations as determined by the Director of Public Works or his/her designee.~~



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~~—(B) Investigation of practices. The following stormwater management practices shall be investigated in developing a Stormwater Management Plan in the following descending order of preference:~~

~~—(1) Infiltration of runoff on site, if suitable soil conditions are available for use except that infiltration shall be prohibited where:~~

~~—(a) Industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by the MPCA.~~

~~—(b) Vehicle fueling and maintenance occur.~~

~~—(c) Less than 3 feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock can be achieved.~~

~~—(d) High levels of contaminants in soil or groundwater will be mobilized by the infiltrating stormwater.~~

~~—(e) Soil infiltration rates are more than 8.3 inches per hour.~~

~~—(f) Soils are predominately Hydrologic Soil Group D (clay), except where soil amendment will allow for appropriate infiltration.~~

~~—(2) Flow attenuation by use of open vegetated swales and natural depressions;~~

~~—(3) Stormwater retention facilities; and~~

~~—(4) Stormwater detention facilities.~~

~~—(C) Projects must include creation of new or retrofit existing structural stormwater Best Management Practices or utilize properly designed regional structural stormwater Best Management Practices. Routine maintenance of existing structural stormwater Best Management Practices does not meet the requirement to provide stormwater management under division (D). Projects that have made reasonable effort but been unable to fully meet volume, TSS and TP requirements within the project limits may upon authorization by the Director of Public Works or his/her designee utilize the following methods to meet that portion not met onsite:~~

~~—(1) Provide treatment that yields the same benefits in an offsite location to the same receiving water that receives runoff from the project site. If this is not feasible then;~~

~~—(2) Provide treatment that yields the same benefits in an offsite location within the same Minnesota Department of Natural Resources catchment area as the project site, if this is not feasible then;~~

~~—(3) Provide treatment that yields the same benefits in an offsite location within an adjacent Minnesota Department of Natural Resources catchment area up-stream of the project site. If this is not feasible then;~~

~~—(4) Provide treatment that yields the same benefits at a site approved by the city.~~

~~—(D) Applicants shall provide documentation showing compliance with divisions (A), (B), and (C) above. Acceptable options shall be:~~

~~—(1) For Rate and Volume:~~

~~—(a) Select from the Modeling Tool Section of the MPCA Stormwater Manual; or~~

~~—(b) Other method approved by the Director of Public Works or his/her designee.~~



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~~—(2) For TSS and TP:~~

~~—(a) Minimal Impact Design Standards (MIDS) Calculator available on the MPCA website; or~~

~~—(b) Other method approved by the Director of Public Works or his/her designee.~~

(GE) Performance security. Prior to approval of permits for construction, the applicant may be required to submit an agreement to construct such required physical improvements, to dedicate property or easements, to provide performance security (letter of credit or performance bond), and to comply with such conditions as may have been agreed to.

(DF) Failure to complete. If the applicant fails to complete the required stormwater improvements within 24-months of beginning construction of the project they are intended to mitigate, the city may make provisions to complete the required stormwater improvements or to provide equivalent downstream treatment. The city shall use any performance security held for the work or may utilize special assessments as provided in M.S. § 429 to reimburse itself for costs associated with this work.

(EG) Where the City Council authorizes the construction of private stormwater management facilities, the applicant shall designate the responsible party for inspection and maintenance of all private stormwater management facilities in an agreement to be recorded against the properties being developed. In addition, the agreement shall provide for:

(1) Description of anticipated maintenance activities and frequency.

(2) Access in perpetuity for inspection of the facilities by the Director of Public Works or his/her designee.

(3) Access in perpetuity for maintenance of the facilities should the Director of Public Works or his/her designee find that stormwater facility maintenance is required and upon written notice the property owners fail to take corrective action with the cost of such maintenance to be paid by the property owner.

(4) If the expense is not paid, the expense will be made a special assessment against the property concerned in accordance with M.S. § 429.061 and other pertinent statutes for certification to the County Auditor and collection along with the current taxes the following year or in annual installments, as the City Council may determine in each case.

(H) Removal or alteration of Structural Stormwater Best Management Practices. Structural Stormwater Best Management Practices installed to fulfill the requirements of this chapter shall be maintained in compliance with the approved maintenance plan. Where no plan is in place they shall be maintained in compliance with accepted Industry Standard and Minnesota Pollution Control Agency recommendations. No Structural Stormwater Best Management Practices shall be removed or altered in such a way to decrease structural Stormwater Best Management Practices effectiveness without:

(1) Authorization of the Director of Public Works or his/her designee; and

(2) Providing new or improved Structural Stormwater Best Management Practices providing or exceeding that amount lost due to the alteration or removal.

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TITLE IX: GENERAL REGULATIONS

CHAPTER 92: HEALTH AND SAFETY; NUISANCES

§ 92.19 NUISANCE PARKING AND STORAGE.

(A) Declaration of nuisance. The outside parking and storage on residentially-zoned property or public rights-of-way of large numbers of vehicles, trailers, materials, supplies or equipment not customarily used for residential purposes in violation of the requirements set forth below is declared to be a public nuisance because it (a) obstructs views on streets and private property, (b) creates cluttered and otherwise unsightly areas, (c) prevents the full use of residential streets for residential parking, (d) introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited, (e) decreases adjoining landowners' and occupants' enjoyment of their property and neighborhood, and (f) otherwise adversely affects property values and neighborhood patterns.

(B) Unlawful parking and storage.

(1) A person must not place, store, or allow the placement or storage of ice fish houses, skateboard ramps, playhouses or other similar non-permanent structures outside continuously for longer than 24 hours in the front-yard area of residential property unless more than 100 feet back from the front property line.

(2) A person must not place, store, or allow the placement or storage of pipe, lumber, forms, steel, machinery, or similar materials, including all materials used in connection with a business, outside on residential property.

(3) A person must not cause, undertake, permit or allow the outside parking and storage of vehicles on residential property unless it complies with the following requirements:

(a) Vehicles that are parked or stored outside in the front-yard area must be on a paved driveway area.

(b) Vehicles, watercraft and other articles stored outside on residential property must be owned by a person who resides on that property. Students who are away at school for periods of time but still claim the property as their legal residence will be considered residents on the property.

(4) A person must not place, store or allow the placement of any garbage dumpster, portable storage unit or similar non-permanent structure on any residential property, including driveways, for longer than 10 consecutive days, except for dumpsters on private property where a valid building permit has been issued. These types of non-permanent structures are not permitted on any street or public right-of-way.

(C) Salt Storage.

(1) Commercial, institutional, and non-NPDES permitted industrial facilities storing salt and salt-containing materials outdoors must meet minimum standards for storage and handling.

(a) Designated salt storage areas must be covered or indoors;

(b) Located outside of areas likely to flood or to be exposed to stormwater or snowmelt runoff;

(c) Located on an impervious surface; and

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(d) Protection practices to reduce exposure when transferring material in designated salt storage areas such as but not limited to sweeping, diversions, and/or containment must be implemented.

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TITLE XV: LAND USAGE

CHAPTER 155: SUBDIVISION REGULATIONS

§ 155.49 STORMWATER DESIGN CRITERIA.

(A) Stormwater modeling shall be in accordance with United States Soil Conservation Service (SCS) Technical Release 55 or 20, i.e. TR-55 or TR-20.

(B) Permanent best management practices for sites where the sum of new and reconstructed impervious surface is 1.0 or more acres shall be designed to meet the requirements for Post-Construction Stormwater Management as described in the MN Small Municipal Separate Storm Sewer Systems General Permit No. MNR040000 in place at the time of submittal. Stormwater detention basins shall be designed to store sufficient excess runoff from the proposed development. Composite post-developed site runoff must be equal to or less than the composite pre-developed site runoff for the 5 and 100 year rainfall events. The SCS 24-hour, 5 year and 100 year rainfall events are 3.7 inches and 6.1 inches, respectively.

(C) Post-developed design site conditions, requiring diversion of stormwater from an existing inlet point to another inlet point on a different outfall sewer, shall meet the following: post-developed flow draining to an existing stormwater inlet point shall be equal to or less than the undisturbed pre-developed flow draining to that point.

(D) The following information shall be submitted to the city for review by the City Engineer:

- (1) SCS curve numbers for the pre-developed and post-developed site conditions;
- (2) Soil type(s) used in calculations;
- (3) Size, elevation and location of proposed stormwater system outfall(s);
- (4) Size, elevation, location and detail of proposed pond outlet structure;
- (5) Map or plan showing the pre-developed and post-developed design drainage districts;
- (6) Pond grading plan showing the proposed contour elevations and location of the pond's emergency overflow spillway; and
- (7) All drainage hydrographs, pond routing and peak elevation/outfall calculations.

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§ 156.035 GENERALLY.

The regulations of this chapter within each district shall be minimum regulations and shall apply uniformly within each district, except as may be permitted or provided by this chapter.

(A) District conformance. No building, structure or land shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

(B) Alterations. No building or other structure shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or allowed to be erected or altered in any other manner contrary to the provisions of this chapter.

(C) Requirement computations. No part of a yard or other open space, or off-street parking required for or in connection with any building for the purpose of complying with this chapter, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building except as may be permitted by this chapter. Regulations requiring the use of numerical computations shall utilize the method provided by this chapter. Where no method has been provided by this chapter, it shall be the duty of the Zoning Administrator to determine appropriate uniform means of computation. In the event fractional sums, differences, products or quotients are determined in the application of this chapter, these values shall be "rounded off" to the applicable unit of measurement.

(D) Yard or lot reductions.

(1) No yard or lot existing at the time of the passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein except detached dwellings located on lots contained in plats recorded prior to the year 1958 which shall not be less than the following:

- (a) Front yards: 20 feet;
- (b) Side yards: 5 feet;
- (c) Rear yards: 20 feet;
- (d) Lot width: 50 feet.

(2) Yards or lots created after the effective date of this chapter shall not be less than the minimum requirements established by this chapter.

(E) Accessory uses. Accessory uses or structures shall not be located in any required front, side, rear or transitional yard except as may be permitted in this section.

(1) The following accessory uses or structures shall be permitted in any required rear or front yard in any residential zoning district, provided a 15 foot rear yard setback and the required front yard setback is maintained:

(a) Decks or elevated platforms, either attached to a dwelling or free standing, with no roof or overhead structure of any type;



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(b) Patios or paved areas that are level, flush or at grade with the ground, with no roof or overhead structure of any type, and are not used for parking purposes.

(2) The following accessory uses or structures shall be permitted in any required rear yard in any zoning district, provided a 5 foot rear yard setback is maintained, and any required side yard in any zoning district, provided a 5 foot side yard is maintained from the furthest point of the building to the respective property line: utility buildings;

(3) The following are minimum rear yard setbacks for swimming pools, including attached deck or apron:

Pool Type	Property Type	Minimum Rear Yard Setbacks
In-ground	Non-ravine	Rear - 10 feet
In-ground	Ravine	Rear - 10 feet with the provision that upon inspection of the ravine by city staff, the setback can be increased to 25 feet
Above-ground	Non-ravine	Rear - 10 feet
Above-ground	Ravine	Rear - 25 feet

(a) The breakline shall be established by the Building or Construction Inspector prior to construction.

(F) Height exceptions. The building height limits established herein for districts shall not apply to belfries, cupolas, domes, spires, monuments, radio towers, flag poles, chimneys, water tanks, towers, solar collectors, wind energy conversion systems and other structures for essential services, nor to similar structures or necessary mechanical appurtenances extending above the roof of any building and not occupying more than 10% of the area of such roof. Building height limit exceptions shall conform to all structural design standards specified by the Minnesota State Building Code, as amended. In no event shall this section be construed to allow the construction or continued maintenance of structures constituting a hazard to the abutting property or the public at large. Where the average slope of lot is greater than 1 foot rise or fall in 7 feet of horizontal distance from the established street elevation at the property line, 1 story in addition to the number permitted in the district in which the lot is situated shall be permitted on the downhill side of any building.

(G) Accessory buildings. If an accessory building is attached to the main building, it shall be made a structural part of the main building and shall comply in all respects with the requirements of this chapter applicable to the main building. An accessory building, unless attached to and made a part of the main building, shall not be closer than 5 feet to the main building or another accessory building. In no event shall an accessory building be permitted on a vacant lot or when not subordinate to and serving the principal use structure on the same lot.

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(1) An accessory building larger than 168 square feet shall be accessible by a hard-surfaced driveway which meets all applicable setback regulations.

(2) Private garages used as accessory structures for one and two-family residential dwellings shall not exceed a combined total of 1,400 square feet of floor space per lot for all structures.

(3) No pole barn type construction is permitted for any residential private garage.

(4) Detached residential garage roofs must have a hipped or gable design. No barn-type roofs are permitted on detached garages.

(H) Earth sheltered buildings.

(1) Where an earth sheltered building substantially alters the natural watershed of the lot, computations for yard area shall be based on measurements from the surrounding cover of earth. In cases where the earth sheltered building has been made part of the natural terrain, computations for yard area shall be made from the exterior surface of the building.

(2) All applications for building permits for earth sheltered buildings shall be accompanied by a drainage plan.

(I) Wind energy conversion systems (WECS).

(1) The location, design, maintenance and removal of WECS shall be governed as follows. WECS shall be considered a conditional use in all zoning districts. All appropriate regulations within each zoning district must be complied with in addition to regulations outlined below;

(2) Applicants requesting a building permit for a WECS shall furnish such scale drawings and information as the city deems necessary. This information may include, but is not limited to the following: a plot plan of the premises involved showing lot lines, the accurate location of all buildings or structures on the premises and on each adjacent plot and the location of proposed tower and all guy wires, poles or anchors, and a sketch elevation of the premises accurately depicting the proposed tower and its relationship to structures on adjacent lots.

(3) The permitted maximum height of a WECS shall be determined in one of two ways:

(a) A ratio of 1 to 1 between the distance from the closest property line to any part of the WECS to the height of the tower;

(b) A maximum of 100 feet in agricultural and industrial districts and 60 feet in residential and commercial districts. The shortest height of the two above-mentioned methods shall be used in determining maximum height. Height shall be measured from the surrounding grade to the rotor hub or top of the tower, whichever is higher.

(4) No part of a WECS shall be located within or above any required front, side or rear setback area.

(5) All WECS shall be designed to meet the following minimum standards:

(a) An automatic braking device capable of halting operation in high winds (40 m.p.h. or greater) shall be incorporated;

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(b) The WECS shall be designed, constructed and operated so as to not cause radio and television interference;

(c) The WECS shall be operated and maintained in a condition which will not cause unreasonable noise emissions;

(d) The WECS shall be placed on the property in a position which will not unreasonably obstruct the view from neighboring properties;

(e) The WECS shall be guarded against unauthorized climbing. The first 12 feet of the tower shall be unclimbable by design or be enclosed by a 6 foot high, nonclimbable fence with a secured access;

(f) The WECS shall be designed and installed to withstand natural lightning strikes;

(g) The WECS electrical equipment and connections shall adhere to all state and local government, as well as power company rules and regulations and standards.

(6) Any WECS which fails to comply with this chapter shall be brought into compliance within 90 days after notice by the city, or be dismantled. Any WECS not in operation for 12 months shall be dismantled.

(7) WECS existing at the date of adoption of this chapter or existing at the time of annexation, shall be brought into compliance within 12 months or be dismantled.

(8) The owner of a WECS which is to be dismantled must accomplish such act within 30 days or the city is empowered to dismantle such WECS and assess the costs against the property.

(9) WECS that are by nature ornamental, rather than functional, shall be exempt from this chapter if total height is less than 25 feet.

(10) The city requires liability insurance to be maintained on the WECS by its owner.

(11) In order to insure adequate wind access, the city does encourage the use of private easements and restrictive covenants as a means to protect wind access.

(J) Minimum structural requirements. The following shall be minimum structural requirements in all residential districts:

(1) All structures used for residential occupancy shall have a minimum width of 24 feet and shall be affixed to a continuous permanent foundation constructed of concrete block, poured concrete or wood.

(2) A private attached or unattached garage having a minimum floor area of 280 square feet shall be required to be built concurrent with each dwelling constructed.

(3) Roof systems must have a 2-12 minimum pitch. Hip, gable, mansard, gambrel or shed roof designs are allowable. Flat roofs are not recommended and will require engineering drawings and snow load certification.

(4) The provisions of this subdivision shall apply to all structures used for residential occupancy except structures controlled by the provisions of Ch. 152.

(5) A residential structure shall have a minimum width of 24 feet at its narrowest point and a minimum depth of 32 feet with a minimum floor area of 800 square feet on the main floor.

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(6) Residential structures shall be placed upon and affixed to a permanent foundation consisting of concrete block, concrete, or treated wood. The foundation shall be solid for the complete circumference of the structure except for necessary doors or windows. The foundation shall align vertically with the outer walls of such structure for its complete circumference and shall, as well, provide such other support for the structure as is required pursuant to the Minnesota State Building Code.

(K) Residential driveways.

(1) The maximum allowable driveway width measured at the front property line on residential property having a width of less than 80 feet shall not exceed 24 feet. The maximum allowable driveway width measured at the front property line on a residential property having a width of 80 feet or more shall not exceed 30 feet. There shall be a minimum of 20 feet of hard surfaced driveway located perpendicular from the face of any garage stall to the street. All driveways shall conform to the required side yard building setbacks for the district it is within.

(2) Circular drives. The maximum allowable driveway width measured at the property line on residential property shall not exceed 14 feet.

(3) For garages with access from the alley there shall be a minimum of 20 feet of hard-surfaced driveway, located perpendicular from the face of any garage stall to the alley or side property line, depending on the position of the garage doors. In no event shall a driveway encroach into a side yard building setback.

(L) Ravine setbacks. For all uses permitted there shall be a setback of no less than 25 feet, measured from the breakline of an adjacent ravine to any permanent structure, including but not limited to: dwellings, garages, decks, and above-ground patios. Gazebos exceeding 144 square feet in size are subject to a 25-foot ravine breakline setback. The breakline shall be established by the Building or Construction Inspector prior to construction. Permitted uses in the 25-foot setback

(M) Cul de sac lot provisions.

(1) Lot width. The minimum lot width measured at the front property line on platted cul de sac lots shall be a minimum of 50 feet.

(2) Driveways. The maximum allowable driveway width measured at the property line on cul de sac lots shall not exceed 24 feet. Beginning at the front property line, the driveway width may be enlarged at an angle not greater than 45 degrees to a point not closer than 10 feet to any side property line.

(N) Carports. Permitted within any zoning district subject to applicable setback regulations within each zoning regulation.

(O) Amateur radio towers. Permitted within any zoning district subject to applicable setback and building height requirements.

(P) Storage or utility sheds. Permitted in any residential zoning district subject to the following:

(1) Maximum floor area shall not exceed 168 square feet.

(2) Minimum setback is 5 feet from any rear or side property line.

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- (3) Located a minimum of 5 feet from any main or accessory building.
- (4) Shall not be located within any front yard.
- (5) Maximum height shall not exceed 14 feet.
- (6) Overhangs shall not exceed 2 feet.
- (7) Access door shall not exceed 6 feet in width.
- (8) No more than 1 storage shed or utility shed is permitted on any lot.
- (9) Minimum setback is 5 feet from any ravine breakline.

(Q) Setbacks for accessory buildings. The building setbacks for garages on lots platted prior to 1958 are as follows:

- (1) Garage when the vehicle entrance doors face an adjacent alley; 20 foot rear, 5 foot side.
- (2) Garage when the vehicle entrance doors face a side property line; 5 foot rear, 5 foot side.
- (3) Garage when the vehicle entrance doors face an adjacent street; 5 foot rear, 5 foot side.
- (4) Corner lots are subject to 2 front yard setbacks.

(R) Foundation drainage. All residential and commercial foundation drains shall be connected to a sump pump or directed into an adjacent ravine with the discharge line located at the bottom of the ravine. Beginning at a distance of 3 feet from the foundation wall, a drainage pipe shall be non-perforated.

(S) Land preparation. The initial stripping of land for any development requires the removal of all organic material and soil to a depth of at least 12 inches. Professional soil engineer or building inspector findings may require the removal of more than 12 inches of soil.

(T) Minimum distance between buildings. The minimum distance between privately owned primary or accessory buildings shall be 5 feet.

(U) Foundation elevations. The following standards apply for all new residential construction:

(1) Finished grade elevations shall have a minimum of 5% slope up to a maximum of 8% slope, from the back top of curb to the finished grade elevation adjacent to the foundation wall. This applies to the minimum front yard setback requirements for valley and hilltop locations. Any variations are subject to be reviewed for approval by the City Building Official. Criteria for determining setback elevations beyond minimum setbacks are subject to the following:

- (a) Required setbacks.
- (b) Surface contours.
- (c) Elevations of adjacent properties.
- (d) Distance from top back of curb.
- (e) Drainage.



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(2) The City Building Official shall establish the final floor elevation for all new residential, commercial or industrial buildings.

(3) Window well casings shall be constructed a minimum of 6 inches above finished grade.

(4) Residential property drainage. Drainage resulting from new home construction must conform to the topography of the land and be directed so as to not to adversely affect neighboring property. Drainage plans are subject to Building Inspector approval.

(V) Driveway paving. Driveway paving shall occur within 1 year after a building permit is issued for a garage and/or driveway having access to a public street or alley. The driveway shall be hard surfaced.

(W) Stormwater drainage plan. On-site stormwater detention is required for any new parking lot. Prior to issuance of a building permit, a stormwater drainage plan shall be submitted and approved by the City's Construction Inspector (refer to standards).

~~(X) Stormwater detention pond. For any residential, commercial or industrial development utilizing more than 1 acre of land, an on-site stormwater detention pond is required.~~ Permanent best management practices for sites where the sum of new and reconstructed impervious surface is 1.0 or more acres shall be designed to meet the requirements for Post-Construction Stormwater Management as described in the MN Small Municipal Separate Storm Sewer Systems General Permit No. MNR040000 in place at the time of submittal. Prior to issuance of a building permit, a Stormwater Drainage Plan shall be submitted and approved by the Building Inspector. Setbacks for storm water ponds, rain gardens or other storm water retention areas shall be a minimum of 10 feet from any property line.

(Y) Address identification numbers. Any residential dwelling unit or Commercial/Industrial building shall display address identification numbers on the dwelling or building that shall be visible from the nearest public street and be of a contrasting color from the dwelling or building. The height of the numbers shall be no less than 4 inches.

(Z) Property corners. Prior to construction of any new residential dwelling, dwelling addition, garage, garage addition or commercial/industrial building, it is the responsibility of the property owner to establish or display all property corners. For any other type of project that requires a building permit, it may be necessary for the property owner to display property corners at the request of the Building Official or Assistant Building Inspector. Property corners shall be located by the property owner or a registered land surveyor.

(AA) Underground systems. Underground invisible pet fencing shall be located a minimum of 3 feet from any sidewalk or street. Any underground sprinkler system installed within any public right-of-way is at risk from damage as a result of street or utility maintenance or any other public improvement project. The city accepts no responsibility for underground sprinkler system or invisible pet fencing damage in any public right-of-way.

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(BB) Home occupations. Home occupations are permitted uses in residential districts and shall conform to the following standards:

- (1) Such use shall be operated entirely within the primary living dwelling. The use of an attached or detached accessory building or garage for such use is prohibited.
- (2) Such use shall not employ any person not residing on the premises.
- (3) Such use shall not exceed 1/3 of the main floor space of a dwelling.
- (4) Only 1 home occupation shall be operated within a dwelling.
- (5) There shall be no outside storage of materials, goods, supplies, or equipment of any kind related to the home occupation.
- (6) No traffic or parking demand shall be generated by such use in greater volumes than would normally be expected in a residential neighborhood.
- (7) Any occupation shall be clearly secondary to the main use of the premises as a residential dwelling.

(8) The owner of the building shall be the operator of the home occupation.

(CC) Outside storage of materials in Business or Commercial districts. Where outside storage of materials, equipment and product is permitted in a Business or Commercial district, such outside storage shall conform to the following provisions.

(1) Outside storage shall be fenced and screened from any abutting property and public street by privacy fencing or planting of vegetation. Such fencing or vegetation shall be not less than 6 feet in height.

(2) Outside storage areas shall be hard surfaced using concrete or asphalt material.

(3) Outside storage areas shall not be located within setback areas.

(4) All materials stored outside shall be directly associated with the business.

(DD) Outside storage in Industrial districts. Where outside storage of materials, equipment and product is permitted in an Industrial district, such outside storage shall conform to the following provisions.

(1) Outside storage areas shall be fenced and screened from any abutting property and public street by privacy fencing or planting of vegetation. Such fencing or vegetation shall be not less than 8 feet in height.

(2) Outside storage areas shall be hard surfaced using concrete or asphalt material.

(3) Outside storage areas shall not be located within setback areas.

(4) All materials stored outside shall be directly associated with the industry.

(EE) Outside storage of materials in Residential districts. In any Residential zoning district, it is unlawful for any person to discard, place, accumulate, maintain or store out of doors, the following:

(1) (a) Unlicensed, unregistered or inoperable motor vehicles, recreational vehicle, boats, campers, snowmobiles, trailers or similar equipment.

(b) In the event a licensed motor vehicle parked or stored out of doors on private property has not been moved within a consecutive 30-day time period, the Zoning Administrator may, by written letter to the property owner, request that the vehicle owner

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demonstrate the vehicle is operable by starting and driving the vehicle a distance of not less than 500 feet. The operation to be observed by the Zoning Administrator or his or her designee.

- (2) Motor vehicle bodies, frames, parts, tires, rims or other machinery or equipment.
- (3) Household furnishings or appliances.
- (4) Lumber or construction materials.
- (5) Non-residential vehicles including but not limited to: tractors, buses, skid loaders and commercial trucks.
- (6) Lawnmowers, snowblowers and other lawn and garden equipment.
- (7) Garbage, litter and other debris which is considered to be a public nuisance by the Zoning Administrator.
- (8) The outside storage of materials shall not be located within any building setback area.

(FF) Outside storage of vehicles in Residential districts. In any Residential district, the off-street parking of vehicles shall conform to the following provisions.

(1) The off-street parking on any automobile, trailer, camper, boat, or recreational vehicle shall be on a lawfully permitted hard-surfaced area constructed of concrete or asphalt.

(2) The off-street parking of any automobile, trailer, camper, boat, or recreational vehicle shall not be within any building setback area unless on a lawfully constructed parking area adjacent to an alley.

(3) Any automobile, trailer, camper, boat or recreational vehicle stored on private property shall be licensed and registered to the property owner or tenant.

(4) Any automobile, trailer, camper, boat, recreational vehicle stored on private property shall not be used to store materials or equipment.

(GG) Driveways and curb openings. The following standards shall apply for each use.

	Maximum Curb Cut (Measured at Property Line)	Maximum # of Curb Cuts	Minimum Distance Between Curb Cuts	Minimum Side Yard Driveway Setback
	Maximum Curb Cut (Measured at Property Line)	Maximum # of Curb Cuts	Minimum Distance Between Curb Cuts	Minimum Side Yard Driveway Setback
Single Family Interior Lot	24 feet	1	20 feet	10 feet
Single Family Corner Lot	24 feet	1	20 feet	10 feet
Single Family Corner Lot utilizing circular drive	14 feet	2	20 feet	10 feet

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Single Family Cul-de-Sac Lot	24 feet	1	20 feet	10 feet
Multi-Family (2-8Units)	24 feet	1	20 feet	10 feet
Multi-Family (Over 8 Units)	24 feet	2	20 feet	10 feet
Commercial/Business	36 feet	2	20 feet	10 feet
Industrial	50 feet	4	20 feet	10 feet

(HH) Residential occupancies. Residential occupancies of single and two family dwellings in the R-1, R-1S and R-2 Districts shall be limited to family-functional and family-traditional as defined by § 156.003. A family-traditional or family-functional may have 1 additional person residing with them for non-rental purposes or for the purposes of providing a housekeeping or personal service for the resident(s) therein.

(II) For every new attached or detached residential dwelling unit constructed, an individual water service and shut-off shall be installed for each dwelling unit. Multi-unit rental apartment buildings are not subject to this provision.

(JJ) Landscaping. In conjunction with any new residential dwelling, commercial or industrial building, landscaping, including seeded or sodding, shall occur within 1 year after a building permit is issued.

(KK) Pergolas and dog kennels.

(1) Building setbacks for pergolas and dog kennels are as follows:

Valley	Hilltop
Side yard - 5 feet	Side yard - 10 feet
Rear yard - 5 feet	Rear yard - 10 feet

(2) Pergolas and dog kennels shall not be located within any front yard building setback.

(LL) Playhouses. Permitted in any residential zoning district, subject to the following:

- (1) Maximum floor area shall not exceed 60 square feet.
- (2) Maximum height shall not exceed 5 feet.
- (3) Minimum setback is 5 feet from any rear or side property line.
- (4) Shall not be located within any front yard.
- (5) No more than 1 playhouse permitted on any lot.
- (6) Minimum setback is 5 feet from any ravine breakline.
- (7) Shall be located a minimum of 5 feet from any main, accessory or utility building.

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(MM) Garage and yard sales. Permitted in all residential districts and the Central Business District subject to the following:

(1) Events shall not exceed 3 days in length with no more the 4 events allowed in any 12-month period.

(2) No items related to the event shall be stored out-of-doors overnight.

(3) No items or materials shall be located in any boulevard or public right-of-way area. (1975 Code, § 11.06) (Am. Ord. 3, passed 3-2-1981; Am. Ord. 5, passed 3-16-1981; Am. Ord. 21, passed 4-9-1982; Am. Ord. 23, passed 8-16-1982; Am. Ord. 24, passed 10-18-1982; Am. Ord. 36, passed 8-15-1983; Am. Ord. 114, passed 5-7-1990; Am. Ord. 146, passed 3-6-1995; Am. Ord. 193, passed 7-24-2000; Am. Ord. 194, passed 7-24-2000; Am. Ord. 206, passed 4-16-2001; Am. Ord. 233, passed 12-1-2003; Am. Ord. 235, passed 1-20-2004; Am. Ord. 8, 4th Series, passed 1-16-2007; Am. Ord. 17, 4th Series, passed 1-17-2008; Am. Ord. 21, 4th Series, passed 1-20-2009; Am. Ord. 34, 4th Series, passed 1-18-2011; Am. Ord. 48, 4th Series, passed 1-22-2013; Am. Ord. 63, 4th Series, passed 1-5-2015; Am. Ord. 86, 4th Series, passed 4-3-2017; Am. Ord. 102, 4th Series, passed 4-2-2018; Am. Ord. 112, 4th Series, passed 1-22-2019; Am. Ord. 114, 4th Series, passed 5-6-2019; Am. Ord. 125, 4th Series, passed 2-18-2020)



ORDINANCE NO. 154

AN ORDINANCE OF THE CITY OF NORTH MANKATO, MINNESOTA  
AMENDING NORTH MANKATO CITY CODE CHAPTER 151

THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, ORDAINS AS FOLLOWS:

ARTICLE I: Chapter 151 of the North Mankato City Code shall be amended by adding Section 151.21 to the Municipal Code of the City of North Mankato:

**Section 151.21 Water Meters**

All properties required to obtain a residential rental license must obtain and install automatic read meters. If the property does not comply with these provisions, the rental license shall not be issued, and if a rental license has been issued, it shall not be renewed. The property shall not qualify for a new or renewed rental license until it complies with the provisions of this code section. Should the rental license lapse and not be renewed due to non-compliance with this ordinance, a new rental license application will be considered an initial application for the property.

City Staff may install automatic read meters if under 1 ½" in size and all plumbing is in good working condition. The consumer is responsible for paying for the meter, permit, and time of the City Staff. An authorized contractor must install all other automatic read meters, and the consumer shall pay for such permit and the cost of a new meter. The City does not guarantee that City Staff can install a meter, and requests may be denied due to plumbing conditions, staff availability, and other circumstances per the authorization of the Water Superintendent.

After the purchase of an automatic read meter, the property owner becomes the meter owner and shall be held responsible for the care and maintenance of that meter.

ARTICLE II: This ordinance shall become effective on or after the date following such publication in accordance with the law.

Due to the quantity of current rental licenses in the City of North Mankato, the following schedule will be followed for rental license renewals.

2024 Rental Licenses: All Lower North Mankato

2025 Rental Licenses: All Upper North Mankato

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

ORDINANCE NO. 214, THIRD SERIES

AN ORDINANCE OF THE CITY OF NORTH MANKATO, MINNESOTA,  
AMENDING NORTH MANKATO CITY CODE, CHAPTER 11,  
ENTITLED "LAND USE REGULATION (ZONING)"

THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA, ORDAINS:

WHEREAS, zoning ordinances are designed for the purpose of promoting the public health, safety, and general welfare; and

WHEREAS, from time to time it is in the best interest of the community to amend the zoning ordinance for the purpose of promoting the public health, safety, and general welfare; and

WHEREAS, it is necessary to create an ordinance to regulate occupancies in the R-1, One-Family Dwelling, and R-2, One- and Two-Family Dwelling Districts; and

WHEREAS, the Planning Commission has reviewed the proposed amendment at their April 11, 2002 meeting and recommended adoption by the City Council; and

WHEREAS, based on the Planning Commission's recommendation, minutes, and the presentation made to the City Council at the time of the public hearing on this ordinance, the City Council hereby finds and determines that:

1. The proposed ordinance conforms to the goals and implementation strategy of the City's Land Use Plan and Strategic Plan.
2. The City needs to protect the interests of low to medium density neighborhoods from high occupancy rental properties.
3. State Statute enables municipalities to effectuate land use plans through zoning ordinances.
4. State Statute permits zoning ordinances to regulate the use of land, including the density and distribution of population.
5. The purpose of the ordinance amendment is to protect the public's health, safety and welfare by preserving low to medium density neighborhoods.

NOW, THEREFORE, BE IT ORDAINED by the North Mankato City Council that Chapter 11 of the North Mankato City Code is amended in the following manner:

Subd. 36 **Subpart A. Family.** An individual or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than five (5) unrelated persons, living together as single housekeeping unit within a dwelling unit as distinguished from individuals or a group occupying a hotel, motel, club, lodge, sorority, fraternity, or dormitory.

**Subpart B. Family-Traditional.** A traditional family means one or more persons related by blood or marriage residing in a single dwelling unit.

**Subpart C. Family-Functional.** A functional family means a collective group of unrelated persons residing in a single dwelling unit, limited to not more than two adult persons, together with their traditional family members of any age.

**Subd. 88. Unrelated Individuals.** Two or more individuals who are not related by blood, marriage, or adoption. For the purposes of this Chapter, "related by blood" shall mean whole or half relation between a common ancestor or descendant, husband, wife, son, daughter, father, mother, brother, sister, uncle, aunt, niece, nephew, stepchildren, legally adopted children, grandmother, grandfather, state assigned foster children, first cousin, or any combination of the above persons.

## **PART II RESIDENTIAL DISTRICTS**

### **Section 11.08 General Requirements**

**Subd. 11. State Licensed Residential Facility.** State licensed residential facilities are allowed in all residential districts pursuant to Minnesota State Statutes, as amended from time to time. The regulation of Residential Occupancies contained in this Section shall not apply to a State Licensed Residential Facility.

#### **Subd. 12. Residential Occupancies.**

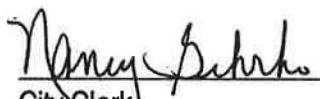
- A. Residential occupancies of single and two family dwellings in the R-1 and R-2 Districts shall be limited to Family-Functional and Family-Traditional as defined by this Chapter. A Family-Traditional or Family-Functional may have one additional person residing with them for non-rental purposes or for the purposes of providing a housekeeping or personal service for the resident(s) therein.

After adoption, signing and attestation, this Ordinance shall be published once in the official newspaper of the City and shall become effective on or after the date following such publication in accordance with law.

Adopted this 15th day of April 2002.

  
\_\_\_\_\_  
Acting Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

Published in the Mankato Free Press this 19th day of April 2002.

## GENERAL PROVISIONS

### § 156.003 DEFINITIONS.

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

**ACCESSORY RECREATIONAL BUILDING.** An accessory building or accessory portion of the principal building which is intended for and used for relaxation, private interests or hobbies, and/or amusement-type activities of the family or families resident upon the premises but not intended for or used to store private passenger vehicles. Activities undertaken in accessory recreational buildings shall not adversely affect the use and enjoyment of surrounding properties.

**ACCESSORY USE, ACCESSORY STRUCTURE, or ACCESSORY BUILDING.** A use, structure, building, or portion of a structure or building subordinate to and serving the principal use structure on the same lot and customarily incidental thereto.

**AGRICULTURAL.** The art or science of cultivating the soil and activities incident thereto; the growing of soil crops in the customary manner on open tracts of land; farming. The term shall include incidental retail selling by the producer of products raised on the premises, provided that space necessary for parking of vehicles of customers shall be furnished off the public right-of-way. The term shall include the accessory keeping or raising of animals pursuant to applicable health and safety requirements and particularly in conformity with § [156.036](#).

**ALLEY.** A public right-of-way less than 30 feet in width which provides secondary access to abutting property.

**APARTMENT.** A part of a building consisting of a room or suite of rooms which is used for a semi-permanent residence for one family or an individual and equipped with cooking facilities, other than a boarding or lodging house, motel or hotel.

**APARTMENT BUILDING.** Three or more apartments grouped in one building where each apartment is accessed from a common hallway connecting to shared building entrances.

**AUTOMOTIVE SERVICE STATION.** Any building or premises principally used for the dispensing or sale of automotive fuels (including diesel), lubricating oil, grease, tires, batteries, or minor automotive accessories. Services offered may include minor installations, adjustments or repairs. When sales, service, and repair are offered as the principal use, such premises shall be classified as a public garage. Automotive service stations shall not operate truck, car or trailer rental or an automobile wash without a conditional use permit.

**BASEMENT.** A portion of a building having  $\frac{1}{2}$  or more of its floor to ceiling height below the average grade of the adjoining ground.

**BED AND BREAKFAST.** An owner-occupied single-family residence which provides lodging and meals to registered guests.

**BUILDING.** Any structure having a roof which may provide shelter or enclosure of persons or property of any kind.

**BUILDING HEIGHT.** The vertical distance measured from the average elevation of the finished grade along the building edge to the highest point of the roof surface.

**BUILDING LINE.** A line parallel to the street right-of-way line at any story level of a building and representing the minimum distance which all or any part of the building is set back from the right-of-way line, except that an overhang portion of the roof not exceeding 24 inches may be permitted.

**CAMP GROUND.** Public or private land or premises used or occupied for compensation by campers.

**CAR OR TRUCK WASHOR LAUNDRY.** A building, or portion thereof, containing facilities for washing automobiles or trucks.

**CONDITIONAL USE.** A use having special circumstances pertaining to its location or operation which may be permitted in a district subject to approval by the City Council and is subject to conditions approved by the City Council.

**CURB LEVEL.** The level of the established curb in front of the building measured at the center of such front. Where no curb level has been established, the Construction Inspector or his or her designee shall establish such curb level or its equivalent for the purpose of this chapter.

**DEPTH OF LOT.** The horizontal distance between the front street right-of-way line and the rear lot line. The greater frontage of a corner lot is its depth and its lesser frontage is its width.

**DISTRICT** and **ZONING DISTRICT.** A section of the city for which the regulations governing the use of land and improvements thereon are the same. The word **DISTRICT** shall include the word **ZONING DISTRICT**, and the word **ZONING DISTRICT** shall include the word **DISTRICT** as defined and regulated herein.

**DRIVE-IN.** Any use providing the opportunity of selling, serving, or offering goods or services directly to customers waiting in vehicles or customers who return to their vehicles to consume or use the goods or services while on the premises of the principal use.

**DRIVEWAY.** A minor private way used by vehicles and pedestrians on an individual lot or parcel of land.

**DWELLING.** A building designed or used exclusively for residential occupancy but not including hotels, motels or bed and breakfast.

**DWELLING UNIT.** One or more rooms in a dwelling or other building designed for occupancy by one family for living purposes and having its own permanently installed cooking, sanitary facilities and separate identifiable access and complying with applicable residential building codes.

**DWELLING - ATTACHED.** A dwelling joined to other dwellings by a party wall or walls, including but not limited to such common references as townhouse, twin home, and row house.

**DWELLING, CONDOMINIUM.** A multiple family dwelling in which the dwelling units are separated by a party wall and which dwelling units are designed and intended to be owned separately in fee under the condominium statutes of the state.

**DWELLING, DETACHED.** A single-family dwelling which is entirely surrounded by open space on the same lot.

**DWELLING, MANUFACTURED, MOBILE HOME.** A structure, transportable in 1 or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, it is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under M.S. Ch. 327.31, as it may be amended from time to time, and which structure conforms to the requirements of the Manufactured Home Building Code. Any structure which is smaller than the above



dimensional requirements shall be known as a "recreational camping vehicle" pursuant to the definitions of M.S. Ch. 327.14, Subd. 7, as it may be amended from time to time.

**DWELLING, MANUFACTURED, MODULAR.** A housing unit that is basically fabricated at a factory and transported in sections to a building site where final assembly and installation of such components is completed to permanently affix the module to the site and thereby create a non-mobile housing unit conforming to the Minnesota State Building Code.

**DWELLING, MANUFACTURED, PREFABRICATED.** A housing unit with the walls, floors and ceilings constructed at a factory and which are transported to a building site where final assembly and installation of such component is completed to permanently affix the unit to the site and thereby create a non-mobile housing unit conforming to the Minnesota State Building Code.

**DWELLING, MULTIPLE FAMILY.** A dwelling designed for or intended for or containing 3 or more dwelling units, including but not limited to such common references as apartment buildings and condominiums.

**DWELLING, SINGLE FAMILY.** A dwelling designed for and used for occupancy by one family.

**DWELLING, TWIN HOME.** Two single family attached dwellings located on individual lots in such a manner that the common party wall is located on the common side lot line.

**DWELLING, TWO FAMILY.** A dwelling designed or intended exclusively for occupancy by 2 families living independently of each other and commonly referred to as a duplex. Also referring to a single family dwelling plus a single apartment.

**DWELLING, ZERO LOT LINE.** A single family dwelling attached by party walls with other single family dwellings in such a manner that the common party wall(s) is located on the common lot line(s), including but not limited to such common references as twin homes.

**EARTH SHELTERED.** Constructed so that 50% or more of the exterior surface is covered or in contact with earth. Exterior surface includes all walls and roof, but excludes garages and other accessory buildings. Earth covering on walls is measured from the floor of the structures lowest level. Earth covering on the roof must be at least 12 inches deep to be included in calculations of earth covering. An **EARTH SHELTERED** building must satisfy the building code standard promulgated pursuant to M.S. § 16B.61, as it may be amended from time to time. Partially completed buildings shall not be considered earth sheltered.

**EXTERIOR STORAGE.** The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

**EXTRACTION AREA.** Any non-agricultural artificial excavation of earth exceeding 50 square feet of surface area of 2 feet in depth, excavated or made by the removal from the natural surface of the earth, or sod, soil, sand, gravel, stone or other natural matter, or made by turning, or breaking or undermining the surface of the earth, except that public improvement projects shall not be considered extraction areas.

**FAMILY.** An individual or 2 or more persons related by blood, marriage, or adoption, or a group of not more than 5 unrelated persons, living together as single housekeeping unit within a dwelling unit as distinguished from individuals or a group occupying a hotel, motel, club, lodge, sorority, fraternity, or dormitory.

**FAMILY - TRADITIONAL.** One or more persons related by blood or marriage residing in a single dwelling unit.

**FAMILY - FUNCTIONAL.** A collective group of unrelated persons residing in a single dwelling unit, limited to not more than 2 adult persons, together with their traditional family members of any age.

**FLOOR AREA.** The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of walls, including basements and accessory buildings on the same zoning lot.

**FLOOR AREA (LIVABLE).** The same as **FLOOR AREA** except its application is limited to dwellings. It is measured from the interior faces of the interior walls and excludes all unoccupied cellars, garages, porches, attics, stairways, basements, storage, utility, heating rooms and similar areas.

**GARAGE, PRIVATE.** An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises.

**GARAGE, PUBLIC.** Any premises used for the storage or care of motor vehicles or premises where any such vehicles are equipped for operation, are repaired, or are kept for remuneration, for hire, or for sale. Any sale of gasoline, oil, and accessories are only incidental to the principal use.

**GARAGE, TRUCK.** A building which is used or intended to be used for the storage of motor trucks, truck trailers, tractors and commercial vehicles exceeding 1-1/2 ton capacity.

**GRADE, GROUND.** The average of the natural ground elevation within a 200-foot radius within the buildable envelope of a lot or lots.

**GRADE, STREET.** The elevation of the established street in front of the building measured at the center of such front. The Zoning Administrator or his or her designee shall establish such street grade or its equivalent for the purposes of this chapter.

**HOME OCCUPATION.** Any occupation which is clearly secondary to the main use of the premises as a dwelling and does not substantially change the character thereof or have any substantial exterior evidence of such secondary use.

**HOTEL.** A building or portion thereof occupied as a lodging place for persons who are lodged with or without meals and in which there are more than 10 sleeping rooms.

**LANDSCAPING.** The enhancement of the appearance of land by altering its contours, including the planting of trees, shrubs and flowers or installation of rock, brick, or mulch. Rock or brick referenced here include those used as edging for landscaped areas. Patios, walkways, or other paved areas consisting of rock or brick are not considered landscaping under this definition.

**LICENSE or PERMIT.** A written license or permit issued by the city under the provisions of this chapter.

**LOT.** One unit of a recorded plat or subdivision of land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under this chapter and having its principal frontage upon a public street or officially approved access.

**LOT AREA.** The area of a lot in a horizontal plane bounded by the lot lines.

**LOT AREA PER FAMILY.** The lot area required by this chapter to be provided for each unit in a dwelling, providing residence for one family.

**LOT, CORNER.** Any lot situated at the junction of and fronting on 2 or more streets.

**LOT COVERAGE.** The area of a zoning lot occupied by the principal buildings and accessory buildings measured as a percentage of the total area of the zoning lot.

**LOT, DOUBLE FRONTAGE.** A lot having frontage on 2 streets.

**LOT, INTERIOR.** A lot other than a corner lot.

**LOT LINE.** The lines bounding a lot as defined herein. When a lot line abuts a street or alley, such lines shall also be street or alley lines.

**LOT LINE, FRONT.** That boundary of a lot which abuts a public street, and, in the case of a double frontage lot or a corner lot, it shall be the shortest dimension on a public street. If the dimensions of a double frontage lot or a corner lot are equal, the front lot line shall be designated by the owner and filed with the Zoning Administrator.

**LOT LINE, REAR.** That boundary of a lot which is opposite the front lot line. If the rear line is less than 10 feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line 10 feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

**LOT LINE, SIDE.** Any boundary of a lot which is not a front lot line or a rear lot line.

**LOT WIDTH.** The width of a lot is its width measured at the front setback line.

**LANDSCAPING.** Plantings such as trees, grass, and shrubs.

**MOTEL.** A combination or group of 2 or more detached, semi-detached or connected permanent buildings that are used for overnight transient living accommodations and are oriented toward travelers parking their automobiles.

**NONCONFORMING USE.** Any pre-existing structure or previously permitted use of land which is inconsistent with the current provisions of this chapter or any amendment thereto.

**NUISANCE.**

(1) **PRIVATE NUISANCE.** Any wrongful action, which destroys or deteriorates the property of an individual or interferes with the person's lawful use or enjoyment of the property.

(2) **PUBLIC NUISANCE.** Maintaining a public nuisance by act, or by failure to perform a legal duty, intentionally causing or permitting a condition to exist which injures or endangers the public health, safety or welfare. A miscellaneous and diversified group of minor criminal violations, based on some interference with the interests of the community or the comfort and convenience of the general public may rise to the level of a "public nuisance." To be considered public, the nuisance must affect an interest common to the general public. The activity must be harmful to the public; create an interference in the use of way of travel; prevent the public from the peaceful use of their land and the public streets; or must affect a common interest of the general public.

**NURSING HOME.** A facility for the care of the aged or disabled.

**OFF-STREET LOADING SPACE.** A space accessible from a street, alley, or driveway for the use of trucks or other vehicles while loading or unloading merchandise or materials. Such space shall be of size as to accommodate 1 vehicle of the type typically used in the particular business.

**OFF-STREET PARKING SPACE.** A land area exclusive of driveways of such shape and dimensions and so prepared as to be usable for the parking of motor vehicles, trailers, boats, campers and recreational vehicles.

**OPEN SALES LOT.** Any land used or occupied for the purpose of buying and selling any vehicles, goods, materials or merchandise and for the storing of same under the open sky prior

to sale. The words **OPEN SALES LOT** shall include the words **EXTERIOR STORAGE** as defined herein.

**OVERHANG.** Portion of a roof which projects beyond the main structure.

**PLANNED UNIT DEVELOPMENT or PLANNED DEVELOPMENT.** A large lot or tract of land developed as a unit rather than as individual development wherein 2 or more buildings may be located in relationship to each other rather than to lot lines or zoning district boundaries.

**PREFABRICATED DWELLING.** See Dwelling, Manufactured, Prefabricated.

**PRINCIPAL STRUCTURE OR USE.** The purpose of activity for which the land or structure thereon is designed, arranged or intended, or for which it is actually occupied or maintained.

**PUBLIC OPEN SPACE.** Any publicly owned open area, including but not limited to the following: parks, playgrounds, school sites, parkways and streets.

**RETAINING WALL.** A structure made of masonry, stone, brick, concrete or timber that holds back soil, rock or landscaping material from a building, structure or area to prevent downslope movement or erosion and provide support for vertical grade changes.

**ROW HOUSE.** A group or row of dwellings which are joined by party wall or walls.

**SETBACK.** The horizontal distance between the property lines of and the allowable building lines as defined by the yard regulations of this chapter.

**SOLAR COLLECTOR.** Any device that is employed in the collection of solar energy for heating and/or cooling of a structure, building or water.

**SOLAR ENERGY.** Radiant energy received from the sun.

**SOLAR ENERGY SYSTEM.** A set of devices whose primary purpose is to collect solar energy and convert and store it for useful purposes, including heating and cooling buildings or other energy-using processes, or to produce generated power by means of any combination of collecting, transferring, or converting solar-generated energy.

**SPORTS COURT or ATHLETIC COURT.** An outdoor area paved with asphalt, concrete, or similar hard surface material (not including driveways, patios, or pools) intended for athletic purposes including, but not limited to, basketball, tennis, handball, and racquetball.

**STORAGE or UTILITY SHED.** An accessory structure, either freestanding or attached to another structure, that is not classified for human habitation or occupancy and is intended to be used to store personal property.

**STORY.** That portion of a building included between the surface of any floor and the surface of the next floor above it or if there is no floor above it, then the space between the floor and the ceiling next above it.

**STORY-HALF.** That portion of a building under a gable, hip or gambrel roof, the wall plates of which, on at least 2 opposite exterior-walls, are not more than 2 feet above the floor of such story.

**STREET.** A public right-of-way which affords a principal means of access to abutting property and which has been accepted by the city as a public way.

**STRUCTURE.** Anything constructed, the use of which requires permanent location on the ground; or attached to something having a permanent location on the ground.

**STRUCTURAL ALTERATIONS.** Any change, other than incidental repairs, which alters bearing walls, columns, beams, girders, foundations or other structural elements.

**POOL HOUSE or CABANA.** An accessory building located near a private swimming pool which is intended for and used to store pool related accessories including equipment necessary for pool operation, recreational equipment used in the pool, and other similar-type pool-related equipment while also including elements intended for pool-side relaxation, and/or pool related amusement-type activities.

**TOWNHOUSE.** A single family dwelling attached by party walls with other single family dwellings in such a way that all exits open to the outside.

**TRAIL.** A private means of access to abutting property.

**UNRELATED INDIVIDUALS.** Two or more individuals who are not related by blood, marriage, or adoption. For the purposes of this chapter, **RELATED BY BLOOD** shall mean whole or half relation between a common ancestor or descendant, husband, wife, son, daughter, father, mother, brother, sister, uncle, aunt, niece, nephew, stepchildren, legally adopted children, grandmother, grandfather, state assigned foster children, first cousin, or any combination of the above persons.

**USE.** The purpose for which land, premises or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

**USED FOR.** Shall include the phrases **ARRANGED FOR, DESIGNED FOR, INTENDED FOR, MAINTAINED FOR,** and **OCCUPIED FOR.**

**VARIANCE.** A modification or variation of the provisions of this chapter where it is determined that by reason of special and unusual circumstances relating to a specific lot, strict application of the ordinance would cause undue hardship or that strict conformity with the provisions of this chapter would be unreasonable, impractical or unfeasible under the circumstances.

**WIND ENERGY CONVERSION SYSTEM (WECS).** Any device that converts wind power to another form of energy such as electricity or heat (also referred to by such common names as wind charger, wind turbine, and windmill.)

**YARD.** An open space unoccupied by structures and exclusive of accessory uses except as may be otherwise permitted by this chapter.

**YARD, FRONT.** A yard extending across the full width of a lot and having a depth equal to the shortest distance between the front line of the lot and the nearest point on the front building setback line. The front yard depth shall be measured from an existing or future street right-of-way line on which the lot fronts.

**YARD, REAR.** A yard extending across the full width of a lot and having a depth equal to the shortest distance between the rear line of the lot and the rear building setback line.

**YARD, SIDE.** A yard between the side line of the lot and the side building setback line.

**YARD TRANSITIONAL.** A front, rear or side yard that may be required where any lot line coincides with any residential zoning district lot line, or where the extension of a front or side lot line coincides with a front lot line of any residential district lot line. The transitional yards shall be required where such properties are separated by a public street, alley, or highway right-of-way of less than 100 feet in width. Such yards required shall not be less than that which would be required under this chapter for a residential use on the adjacent residential lot.

(1975 Code, § 11.03) (Am. Ord. 3, passed 3-2-1981; Am. Ord. 5, passed 3-16-1981; Am. Ord. 13, passed 7-6-1981; Am. Ord. 21, passed 4-8-1982; Am. Ord. 23, passed 8-16-1982; Am. Ord. 24, passed 10-18-1982; Am. Ord. 29-82, passed 12-6-1982; Am. Ord. 37, passed 8-15-1983; Am. Ord. 214, passed 4-15-2002; Am. Ord. 17, 4th Series, passed 1-17-2008)



## **ZONING DISTRICTS AND DISTRICT MAP**

### **§ 156.020 DISTRICTS.**

(A) The city is divided into zoning districts. The zoning districts established are each separate and distinct and are designed to assist in carrying out the intents and purposes of this chapter.

(B) The districts are established as follows:

- (1) R-A, Residential Agricultural District;
- (2) R-1, One-Family Dwelling District;
- (3) R-1S, One Family Dwelling, small lot;
- (4) R-2, One and Two-Family Dwelling District;
- (5) R-3, Limited Multiple Dwelling District;
- (6) R-4, Multiple Dwelling District;
- (7) B-1, Neighborhood Business District;
- (8) B-2, Community Business District;
- (9) B-3, General Commercial District;
- (10) CBD, Central Business District;
- (11) I-1, Planned Industrial District;
- (12) M-1, Light Industry District;
- (13) M-2, Heavy Industry District;
- (14) TUD, Transitional Unzoned District;
- (15) OR-1, Office-Residential District.
- (16) P-1, Public Use District.

(1975 Code, § 11.04, Subd. 1) (Am. Ord. 213, passed 3-18-2002)

### **§ 156.021 ZONING DISTRICT MAP.**

The location and boundaries of the districts established by this chapter are set forth on the Zoning Map and the map is made a part of this chapter. The map shall be known as the "City of North Mankato Zoning Map." The map and all notations, references, and data shown thereon are incorporated by reference into this chapter and shall be as much a part of it as if all were fully described herein. It shall be the responsibility of the Zoning Administrator to maintain the map and amendments thereto. The Official Zoning Map shall be publicly displayed in the City Hall. All amendments to the Zoning Map are generally described in the Table of Special Ordinances, see [Table I](#).

(1975 Code, § 11.04, Subd. 2)

### **§ 156.022 DISTRICT BOUNDARIES.**

The boundaries between districts are, unless otherwise indicated, either the center lines of streets or alleys or such lines extended or lines parallel or perpendicular thereto. Where figures are shown on the Zoning Map between a street and a district boundary line, they indicate that the district boundary line runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated, unless otherwise indicated. Boundaries indicated as following shore

line shall follow the low water shore lines, and in the event of change in shore line shall move with the actual shore line; boundaries indicated as following the center lines of streams, rivers, canals, lakes, or other bodies of water shall follow such center lines. Boundaries indicated as approximately following the city limits shall be construed as following such city limits.

(1975 Code, § 11.04, Subd. 3)

#### **§ 156.023 FUTURE ANNEXATION.**

Any land annexed to the city on or after the effective date of this chapter shall upon annexation and without formal zoning action be placed in a transitional unzoned district until otherwise zoned in accordance herewith.

(1975 Code, § 11.05)

### **DISTRICT REGULATIONS**

#### **§ 156.035 GENERALLY.**

The regulations of this chapter within each district shall be minimum regulations and shall apply uniformly within each district, except as may be permitted or provided by this chapter.

(A) *District conformance.* No building, structure or land shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

(B) *Alterations.* No building or other structure shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or allowed to be erected or altered in any other manner contrary to the provisions of this chapter.

(C) *Requirement computations.* No part of a yard or other open space, or off-street parking required for or in connection with any building for the purpose of complying with this chapter, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building except as may be permitted by this chapter. Regulations requiring the use of numerical computations shall utilize the method provided by this chapter. Where no method has been provided by this chapter, it shall be the duty of the Zoning Administrator to determine appropriate uniform means of computation. In the event fractional sums, differences, products or quotients are determined in the application of this chapter, these values shall be "rounded off" to the applicable unit of measurement.

(D) *Yard or lot reductions.*

(1) No yard or lot existing at the time of the passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein except detached dwellings located on lots contained in plats recorded prior to the year 1958 which shall not be less than the following:

- (a) Front yards: 20 feet;
- (b) Side yards: 5 feet;
- (c) Rear yards: 20 feet;
- (d) Lot width: 50 feet.

(2) Yards or lots created after the effective date of this chapter shall not be less than the minimum requirements established by this chapter.

(E) *Accessory uses.* Accessory uses or structures shall not be located in any required front, side, rear or transitional yard except as may be permitted in this section.

(1) The following are the minimum residential building setbacks for permitted accessory uses for properties platted prior to 1958:

Accessory Use	Side Yard Setback	Rear Yard Setback	Front Yard Setback	Accessory Structure or Building Size Restrictions
Decks or Elevated Platform <sup>(1)</sup>	5 Feet	15 Feet	20 Feet	N/A
Patios or Paved Area <sup>(2)</sup>	5 Feet	15 Feet	20 Feet	N/A
Parking Areas (must be hard surfaced)	5 Feet	15 Feet	Limited to Permitted Driveway <sup>(3)</sup>	Minimum 20 feet in length
Utility Building/Shed	5 Feet	5 Feet	Not Permitted	Floor area not to exceed 168 sq. ft.
Private Garage: Vehicle Entry Doors Face Adjacent Alley	5 Feet	20 Feet	N/A	See § 156.035(G)(2)
Private Garage: Vehicle Entry Doors Face Side Property Line	5 Feet	5 Feet	N/A	See § 156.035(G)(2)
Private Garage: Vehicle Entry Doors Face Adjacent Street <sup>(4)</sup>	5 Feet	5 Feet	20 Feet	See § 156.035(G)(2)
Accessory Recreational Building	5 Feet	5 Feet	20 Feet	See § 156.035(G)(2)
Sports Court or Athletic Court	5 Feet	15 Feet	Not Permitted	Included in calculated ground coverage. See § 156.037(I) and § 156.038(H)
Private Swimming Pool: <u>All Types</u> ; Non-Ravine Lot <sup>(5)</sup>	5 Feet	10 Feet	20 Feet	N/A
Private Swimming Pool: <u>In-Ground</u> Ravine Lot <sup>(5)(6)</sup>	5 Feet	10 Feet	20 Feet	N/A
Private Swimming Pool: <u>Above-Ground</u> Ravine Lot <sup>(5)(6)</sup>	5 Feet	25 Feet	20 Feet	N/A
Pool House/Cabana	5 Feet	5 Feet	20 Feet	See § 156.035(G)(2)

1. Either attached to a dwelling or free standing, with no roof or overhead structure of any type.

2. Level, flush or at grade with the ground, with no roof or overhead structure of any type, and are not used for parking purposes.
  3. A hard surfaced parking area is permitted in a front yard setback of a corner lot if it adjoins to the side of a private garage, does not exceed 10-feet in width, and does not extend past the rear of the garage it adjoins.
  4. Corner Lots are subject to two front yard setbacks.
  5. Decks or aprons attached to pools are considered part of the pool and cannot be located in any required setback.
  6. The ravine breakline shall be established by the Building or Construction Inspector prior to pool construction. City staff can require a setback of up to 25 feet from any identified ravine breakline at their discretion, regardless of proximity to any property line; Decks or aprons attached to pools are considered part of the pool and cannot be located in any required setback.
- (1) The following are the minimum residential building setbacks for permitted accessory uses for properties platted after 1958:

Accessory Use	Side Yard Setback	Rear Yard Setback	Front Yard Setback	Accessory Structure or Building Size Restrictions
Decks or Elevated Platform <sup>(1)</sup>	10 Feet	15 Feet	30 Feet	N/A
Patios or Paved Area <sup>(2)</sup>	10 Feet	15 Feet	30 Feet	N/A
Parking Areas (must be hard surfaced)	10 Feet	15 Feet	Limited to Permitted Driveway <sup>(3)</sup>	Minimum 20 feet in length
Utility Building/Shed	5 Feet	5 Feet	Not Permitted	Floor area not to exceed 168 sq. ft.
Private Garage	10 Feet	25 Feet	30 Feet	See § 156.035(G)(2)
Accessory Recreational Building	10 Feet	25 Feet	30 Feet	See § 156.035(G)(2)
Sports Court or Athletic Court	10 Feet	15 Feet	N/A	Included in calculated ground coverage. See § 156.037(I) and § 156.038(H)
Private Swimming Pool: <u>All Types</u> ; Non-Ravine Lot <sup>(4)</sup>	5 Feet	10 Feet	20 Feet	N/A
Private Swimming Pool: <u>In-Ground</u> ; Ravine Lot <sup>(4)(5)</sup>	5 Feet	10 Feet	20 Feet	N/A
Private Swimming Pool: <u>Above-Ground</u> ; Ravine Lot <sup>(4)(5)</sup>	5 Feet	25 Feet	20 Feet	N/A
Pool House/Cabana	10 Feet	25 Feet	30 Feet	See § 156.035(G)(2)

1. Either attached to a dwelling or free standing, with no roof or overhead structure of any type.

2. *Level, flush or at grade with the ground, with no roof or overhead structure of any type, and are not used for parking purposes.*
3. *A hard surfaced parking area is permitted in a front yard setback of a corner lot if it adjoins to the side of a private garage, does not exceed 10-feet in width, and does not extend past the rear of the garage it adjoins.*
4. *Decks or aprons attached to pools are considered part of the pool and cannot be located in any required setback.*
5. *The ravine breakline shall be established by the Building or Construction Inspector prior to pool construction. City staff can require a setback of up to 25 feet from any identified ravine breakline at their discretion, regardless of proximity to any property line. Decks or aprons attached to pools are considered part of the pool and cannot be located in any required setback.*

(F) *Height exceptions.* The building height limits established herein for districts shall not apply to belfries, cupolas, domes, spires, monuments, radio towers, flag poles, chimneys, water tanks, towers, solar collectors, wind energy conversion systems and other structures for essential services, nor to similar structures or necessary mechanical appurtenances extending above the roof of any building and not occupying more than 10% of the area of such roof. Building height limit exceptions shall conform to all structural design standards specified by the Minnesota State Building Code, as amended. In no event shall this section be construed to allow the construction or continued maintenance of structures constituting a hazard to the abutting property or the public at large. Where the average slope of lot is greater than 1 foot rise or fall in 7 feet of horizontal distance from the established street elevation at the property line, 1 story in addition to the number permitted in the district in which the lot is situated shall be permitted on the downhill side of any building.

(G) *Accessory structures or buildings.* If an accessory structure or building is attached to the main building, it shall be made a structural part of the main building and shall comply in all respects with the requirements of this chapter applicable to the main building. An accessory structure or building, unless attached to and made a part of the main building, shall not be closer than 5 feet to the main building or another accessory structure or building. In no event shall an accessory structure or building be permitted on a vacant lot or when not subordinate to and serving the principal use structure on the same lot.

(1) An accessory structure or building larger than 168 square feet and intended to be used to store private passenger vehicles shall be accessible by a hard-surfaced driveway which meets all applicable setback regulations. Accessory recreational buildings and pool houses/cabanas are permitted to be larger than 168 square feet but cannot be used to store private passenger vehicles.

(2) Accessory structures or buildings, including attached and detached private garages, accessory recreational buildings, and pool houses/cabanas for one and two-family residential dwellings shall not exceed a total footprint of 1,400 square feet per lot for all structures combined. This excludes storage or utility sheds that are 168 square feet or smaller.

(3) No pole barn type construction is permitted for any residential private garage.

(4) Detached residential garage roofs must have a hipped or gable design. No barn-type roofs are permitted on detached garages.

(H) *Earth sheltered buildings.*

(1) Where an earth sheltered building substantially alters the natural watershed of the lot, computations for yard area shall be based on measurements from the surrounding cover of



earth. In cases where the earth sheltered building has been made part of the natural terrain, computations for yard area shall be made from the exterior surface of the building.

(2) All applications for building permits for earth sheltered buildings shall be accompanied by a drainage plan.

(I) *Wind energy conversion systems (WECS).*

(1) The location, design, maintenance and removal of WECS shall be governed as follows. WECS shall be considered a conditional use in all zoning districts. All appropriate regulations within each zoning district must be complied with in addition to regulations outlined below;

(2) Applicants requesting a building permit for a WECS shall furnish such scale drawings and information as the city deems necessary. This information may include, but is not limited to the following: a plot plan of the premises involved showing lot lines, the accurate location of all buildings or structures on the premises and on each adjacent plot and the location of proposed tower and all guy wires, poles or anchors, and a sketch elevation of the premises accurately depicting the proposed tower and its relationship to structures on adjacent lots.

(3) The permitted maximum height of a WECS shall be determined in one of two ways:

(a) A ratio of 1 to 1 between the distance from the closest property line to any part of the WECS to the height of the tower;

(b) A maximum of 100 feet in agricultural and industrial districts and 60 feet in residential and commercial districts. The shortest height of the two above-mentioned methods shall be used in determining maximum height. Height shall be measured from the surrounding grade to the rotor hub or top of the tower, whichever is higher.

(4) No part of a WECS shall be located within or above any required front, side or rear setback area.

(5) All WECS shall be designed to meet the following minimum standards:

(a) An automatic braking device capable of halting operation in high winds (40 m.p.h. or greater) shall be incorporated;

(b) The WECS shall be designed, constructed and operated so as to not cause radio and television interference;

(c) The WECS shall be operated and maintained in a condition which will not cause unreasonable noise emissions;

(d) The WECS shall be placed on the property in a position which will not unreasonably obstruct the view from neighboring properties;

(e) The WECS shall be guarded against unauthorized climbing. The first 12 feet of the tower shall be unclimbable by design or be enclosed by a 6 foot high, nonclimbable fence with a secured access;

(f) The WECS shall be designed and installed to withstand natural lightning strikes;

(g) The WECS electrical equipment and connections shall adhere to all state and local government, as well as power company rules and regulations and standards.

(6) Any WECS which fails to comply with this chapter shall be brought into compliance within 90 days after notice by the city, or be dismantled. Any WECS not in operation for 12 months shall be dismantled.

(7) WECS existing at the date of adoption of this chapter or existing at the time of annexation, shall be brought into compliance within 12 months or be dismantled.

(8) The owner of a WECS which is to be dismantled must accomplish such act within 30 days or the city is empowered to dismantle such WECS and assess the costs against the property.

(9) WECS that are by nature ornamental, rather than functional, shall be exempt from this chapter if total height is less than 25 feet.

(10) The city requires liability insurance to be maintained on the WECS by its owner.

(11) In order to insure adequate wind access, the city does encourage the use of private easements and restrictive covenants as a means to protect wind access.

(J) *Minimum structural requirements.* The following shall be minimum structural requirements in all residential districts:

(1) All structures used for residential occupancy shall have a minimum width of 24 feet and shall be affixed to a continuous permanent foundation constructed of concrete block, poured concrete or wood.

(2) A private attached or unattached garage having a minimum floor area of 280 square feet shall be required to be built concurrent with each dwelling constructed.

(3) Roof systems must have a 2-12 minimum pitch. Hip, gable, mansard, gambrel or shed roof designs are allowable. Flat roofs are not recommended and will require engineering drawings and snow load certification.

(4) The provisions of this subdivision shall apply to all structures used for residential occupancy except structures controlled by the provisions of Ch. 152.

(5) A residential structure shall have a minimum width of 24 feet at its narrowest point and a minimum depth of 32 feet with a minimum floor area of 800 square feet on the main floor.

(6) Residential structures shall be placed upon and affixed to a permanent foundation consisting of concrete block, concrete, or treated wood. The foundation shall be solid for the complete circumference of the structure except for necessary doors or windows. The foundation shall align vertically with the outer walls of such structure for its complete circumference and shall, as well, provide such other support for the structure as is required pursuant to the Minnesota State Building Code.

(K) *Residential driveways.*

(1) The maximum allowable driveway width measured at the front property line on residential property having a width of less than 80 feet shall not exceed 24 feet. The maximum allowable driveway width measured at the front property line on a residential property having a width of 80 feet or more shall not exceed 30 feet. There shall be a minimum of 20 feet of hard surfaced driveway located perpendicular from the face of any garage stall to the street. All driveways shall conform to the required side yard building setbacks for the district it is within.

(2) *Circular drives.* The maximum allowable driveway width measured at the property line on residential property shall not exceed 14 feet.

(3) For garages with access from the alley there shall be a minimum of 20 feet of hard-surfaced driveway, located perpendicular from the face of any garage stall to the alley or side property line, depending on the position of the garage doors. In no event shall a driveway encroach into a side yard building setback.

(L) *Ravine setbacks.* For all uses permitted there shall be a setback of no less than 25 feet, measured from the breakline of an adjacent ravine to any permanent structure, including but not limited to: dwellings, garages, decks, and above-ground patios. Gazebos exceeding 144 square feet in size are subject to a 25-foot ravine breakline setback. The breakline shall be established by the Building or Construction Inspector prior to construction.

(M) *Cul de sac lot provisions.*

(1) *Lot width.* The minimum lot width measured at the front property line on platted cul de sac lots shall be a minimum of 50 feet.

(2) *Driveways.* The maximum allowable driveway width measured at the property line on cul de sac lots shall not exceed 24 feet. Beginning at the front property line, the driveway width may be enlarged at an angle not greater than 45 degrees to a point not closer than 10 feet to any side property line.

(N) *Carports.* Permitted within any zoning district subject to applicable setback regulations within each zoning regulation.

(O) *Amateur radio towers.* Permitted within any zoning district subject to applicable setback and building height requirements.

(P) *Storage or utility sheds.* Permitted in any residential zoning district subject to the following:

- (1) Maximum floor area shall not exceed 168 square feet.
- (2) Minimum setback is 5 feet from any rear or side property line.
- (3) Located a minimum of 5 feet from any main or accessory building.
- (4) Shall not be located within any front yard.
- (5) Maximum height shall not exceed 14 feet.
- (6) Overhangs shall not exceed 2 feet.
- (7) Access door shall not exceed 6 feet in width.
- (8) No more than 1 storage shed or utility shed is permitted on any lot.
- (9) Minimum setback is 5 feet from any ravine breakline.

(R) *Foundation drainage.* All residential and commercial foundation drains shall be connected to a sump pump or directed into an adjacent ravine with the discharge line located at the bottom of the ravine. Beginning at a distance of 3 feet from the foundation wall, a drainage pipe shall be non-perforated.

(S) *Land preparation.* The initial stripping of land for any development requires the removal of all organic material and soil to a depth of at least 12 inches. Professional soil engineer or building inspector findings may require the removal of more than 12 inches of soil.

(T) *Minimum distance between buildings.* The minimum distance between privately owned primary or accessory buildings shall be 5 feet.

(U) *Foundation elevations.* The following standards apply for all new residential construction:

(1) Finished grade elevations shall have a minimum of 5% slope up to a maximum of 8% slope, from the back top of curb to the finished grade elevation adjacent to the foundation wall. This applies to the minimum front yard setback requirements for valley and hilltop locations. Any

variations are subject to be reviewed for approval by the City Building Official. Criteria for determining setback elevations beyond minimum setbacks are subject to the following:

- (a) Required setbacks.
- (b) Surface contours.
- (c) Elevations of adjacent properties.
- (d) Distance from top back of curb.
- (e) Drainage.

(2) The City Building Official shall establish the final floor elevation for all new residential, commercial or industrial buildings.

(3) Window well casings shall be constructed a minimum of 6 inches above finished grade.

(4) Residential property drainage. Drainage resulting from new home construction must conform to the topography of the land and be directed so as to not adversely affect neighboring property. Drainage plans are subject to Building Inspector approval.

(V) *Driveway paving.* Driveway paving shall occur within 1 year after a building permit is issued for a garage and/or driveway having access to a public street or alley. The driveway shall be hard surfaced.

(W) *Stormwater drainage plan.* On-site stormwater detention is required for any new parking lot. Prior to issuance of a building permit, a stormwater drainage plan shall be submitted and approved by the City's Construction Inspector (refer to standards).

(X) *Stormwater detention pond.* For any residential, commercial or industrial development utilizing more than 1 acre of land, an on-site stormwater detention pond is required. Prior to issuance of a building permit, a Stormwater Drainage Plan shall be submitted and approved by the Building Inspector. Setbacks for storm water ponds, rain gardens or other storm water retention areas shall be a minimum of 10 feet from any property line.

(Y) *Address identification numbers.* Any residential dwelling unit or Commercial/Industrial building shall display address identification numbers on the dwelling or building that shall be visible from the nearest public street and be of a contrasting color from the dwelling or building. The height of the numbers shall be no less than 4 inches.

(Z) *Property corners.* Prior to construction of any new residential dwelling, dwelling addition, garage, garage addition or commercial/industrial building, it is the responsibility of the property owner to establish or display all property corners. For any other type of project that requires a building permit, it may be necessary for the property owner to display property corners at the request of the Building Official or Assistant Building Inspector. Property corners shall be located by the property owner or a registered land surveyor.

(AA) *Underground systems.* Underground invisible pet fencing shall be located a minimum of 3 feet from any sidewalk or street. Any underground sprinkler system installed within any public right-of-way is at risk from damage as a result of street or utility maintenance or any other public improvement project. The city accepts no responsibility for underground sprinkler system or invisible pet fencing damage in any public right-of-way.

(BB) *Home occupations.* Home occupations are permitted uses in residential districts and shall conform to the following standards:

(1) Such use shall be operated entirely within the primary living dwelling. The use of an attached or detached accessory building or garage for such use is prohibited.

- (2) Such use shall not employ any person not residing on the premises.
- (3) Such use shall not exceed 1/3 of the main floor space of a dwelling.
- (4) Only 1 home occupation shall be operated within a dwelling.
- (5) There shall be no outside storage of materials, goods, supplies, or equipment of any kind related to the home occupation.
- (6) No traffic or parking demand shall be generated by such use in greater volumes than would normally be expected in a residential neighborhood.
- (7) Any occupation shall be clearly secondary to the main use of the premises as a residential dwelling.
- (8) The owner of the building shall be the operator of the home occupation.

(CC) *Outside storage of materials in Business or Commercial districts.* Where outside storage of materials, equipment and product is permitted in a Business or Commercial district, such outside storage shall conform to the following provisions.

- (1) Outside storage shall be fenced and screened from any abutting property and public street by privacy fencing or planting of vegetation. Such fencing or vegetation shall be not less than 6 feet in height.
- (2) Outside storage areas shall be hard surfaced using concrete or asphalt material.
- (3) Outside storage areas shall not be located within setback areas.
- (4) All materials stored outside shall be directly associated with the business.

(DD) *Outside storage in Industrial districts.* Where outside storage of materials, equipment and product is permitted in an Industrial district, such outside storage shall conform to the following provisions.

- (1) Outside storage areas shall be fenced and screened from any abutting property and public street by privacy fencing or planting of vegetation. Such fencing or vegetation shall be not less than 8 feet in height.
- (2) Outside storage areas shall be hard surfaced using concrete or asphalt material.
- (3) Outside storage areas shall not be located within setback areas.
- (4) All materials stored outside shall be directly associated with the industry.

(EE) *Outside storage of materials in Residential districts.* In any Residential zoning district, it is unlawful for any person to discard, place, accumulate, maintain or store out of doors, the following:

- (1) (a) Unlicensed, unregistered or inoperable motor vehicles, recreational vehicle, boats, campers, snowmobiles, trailers or similar equipment.
- (b) In the event a licensed motor vehicle parked or stored out of doors on private property has not been moved within a consecutive 30-day time period, the Zoning Administrator may, by written letter to the property owner, request that the vehicle owner demonstrate the vehicle is operable by starting and driving the vehicle a distance of not less than 500 feet. The operation to be observed by the Zoning Administrator or his or her designee.
- (2) Motor vehicle bodies, frames, parts, tires, rims or other machinery or equipment.
- (3) Household furnishings or appliances.



- (4) Lumber or construction materials.
- (5) Non-residential vehicles including but not limited to: tractors, buses, skid loaders and commercial trucks.
- (6) Lawnmowers, snowblowers and other lawn and garden equipment.
- (7) Garbage, litter and other debris which is considered to be a public nuisance by the Zoning Administrator.
- (8) The outside storage of materials shall not be located within any building setback area.
- (FF) *Outside storage of vehicles in Residential districts.* In any Residential district, the off-street parking of vehicles shall conform to the following provisions.
- (1) The off-street parking on any automobile, trailer, camper, boat, or recreational vehicle shall be on a lawfully permitted hard-surfaced area constructed of concrete or asphalt.
- (2) The off-street parking of any automobile, trailer, camper, boat, or recreational vehicle shall not be within any building setback area unless on a lawfully constructed parking area adjacent to an alley.
- (3) Any automobile, trailer, camper, boat or recreational vehicle stored on private property shall be licensed and registered to the property owner or tenant.
- (4) Any automobile, trailer, camper, boat, recreational vehicle stored on private property shall not be used to store materials or equipment.
- (GG) *Driveways and curb openings.* The following standards shall apply for each use.

	<b>Maximum Curb Cut (Measured at Property Line)</b>	<b>Maximum # of Curb Cuts</b>	<b>Minimum Distance Between Curb Cuts</b>	<b>Minimum Side Yard Driveway Setback</b>
	<b>Maximum Curb Cut (Measured at Property Line)</b>	<b>Maximum # of Curb Cuts</b>	<b>Minimum Distance Between Curb Cuts</b>	<b>Minimum Side Yard Driveway Setback</b>
Single Family Interior Lot	24 feet	1	20 feet	10 feet
Single Family Corner Lot	24 feet	1	20 feet	10 feet
Single Family Corner Lot utilizing circular drive	14 feet	2	20 feet	10 feet
Single Family Cul-de-Sac Lot	24 feet	1	20 feet	10 feet
Multi-Family (2-8Units)	24 feet	1	20 feet	10 feet
Multi-Family (Over 8 Units)	24 feet	2	20 feet	10 feet
Commercial/Business	36 feet	2	20 feet	10 feet
Industrial	50 feet	4	20 feet	10 feet

(HH) *Residential occupancies.* Residential occupancies of single and two family dwellings in the R-1, R-1S and R-2 Districts shall be limited to family-functional and family-traditional as defined by § 156.003. A family-traditional or family-functional may have 1 additional person

residing with them for non-rental purposes or for the purposes of providing a housekeeping or personal service for the resident(s) therein.

(II) For every new attached or detached residential dwelling unit constructed, an individual water service and shut-off shall be installed for each dwelling unit. Multi-unit rental apartment buildings are not subject to this provision.

(JJ) *Landscaping.* In conjunction with any new residential dwelling, commercial or industrial building, landscaping, including seeded or sodding, shall occur within 1 year after a building permit is issued.

(KK) *Pergolas and dog kennels.*

(1) Building setbacks for pergolas and dog kennels are as follows:

<b>Valley</b>	<b>Hilltop</b>
Side yard - 5 feet	Side yard - 10 feet
Rear yard - 5 feet	Rear yard - 10 feet

(2) Pergolas and dog kennels shall not be located within any front yard building setback.

(LL) *Playhouses.* Permitted in any residential zoning district, subject to the following:

- (1) Maximum floor area shall not exceed 60 square feet.
- (2) Maximum height shall not exceed 5 feet.
- (3) Minimum setback is 5 feet from any rear or side property line.
- (4) Shall not be located within any front yard.
- (5) No more than 1 playhouse permitted on any lot.
- (6) Minimum setback is 5 feet from any ravine breakline.
- (7) Shall be located a minimum of 5 feet from any main, accessory or utility building.

(MM) *Garage and yard sales.* Permitted in all residential districts and the Central Business District subject to the following:

- (1) Events shall not exceed 3 days in length with no more the 4 events allowed in any 12-month period.
- (2) No items related to the event shall be stored out-of-doors overnight.
- (3) No items or materials shall be located in any boulevard or public right-of-way area.

(1975 Code, § 11.06) (Am. Ord. 3, passed 3-2-1981; Am. Ord. 5, passed 3-16-1981; Am. Ord. 21, passed 4-9-1982; Am. Ord. 23, passed 8-16-1982; Am. Ord. 24, passed 10-18-1982; Am. Ord. 36, passed 8-15-1983; Am. Ord. 114, passed 5-7-1990; Am. Ord. 146, passed 3-6-1995; Am. Ord. 193, passed 7-24-2000; Am. Ord. 194, passed 7-24-2000; Am. Ord. 206, passed 4-16-2001; Am. Ord. 233, passed 12-1-2003; Am. Ord. 235, passed 1-20-2004; Am. Ord. 8, 4th Series, passed 1-16-2007; Am. Ord. 17, 4th Series, passed 1-17-2008; Am. Ord. 21, 4th Series, passed 1-20-2009; Am. Ord. 34, 4th Series, passed 1-18-2011; Am. Ord. 48, 4th Series, passed 1-22-2013; Am. Ord. 63, 4th Series, passed 1-5-2015; Am. Ord. 86, 4th Series, passed 4-3-2017; Am. Ord. 102, 4th Series, passed 4-2-2018; Am. Ord. 112, 4th Series, passed

## **§ 156.045 CBD, CENTRAL BUSINESS DISTRICT.**

(A) *Purpose.* The Central Business District is intended to provide for low- to high-intensity pedestrian-oriented residential, office, retail, commercial, institutional and mixed-use (commercial/residential) development that supports the integrity of a downtown neighborhood, and serves the entire population. While pedestrian orientation is emphasized, the automobile is also accommodated. The CBD District accommodates the traditional "main street" character of the historical North Mankato downtown area (200 block of Belgrade), but also extends west to accommodate a combination of residential, commercial, and office uses. It includes a traditional residential corridor, with some houses that are maintained as residences and others that have converted to non-residential use.

(B) *Special requirements.* Every use, unless expressly exempted by this division, shall be operated in its entirety within a completely enclosed structure; the exception of a use from the requirement of the enclosure will be indicated by the phrase "need not be enclosed" appearing after any use exempted.

(C) *Permitted uses.*

(1) The following are permitted uses:

- (a) Antique store.
- (b) Apparel store.
- (c) Appliance store.
- (d) Art gallery, studio, school or supply store.
- (e) Bakeries, retail.
- (f) Banks, savings and loans or finance companies.
- (g) Barber and beauty shops.
- (h) Bars, taverns, and cocktail lounges licensed to sell soft drinks, beer malt, or alcoholic beverages on sale, off sale or both.
- (i) Book store.
- (j) Bowling alley.
- (k) Business machine store.
- (l) Business, trade or commercial school.
- (m) Camera and photographic studio and supply.
- (n) Candy, ice cream, confectionary store.
- (o) (Reserved).
- (p) Catalog service and mail order house.
- (q) Caterer.
- (r) (Reserved).

- (s) Churches.
- (t) Clinic, dental or medical, but not animal clinic.
- (u) Club or lodge.
- (v) Community centers, parks or public buildings.
- (w) Convent, monastery or similar institution for religious training.
- (x) Conventions, or meeting facility.
- (y) Dairy store.
- (z) Dance studio.
- (aa) Day cares.
- (bb) Delicatessen.
- (cc) Drug store.
- (dd) Dwellings:
  - 1. Single-family detached.
  - 2. Two-family.
  - 3. Apartments or apartment buildings.
  - 4. Multiple family dwellings.
- (ee) Essential public utility and service structures.
- (ff) Fences.
- (gg) Floral and garden supply including nursery, need not be enclosed.
- (hh) Gift, novelty or souvenir store.
- (ii) Grocery store.
- (jj) Hardware store.
- (kk) Hobby store.
- (ll) Hotels and motels.
- (mm) Institution of religious, charitable or philanthropic nature.
- (nn) Interior decorating store and supply.
- (oo) Janitorial services.
- (pp) Laboratory, medical or dental.
- (qq) Laundry or dry-cleaning.
- (rr) Leather goods store - retail only.
- (ss) Libraries, auditoriums, museums, or other cultural institutions.
- (tt) Locksmith or key stand, need not be enclosed.
- (uu) Medical appliance sales and fittings.

- (vv) Medical intern or resident doctor's quarters.
- (ww) Mixed-use buildings and developments.
- (xx) Mortuary, funeral home.
- (yy) Office of any type.
- (zz) Optical services and supply.
- (aaa) Parking of vehicles, need not be enclosed.
- (bbb) Pet store, including animal clinic.
- (ccc) Private recreation facilities; tennis court, golf club, swimming pool.
- (ddd) Rehabilitation center for handicapped persons.
- (eee) Restaurants or other eating places including drive-ins.
- (fff) School, public or private.
- (ggg) Shoe repair shops.
- (hhh) Sporting goods store.
- (iii) Stationery store.
- (jjj) Tailor shops.
- (kkk) Theater.
- (lll) Toy store.
- (mmm) Travel bureau or ticket agency.
- (nnn) Variety stores.

(2) Every permitted use allowed shall be constructed on a permanent foundation and be connected to municipal utilities.

(D) *Conditional uses.* The following uses may be permitted if granted a conditional use permit under the provisions of § [156.055](#):

- (1) Automobile wash, service or repair.
- (2) Convenience store.
- (3) Home and building supply store.
- (4) Taxidermist.
- (5) Structures exceeding 4 stories or 45 feet in height.
- (6) Car sales lots, need not be enclosed.
- (7) Motorcycle sales and service.

(E) *Accessory uses.* The following is a permitted use: Storage building not to exceed 600 square feet.



(F) *Lot area*. For each permitted or conditional non-residential use there shall be provided not less than 3,500 square feet of lot area. Required lot area for permitted residential uses are as follows:

(1) *Lot area (detached)*. Every single family detached dwelling erected shall require a lot area of not less than 6,500 square feet.

(2) *Lot area (attached)*. Every attached dwelling erected shall require a lot area of 3,000 square feet for each unit attached.

(3) *Lot area (two family)*. Every two family dwelling erected shall require a lot area of not less than 8,800 square feet.

(4) *Lot area (multiple)*. Every multiple family dwelling (non-attached) erected shall require a lot area of not less than 850 square feet for each unit.

(G) *Lot width and depth*. Minimum lot width of 25 feet and minimum depth of 140 feet.

(H) *Yard regulations*. For all permitted uses in the CBD-District, principal buildings must be located within 10 feet of the front lot line, unless a front yard setback is required under the provisions of this section. ~~There are no other yard requirements except as may be required for conditionally permitted uses and for all uses as follows:~~

(1) *Residential uses:*

(a) *Front yard*. For all single family detached, two family, and attached (townhome) dwellings there shall be a front yard of not less than 20 feet. For all ~~multiple family dwellings~~ apartment buildings (non-attached) there are no front, side or rear yard requirements. ~~When unless a the multiple family dwelling apartment building is located adjacent to a single family detached, two family, or attached (townhome) residential uses single family residential use, where~~ a front yard of not less than 20 feet shall be provided.

(b) *Side yard*. When any new residential use is located adjacent to an existing residential use, there shall be a side yard, on that side of the building adjacent to the existing residential use, of not less than 5 feet in width, plus 1 additional foot of side yard required for each 1 foot or fraction thereof of building height in excess of 30 feet.

(c) *Rear yard*. When any new ~~single family detached, two family, or attached (townhome) residential use~~ residential use is located adjacent to an existing residential use, there shall be a rear yard of not less than 20 feet. ~~For all apartment buildings there are no rear yard requirements.~~

(2) *Non-residential uses:*

(a) *Front yard*. For all permitted non-residential or mixed uses, there shall be a front yard of not less than 20 feet when such a structure is located across the street from an area zoned to a residential district classification. When a permitted non-residential or mixed use is located adjacent to a ~~single family detached, two family, or attached (townhome) single family~~ residential use, a front yard of not less than 20 feet shall be provided. Off-street parking shall not be located in that front yard area. Where

the lot is located at the intersection of 2 or more streets there shall be a front yard on each street side.

(b) *Side yard.* When a permitted non-residential or mixed use is located adjacent to an existing **single family detached, two family, and attached (townhome)** residential use, there shall be a side yard, on that side of the lot adjacent to the residential use, of not less than 10 feet in width, plus 1 additional foot of side yard required for each 1 foot or fraction thereof of building height in excess of 30 feet.

(c) *Rear yard.* None required.

(I) *Ground coverage.* There are no maximum ground coverage requirements.

(J) *Height regulations.* No structure hereafter erected or altered shall exceed 4 stories or 45 feet in height, except as may be permitted in division (D)(5) of this section, as regulated by this chapter.

(K) *Off-street parking.* Uses within the CBD district shall meet the off-street parking and loading requirements of § [156.053](#). However, commercial properties having frontage on the 200 block of Belgrade Avenue are exempt from off-street parking and loading requirements. For mixed use buildings within the 200 Block of Belgrade Avenue, 1 off-street parking space is required per residential dwelling unit provided that mixed use buildings have a minimum of 100% of the ground floor dedicated to commercial use.

(1975 Code, § 11.15) (Am. Ord. 33, passed 3-21-1983; Am. Ord. 46, passed 6-18-1984; Am. Ord. 8, 4th Series , passed 1-16-2007; Am. Ord. 17, 4th Series , passed 1-17-2008; Am. Ord. 53, 4th Series , passed 1-21-2014)