

CHAPTER 156: ZONING

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GENERAL PROVISIONS

§ 156.001 SHORT TITLE

This chapter shall be known as the “Cambridge Zoning Ordinance,” may be cited as such and will be referred to herein as “this chapter.”

§ 156.002 PURPOSE

The basic purpose of this chapter is to ensure the public health, safety, order, convenience and general welfare of the City, in accordance with the City’s development goals, plans and policies, including but not necessarily limited to those stated in the Comprehensive Guide Plan for Cambridge, Minnesota. Toward this end, this chapter shall divide the City into use (or zoning) districts and shall establish regulations pertaining to the location, erection, construction, reconstruction, alteration and use of structures and land within the City.
(Ord. 774, 10-16-2023)

§ 156.003 GEOGRAPHIC JURISDICTION

The geographic jurisdiction of this chapter shall be the entire area within the corporate limits of the city and established Urban Service Area I (USA I) District as now existing and as may be changed from time to time.
(Ord. 774, 10-16-2023)

§ 156.004 SCOPE

From and after the effective date of this chapter, the use of all land and every building or portion of a building erected, altered with respect to height and area, added to, relocated and every use

within a building or use accessory thereto in the city shall be in conformity with the provisions of this chapter. Any existing structure and any existing use of property not in conformity with the regulations herein prescribed shall be regarded as a nonconforming use or structure. Refer to §156.095 through 156.097.

Amendments since 2023 are reflected in the history note following the amended rule; the absence of such a historical citation at the end of a rule indicates it derives unchanged from the Code in 2023. Any amendments made prior to 2023 are noted in the City's Ordinance Log.

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§ 156.005 INTERPRETATION

(A) In interpreting and applying the provisions of this chapter, they shall be considered to be the minimum requirements for the promotion of the public health, safety, morals, convenience and general welfare. Where the provisions of this chapter impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this chapter shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this chapter, the provisions of the statute, other ordinance or regulation shall be controlling.

(B) This chapter is not intended to abrogate any easement, covenant or any other private agreement, provided that where the regulations of this chapter are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements, the requirements of this chapter shall govern.

(C) The object of all interpretation and construction of this chapter is to ascertain and effectuate the intention of the City Council. This chapter shall be construed if possible to give effect to all the provisions.

(D) When the words of this chapter in their application to an existing situation are clear and free from all ambiguity, the letter of this chapter shall not be disregarded under the pretext of pursuing the spirit.

(E) When the words of this chapter are not clear and free from all ambiguity, the Zoning Administrator may render interpretations of the chapter in order to clarify its application. (Ord. 774, 10-16-2023)

§ 156.006 RULES

The language set forth in the text of this chapter shall be interpreted in accordance with the rules and definitions set forth in this section and in § 156.007, except when the context clearly indicates otherwise.

(A) For the purpose of this chapter, words used in the present tense shall include the future; words in the singular shall include the plural, and the plural the singular.

(B) The word “building” shall include “structures of every kind, regardless of similarity to buildings.”

(C) The word “person” shall include a firm, association, organization, partnership, trust, company or corporation as well as an individual.

(D) The word “shall” is mandatory and not discretionary.

(E) The word “may” is permissive.

(F) The word “lot” shall include the word “plot,” “tract,” “site,” “piece” and “parcel.”

(G) The word “used for” shall include the phrases “arranged for,” “designed for,” “intended for,” “maintained for” and “occupied for.”
(Ord. 774, 10-16-2023)

§ 156.007 DEFINITIONS

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

Above Ground Bulk Liquid/Gas Fuel Storage in Excess of 400 Gallons.

Any container or tank over 400 gallons used for storage of bulk liquid/gas/fuel that will be stored above ground.

Accessory Structure. A structure on the same lot with and of a nature customarily incidental and subordinate to the principal structure.

Agricultural Use. The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that for normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

Agricultural Use, Limited. Activities for the production of horticulture or nursery stock, fruit of all kinds, vegetables, forage grains, bees and apiary products.

Airport (Landing Strip, Heliport or Aircraft Stop). Any premises which are used, or intended for use, for the landing and take off of aircraft, and any appurtenant areas which are used or intended for use or buildings incidental to aircraft services, together with all buildings and structures thereon.

Alley. A narrow thoroughfare upon which the rear of premises generally abut or upon which service entrances of buildings abut and which is not generally used as a thoroughfare by both pedestrians and vehicles or which is not used for general traffic circulation or which is not in

excess of 30 feet in width at its intersection with a street, usually is 16 feet in width.

Antenna. Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signal.

Assisted Living Facility. A facility for the elderly that provides rooms, meals, personal care, and supervision of self-administered medication; and may provide other services such as recreational activities, financial services, transportation or other activities of daily living, appropriate for the residents.

Auto Repair And Service, Major. Engine rebuilding or major reconditioning of worn or damaged automobiles or trailers; collision service including body, frame or fender straightening or repair and overall painting of vehicles. This shall not include any uses or activities defined as **Truck Repair/Service/Garage**.

Auto Repair And Service, Minor. Incidental repairs, replacement of parts and other minor motor service to automobiles such as tune-ups, lubrication, washing, detailing, equipment installation, but not including any operation specified under the definition of **Auto Repair And Service, Major** or **Auto Convenience Stations**. This shall not include any uses or activities defined as **Truck Repair/Service/Garage**.

Auto Convenience Station. An establishment where the principal use is the sale of gasoline or any other automobile engine fuel (stored only in underground tanks), motor oil, or other lubricants directly to the public on the premises. Tires, batteries, minor automobile accessories, household and convenience items, food or other miscellaneous retail goods commonly associated with the same also may be sold. An **Auto Convenience Station** may include an **Automatic Automobile Wash** as an accessory use. Services offered may include the installation of tires, batteries and minor accessories and activities associated with **Minor Auto Repairs And Service**. **Auto Convenience Stations** shall not include uses or activities associated with **Salvage Yards, Motor Vehicle Sales** or **Major Auto Repair And Service**.

Automobile Parts Retail. Any retail sales establishment primarily engaged in sales of automobile parts, tires, and accessories.

Automobile Sales. Any building, land area, or other premises for the display and sale, lease or rental of new or used automobiles, but may also include light trucks or vans, trailers, boats or recreation vehicles and including any vehicle preparation or repair work conducted as an accessory use. This shall not include any uses or activities defined as **Truck And Machinery Sales**.

Automobile Wash. A building, or portion thereof, used for washing automobiles.

Automobile Wash, Automatic. A structure containing facilities for washing automobiles and automatic or semi-automatic application of cleanser, brushes, rinse water and/or heat for drying.

Automobile Wrecking. The dismantling or wrecking of used motor vehicles or trailers for the storage, sale or dumping of dismantled, partially dismantled or wrecked vehicles or their parts. (See the definition for **Salvage Yard**.)

Bank/Financial Institution. A facility for the deposit, management and lending of money, including savings and loans, but not insurance companies or stock brokerage firms.

Basement. A story having part but not more than one half its height below the average level of the adjoining finished grade. A **Basement** is counted as a story for the purpose of height regulations, if subdivided and used for business or dwelling purposes.

Bed And Breakfast. An owner-occupied residence with guest rooms where temporary lodging facilities and some meals are provided to paying lodgers within a single-family dwelling.

Berm. An earthen mound designed to provide visual interest, screen undesirable views and/or decrease noise.

Billboard. See the definition for **Sign, Off-Premises**.

Block. A tract of land bounded by streets, or a combination of streets and public parks, cemeteries, railroad rights of way, shorelines, waterways or boundary lines of the corporate limits of the city.

Board. The Zoning Board of Appeals. For the purposes of this chapter, the Planning Commission shall serve as the Zoning Board of Appeals.

Brewery. A brewery is a facility where fewer than 3,500 barrels of malt liquor are manufactured for sale in a year.

Brewpub. A brewpub is a restaurant operated on the same premises as a brewery operated by a brewer licensed under Minnesota Statutes section 340A.301, subdivision 6(d), as it may be amended from time to time.

Buffer. A combination of physical space and vertical elements, such as plants, berms, fences or walls, the purpose of which is to separate and screen incompatible land uses from each other.

Buildable Area. The space remaining on a lot after the minimum setback and open space requirements of this chapter have been met.

Building. A structure having a roof supported by columns or walls. When separated by division walls without openings, each portion of such building shall be deemed a separate building.

Building Official. The Building Official provided for in the Building Code.

Building Line. That line measured across the width of the lot at the point where the main

structure is placed in accordance with setback provisions. See the definition for **Setback Line**.

Building Line Setback. The distance between the building line and the property line.

Building, Detached. A building surrounded by open space, the open space being on the same zoning lot as the building.

Building, Nonconforming. See the definition for **Nonconforming Building**.

Building, Principal. A non-accessory building in which a principal use of the zoning district in which it is located is conducted.

Bulk. The term used to indicate the size and setbacks of buildings or structures and location of same with respect to one another and includes the following.

- (1) Size and height of buildings;
- (2) Location of exterior walls at all levels in relation to lot lines, streets or to other buildings;
- (3) Gross floor area of buildings in relation to lot area (floor area ratio);
- (4) All open spaces allocated to buildings; and
- (5) Amount of lot area per dwelling unit.

Business. Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor and materials or where services are offered for compensation.

Club/Lodge. A facility operated by an association of persons, primarily not for profit, organized for a common purpose, goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and constitution and bylaws. Social, educational, recreational and/or dining activities are typically provided at such facility, but not customarily carried on as a business.

Cluster Development. A pattern of subdivision development which places housing units into compact groupings while providing a network of commonly owned or dedicated open space.

Commercial Development Complex. A completely planned and designed commercial development consisting of three or more businesses, enterprises, institutions or franchises or combination thereof with a minimum total floor area of 25,000 square feet located within one or more building structures. A development complex shall provide for the sale of general merchandise and/or goods and services and may include convenience shops and services, a variety store, discount store, supermarket and offices.

Commercial Kennel. Any structure or premises on which five or more domestic animals over four months of age are housed for the business of selling/adopting, boarding, or training.

Commercial Recreation. Establishments engaged in providing activities of leisure including, but not limited to, pool halls, indoor playgrounds, laser tag, arcades, BMX, paintball, indoor pools, water parks, senior centers, community centers.

Commercial Speech. Speech advertising a business, profession, commodity, service, or entertainment.

Commercial Vehicle. Any vehicle, including truck, semi-tractor, or van, primarily used for the movement of cargo or passengers in the normal operation of a business. Commercial vehicles shall not be limited to vehicles with advertising permanently or temporarily affixed to the body of the vehicle.

Commercial Wireless Telecommunication Services. Licensed commercial wireless telecommunication services, including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public. **Commercial Wireless Telecommunication Services** are not regulated as **Essential Services** as defined herein.

Commissioner. The Commissioner of Natural Resources.

Community Center. A facility operated for the provision of recreational, social, or educational services to the general public. (Ord. No. 779, 1/16/24)

Comprehensive Plan. The Cambridge Comprehensive Plan and all maps, charts and explanatory materials thereto, as adopted by the Cambridge City Council, including any unit or part of such plan separately adopted and any amendment to such plan or parts thereof. This may include, but is not limited to, the policies, statements, goals and interrelated plans for private and public land and water use, transportation and community facilities, and recommendations for plan execution, documented in texts, ordinances and maps which constitute the guide for the future development of the City or any portion of the City.

Conditional Use. Uses which, because of their unusual characteristics, require special planning considerations in each instance and which may be acceptable in some circumstances and totally unacceptable in others; determination of acceptability shall be by conditional use permit process.

Congregate Living Facility. A facility for the elderly with communal dining facilities and may provide limited supportive services such as housekeeping, organized social recreation activities, transportation services, and other support services appropriate for the residents.

Corner Lot. See the definition for **Lot, Corner**.

Curb Level. The level of the established curb in front of the building measured at the center of such front. Where a building faces on more than one street, the **Curb Level** shall be the average of the levels of the curbs at the center of the front of each street. Where no curb elevation has been established, the City Engineer shall establish such **Curb Levels**.

Day Care Facility, Adult. A facility that provides care to functionally impaired adults on a regular basis for periods of less than 24 hours in a structure which is not the residence of the person being served or the facility operator.

Day Care Facility, Residential. A state mandated facility that provides care, protection and supervision of children in a private residence for periods of less than 24 hours for a fee or otherwise. The size of the outdoor play area, maximum number of children who may be served, and number and qualifications of required outside teachers or helpers are set forth in Minnesota State Statutes which may be amended from time to time. This use may be licensed by other agencies.

Day Care Facility, Non-Residential. A non-residential facility where child care, protection and supervision services are provided for a fee on a regular basis for periods of less than 24 hours.

Deciduous. A plant with foliage that is shed annually.

Displacement (Vibration). Displacement is the amount of motion involved in a vibration.

Drive In Establishment. An establishment that by design, physical facilities, service or by packing procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles. This shall not include stand-alone ATM machines. May be referred to as simply "drive-in" in conjunction with other uses (such as drive-in restaurant.)

Dwelling. A building or portion thereof designed or used exclusively for residential occupancy, including one family, two family and multiple family dwelling units; efficiency units; manufactured homes; and townhomes, but not including hotels/motels or rooming/boarding houses.

Dwelling Unit. One or more rooms in a dwelling designed for occupancy by one family (and not more than an aggregate of two roomers or boarders) for living purposes and having its own permanently installed cooking and sanitary facilities.

Dwelling, Attached. A dwelling joined to one or more other dwellings by party wall or walls. See **Dwelling, Two Family** and **Townhouse** for related definitions.

Dwelling, Detached. A dwelling entirely surrounded by open space, the open space being on the same zoning lot as the dwelling.

Dwelling, Multiple Family. A dwelling containing three or more dwelling units, designed with more than one dwelling unit connecting to a common corridor or entranceway, originally constructed for the purposes and not including converted dwellings or attached dwellings (party

wall type) as defined herein.

Dwelling, Single Family. A detached dwelling containing accommodations for and occupied by one family only and not more than an aggregate of two roomers or boarders. Single family dwellings include any manufactured homes that meet this definition and any other applicable requirements for single family dwellings contained in this chapter.

Dwelling, Two Family. A dwelling designed exclusively for occupancy by two families living independently of each other.

Educational Institution (Post Secondary). A college or university authorized by the state to award degrees.

Efficiency Unit. A dwelling unit with one primary room which doubles as a living room, dining room and bedroom.

Equal Degree of Encroachment. A method of determining the location of encroachment lines so that the hydraulic capacity of flood plain lands on each side of a stream are flood plain encroachments.

Essential Services. Underground or overhead gas, electrical, steam or water distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith, but not including buildings or ***Commercial Wireless Telecommunication Services*** and other ***Towers*** as regulated in § 156.072.

Essential Service Structures. Essential service structures include those structures and buildings associated with essential service uses including, but not limited to, telephone exchange stations, booster or pressure regulation stations, wells and pumping stations, elevated tanks, lift stations and electrical power substations.

Established Driveway. A permanent concrete, asphalt or other improved surfaced area of a lot designated to provide ingress and egress for vehicles from the street to a garage or other off-street parking area authorized herein.

Establishment, Business. A piece of business carrying on operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot.

Evergreen. A plant with foliage that persists and remains green year-round.

Expansion of Nonconformities. Any change in a nonconforming use or structure in size, volume, quantity, or intensity of use.

FAA. The Federal Aviation Administration.

Fabrication/Assembly. The manufacturing from standardized parts of a distinct object differing from the individual components.

Family. One or more persons related by blood, marriage, adoption or foster parent relationships occupying a dwelling and living as a single housekeeping unit, or a group of not more than four persons not so related, maintaining a common household and using common cooking facilities, as distinguished from a group occupying a rooming/boarding house or hotel/motel, as herein described.

Fence. A structure constructed of wood, metal, wire mesh or masonry erected to provide enclosure but not protection from the elements (as distinguished from building).

Firewood. Any wood or wood product usually used or intended for use as heating fuel in a residence.

Flood. A temporary rise in stream, flow or stage that results in inundation of the areas adjacent to the channel.

Flood Frequency. The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

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

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

Flood Proofing. A combination of structural provisions, change or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages.

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

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

- (1) Basement space if at least one half of the basement story is above established curb level or above the average level of the finished grade;
- (2) Elevator shafts and stairwells at each floor;
- (3) Floor space used for mechanical equipment where the structural headroom exceeds seven and one half feet, except equipment open or enclosed, located on the roof; for example, bulk needs, water tanks and cooling towers;

- (4) Attic floor space where the structural headroom exceeds seven and one half feet;
- (5) Interior balconies and mezzanines;
- (6) Enclosed porches, but not terraces and breezeways; and
- (7) Accessory uses, other than floor space where the structural headroom exceeds seven and one half feet.

Foot Candle. A unit of illumination intensity.

Fowl. Chickens, ducks, and quail.

Free Range. Chickens or ducks housed in a coop that allows for unlimited access to food, water, and continuous access to the outdoors during their laying cycle.

Frontage. All the property fronting on one side of a street between the nearest intersecting streets or between a street and a right-of-way, waterway or other similar barrier.

Funeral Home. A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

Garage. An accessory building or portion of a principal building which is situated on the same lot as the principal building used primarily for storing of motor vehicles with no facilities for mechanical service or repair.

Grade, Street. The elevation of the established street in front of the building measured at the center of the front of the building. Where no street grade has been established, the City Engineer shall establish such street grade or its equivalent for the purpose of this chapter.

Golf Courses and driving ranges. A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse, shelter or other appurtenant structures. Practice driving ranges may also be located on the golf course. Miniature golf courses shall not be included in this definition.

Gross Vehicle Weight (GVW). Maximum to which a vehicle can be loaded, according to the manufacturer; includes dry weight of the vehicle plus all fuel, water, supplies, and passengers.

Group Home, Non-Statutory. A non-mandated, residential structure occupied by persons in need of specialized treatment or protection and resident staff who usually live together as a housekeeping unit for a limited period of time. This may include outpatient group counseling, forced detention, treatment for mental illness and drug addiction, protective shelters, half-way houses, and release programs. The facility may be licensed by the state, but not mandated.

Height Of Building. The vertical distance from the average elevation of the finished lot grade at the front of the building to the highest point of the coping of the flat roof, to the deck line of a mansard roof, or to the average height between the plate and the ridge of a gable, hip or gambrel roof. (See Appendix B: Building Height Diagrams)

Height, Tower. When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

Home Occupation. An accessory use carried out by the occupant of a dwelling unit, in which goods are produced, traded, or sold or services are rendered as an economic enterprise, when carried on within the dwelling unit and not within any accessory building or garages. **Home Occupations** do not include incidental garage sales, yard sales, Avon or Tupperware parties and other one-time product sales/parties.

Home Occupation, Extended. An accessory use carried out by the occupant of a dwelling unit, in which goods are produced, traded, or sold or services are rendered as an economic enterprise, when carried on within any accessory building or garages or employing members outside the household residing on the premises.

Hospital. A facility that provides health services primarily for human inpatient medical or surgical care; including related facilities such as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

Impervious Surface. Areas where water cannot readily penetrate the soil such as an artificial or natural surface through which water, air, or roots cannot penetrate. Examples include, but are not limited to, patios, walkways, driveways, sheds, pools, concrete/asphalt pads, and all buildings.

Improved Surface. An improved surface shall mean a driveway or parking area constructed of asphalt, concrete, brick or gravel.

Industry. An enterprise which involves the production, processing or storage of materials, goods or products.

Intermodal Freight Terminal. A facility that serves as a transfer point for freight between rail and truck transportation modes. The principal activity is the transfer of freight containers or truck semitrailers between rail cars and trucks.

Junk Yard. See definition of **Salvage Yard**.

Kenel. Any structure or premises on which five or more domestic animals over four months of age are housed, groomed, bred, boarded, trained, or sold.

Loading Space. An off-street space on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading

merchandise or materials and which abuts on a street or other appropriate means of access.

Land Use District. Those lands designated by the Commissioner as the protected land corridor along those rivers or river segments which the Commissioner has designated as components of the Minnesota Wild and Scenic Rivers System. The boundaries of the **Land Use District** shall include not more than 320 acres per each side of river on both sides (not each side) of the river.

Lot. 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 street or officially approved place. A unit for transfer of ownership.

Lot Area. The area of a horizontal plane bounded by the front, side and rear lot lines, measured with the lot boundaries.

Lot, Corner. A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.

Lot Coverage. The percent of the lot area covered by buildings or structures.

Lot Depth. The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

Lot, Double Frontage. An interior lot having frontage on two streets.

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

Lot Line, Front. The boundary of a lot abutting a street. On a corner lot, the shortest street lot line should be the front lot line, or as determined by the Zoning Administrator.

Lot Line, Rear. The rear lot line is the lot line or lot lines most nearly parallel to and most remote from the front lot line.

Lot Line, Side. Lot lines other than front or rear lot lines which are generally perpendicular to the front lot line.

Lot Of Record. A lot which is a part of a subdivision, the map of which has been recorded in the office of the Register of Deeds, or a lot described by metes and bounds, the deed to which has been recorded in the office of the Register of Deeds at the time this chapter is adopted.

Lot Width. The horizontal distance between the side lot lines measured at right angles to the lot depth at the established front building line.

Manufactured Home. A factory-built, single-family structure that meets the National Manufactured Home Construction and Safety Standards Act, commonly known as the HUD code.

Manufactured Home Complex. Any lot or part thereof or any parcel of land which is used or offered as a location for two or more manufactured homes.

Manufacturing/Processing. Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins or liquors.

Manufacturing/Processing, Light. Any **Manufacturing/Processing** operation conducted within a completely enclosed building which does not create noticeable amounts of noise, dust, odor, smoke, glare or vibration outside the building in which the activity takes place and does not generate objectionable amounts of truck traffic.

Manufacturing/Processing, Heavy. Any **Manufacturing/Processing** operation which would not qualify as light manufacturing.

Medical/Dental Office. A facility that provides direct delivery of health-related examination and services or treatment to customers on an appointment or walk-in basis; and includes counseling, consultation, chiropractic and podiatry services. The use may include supporting retail component for medicine, health-related food or other related product.

Mini Storage. A facility that is subdivided into self-storage spaces which are rented to tenants, usually on a monthly basis. The use shall be for storage only and shall not include the conduct of business activities or any outside storage.

Mobile Food Vendor. Any person intending to sell items out of a mobile food unit, seasonal temporary food stand, or seasonal permanent food stand for no longer than six (6) months in a calendar year and is located on private property.

Mobile Food Unit. A food and beverage service establishment that is a vehicle mounted unit, either: (1) motorized or trailered, operating no more than 21 days annually at any one location, or operating more than 21 days annually at any one location with the approval of the regulatory authority as defined in Minnesota Rules, part 4626.0020, subpart 70; or (2) operated in conjunction with a permanent business licensed under Minnesota Chapter 157 or Minnesota Chapter 28A at the site of the permanent business by the same individual or company, and readily movable, without disassembling, for transport to another location.

Motel/Hotel. Facilities which provide overnight lodging in individual rooms or suites of rooms which are rented by the day or week. **Motels/Hotels** do not include bed and breakfasts or rooming/boarding houses.

Municipal Buildings and Structures. A building or structure owned and operated by the City of Cambridge.

Intermodal Freight Terminal. A building in which freight brought by motor truck, rail or other

modes of transportation is assembled and stored for routing in intrastate or interstate shipment.

Nameplate. A sign indicating the name and/or address of a building or the name of an occupant thereof and/or the practice of a permitted occupation therein.

Nonconforming Building. A building which does not comply with the bulk, yard, setback or height regulations of the district in which it is located.

Non-commercial speech. Dissemination of messages not classified as commercial speech, which include, but are not limited to, messages concerning political, religious, social, ideological, public service, and informational topics.

Nonconforming Lot. A lot which does not comply with the minimum lot area or frontage requirements of the district in which it is located.

Nonconforming Structure. A structure which does not comply with the bulk, yard, setback or height regulations of the district in which it is located.

Nonconforming Use Of Land. Any use of a lot which does not conform to the applicable use regulations of the district in which it is located.

Nonconforming Use Of Structures. A use of a structure which does not conform to the applicable use regulations of the district in which it is located.

Nursery. Land or greenhouses used to raise flowers, shrubs and plants for sale.

Nursing Home. A state-licensed facility used to provide care for aged or infirm persons who require nursing and personal care and related services in accordance with state regulations. A nursing home may be a senior residential health care facility, an intermediate care facility, or a long-term care facility. Such uses provide regular medical supervision and rehabilitation therapy but do not contain equipment for surgical care or for treatment of serious injury.

Obstruction. Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water or that if placed where the flow of water might carry the same downstream to the damage of life or property.

Office. A facility in which the handling of information or the performing of administrative services is conducted. It includes services provided to persons both on-site and off-site on a walk-in or appointment basis, or indirect or non-personal services such as real estate, travel agencies, financial agencies, insurance offices and professional offices. Excludes hospitals or other medical facilities.

Office Building. A building designed or used primarily for office purposes, part of which is used for manufacturing or for dwelling other than by a watchman or janitor.

Office, Professional. A room or rooms used for the carrying on of a recognized profession.

Office-Showroom. A building in which at least 20% of the floor area is devoted to office activities, the remainder being used for either display, warehousing, light manufacturing, or research and testing. Floor to ceiling joist heights in the non-office portion would not be more than 14 feet.

Office-Warehouse. A building in which at least 20% of the floor area is devoted to office activities, the remainder being used for either warehousing, display, light manufacturing, or research and testing. Floor to ceiling joist heights in the warehouse portion would be greater than 14 feet.

Oversized Vehicle. Any vehicle over one-ton capacity.

Outdoor Merchandise Display. Merchandise or other similar matter which is offered for sale beyond the confines of a building. This includes the display of merchandise customarily displayed out of doors such as car, boat and nursery sales. This does not include outdoor storage items or temporary/seasonal or transient vending sales items defined herein.

Outdoor Storage. The keeping of any materials, supplies, products or other similar matter not offered for sale to the public for more than 72 hours, not including solid waste, out-of-doors.

Parking Area, Public. An area as a principal use available to the public, with or without payment of a fee, designed and used for temporary parking of licensed, operable motor vehicles, which may include outdoor parking lots or parking structures. This does not include any uses or activities associated with parking of vehicles defined herein as **Truck Repair/Service/Garage**.

Parking Space. A land area of not less than 180 square feet, exclusive of driveways and aisles, of such shape and dimensions and so prepared as to be usable for the parking of a motor vehicle and so located as to be readily accessible to a public street or alley.

Pawn Shop. A place where money is loaned on security of personal property left in pawn and pledged as collateral for the loan and where such property may be redeemed by the seller in a fixed period of time or sold to the general public.

Performance Standard. A criterion established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazard or glare, heat generated by or inherent in uses of land or building.

Personal Services. Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel such as, but not limited to, laundry services, linen supply, clothing rental, diaper service, beauty shops, barbers, shoe repair, domestic services, health clubs and spas.

Place Of Worship. Any building used for non-profit purposes by an established religious organization holding either tax exempt status under Section 501 (C) (3) of the Internal Revenue Code or under the state property tax law, where such building is primarily intended to be used as a place of worship.

Planned Unit Development. A zoning district, which may include single or mixed uses, one or more lots or parcels, and which is intended to create a more flexible, creative and efficient approach to the use of land subject to the procedures, standards and regulations contained in this chapter.

Planning Commission. The Cambridge Planning Commission.

Plot. A tract other than one unit of a recorded plat or subdivision and occupied and used or intended to be occupied and used as a building site and improved or intended to be improved by the erection thereon of a building and accessory buildings and having a front upon a public street or highway and including as a minimum such open spaces as required under this chapter.

Primary Vehicle. A vehicle other than a commercial vehicle such as a personal car, van, or pick-up truck used for commuting back and forth to work.

Printing Process/Supply. A facility in which retail oriented graphic and photographic reproductive services are conducted. This does not include industrial operations where printing is of a commercial nature.

Printing, Industrial. The process or business of producing documents, publications, or images other than as herein defined as **Printing Process/Supply**.

Proprietary School. Any private business, trade, correspondence or social training school operated for a profit or charging tuition that meets the state's definition of a proprietary school.

Protected Residential Area (PRA). A residential district (including any Shoreland or Scenic River Districts where residential dwellings are permitted or conditional uses); an area that is both within the UR District and guided for future residential use in the Comprehensive Plan; a residential lot in a PM or PUD District; or a platted residential subdivision in an RA District.

Public Open Space. Any publicly owned open area, including but not limited to the following: parks, playgrounds, and parkways.

Public Parks, Playgrounds and Recreational Uses of a Non-Commercial Nature. A park, playground, or recreation area operated by the City of Cambridge, including all park buildings.

Railroad Right Of Way. A strip of land with tracks and auxiliary facilities for track operation but not including depots, loading platforms, station, train sheds, warehouses, car shops, locomotive shops or water towers.

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

Recreational Vehicles. A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including, but not limited to, travel trailers (including those which telescope or fold down), chassis mounted campers, tent trailers, slide-in campers, converted buses and converted vans, a self-propelled motor homes, and fish houses on trailers.

Recycling Center. A building in which products such as glass, cans, plastic, metals or paper are collected and/or processed in order to regain material, but shall not include a **Salvage Yard** as defined herein.

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

Regulatory Authority. The local, state, or federal enforcement body or authorized representative having jurisdiction over the food establishment. In the case of mobile food vendor's, the regulatory authority is the Minnesota Department of Health.

Regulatory Flood Protection Elevation. A point not less than one foot above the water surface profile associated with the regional flood, plus any increases in flood heights attributable to encroachments on the flood plain. It is the elevation to which uses regulated by this chapter are required to be elevated or flood proofed.

Repair Shop, Small Engine/Appliance/Bicycle. An establishment engaged in the maintenance and repair of appliances, small engines, bicycles and similar items.

Research/Development. An establishment or other facility for carrying on investigation in the natural, physical, or social sciences, which may include engineering and product development. These facilities shall not include research laboratories operated by a **School** or **Educational Institution** as defined in this chapter. However, research laboratories may be included as integral components of either schools or educational institutions.

Residential Facility. A state licensed residential facility occupied by persons in need of specialized treatment or protection and resident staff who live together as a single housekeeping unit, usually for a limited period of time. The services provided and maximum number of clients served is specified by Minnesota State Statutes which may be amended from time to time. Persons served may include mentally handicapped and severely physically handicapped.

Restaurant. An establishment where food and drink are prepared, served, and consumed.

Retail Sales. Establishments engaged in buying goods or merchandise for resale to the general

public and rendering services incidental to the sale of such goods. **Retail Sales** establishments may process or manufacture some of the products offered for sale (such as a bakery or jeweler), but such processing or manufacturing usually is incidental or subordinate to the selling activity.

Roof Line. In structures with a flat roof, the top line of the coping; in structures with pitched roofs, the intersection of the outside wall with the roof.

Rooming/Boarding House. A building designed for or used as a single family or two-family dwelling, all or a portion of which contains rooming units which accommodate three but not more than ten persons who are not members of the keeper's family. Rooms or meals, or both, are provided for a fee on a weekly or monthly basis. No provision for cooking is provided in any of the rooms occupied by lodgers.

Salvage Yard. An open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A **Salvage Yard** includes an automobile wrecking or dismantling yard but does not include uses established entirely within enclosed buildings.

School. A building used for the purpose of elementary, middle (junior high) or secondary (high school) education, public or private, which meets all the requirements of compulsory education laws of the State of Minnesota. See also **Educational Institution** for a related definition.

Screen. A method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls or any appropriate combination thereof.

Seasonal Permanent Food Stand. A food and beverage service establishment which is a permanent food service stand or building, but which operates no more than 21 days annually.

Seasonal Temporary Food Stand. A food and beverage service establishment that is a food stand which is disassembled and moved from location to location, but which operates for no more than 21 days annually at any one location, except a seasonal temporary food stand may operate for more than 21 days annually at any one location with the approval of the regulatory authority, as defined in Minnesota Rules, part 4626.0020, subpart 70, that has jurisdiction over the seasonal temporary food stand.

Senior Residential Care Facility. Includes **Nursing Homes**, **Congregate Living Facilities** and **Assisted Living Facilities** as defined herein.

Setback Line. The mean horizontal distance between the property line and the line of the building or the allowable building line as defined by the yard regulations of this chapter.

Sewage Disposal System. Any system for the collection, treatment and dispersion of sewage, including but not limited to septic tanks, soil absorption systems and drain fields.

Shrub. A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.

Sign. Any name, identification, description, display, illustration, structure, emblem or device which is affixed to, painted or represented upon a building, bench or other outdoor structure, vehicle or piece of land, which is intended to direct attention to an object, product, place, activity, person, organization or business. The structure supporting or intended to support a sign shall be considered part of that sign.

Sign Area. The net geometric area enclosed by the display surface of the sign. Only one face of a multiple faced sign shall be considered in determining the display surface area.

Sign, Electronic Message. A sign whose message may be changed at intervals by electronic process or remote control and whose only movement is the periodic changing of information.

Sign, Flashing. Any illuminated sign that has artificial light or color which is not maintained at a constant intensity or color when such sign is in use. A sign providing public service information, such as time, weather, date, temperature or similar information, shall not be considered a flashing sign.

Sign, Ground. A free-standing sign, including whatever structure is needed to support such sign.

Sign Height. The vertical distance measured from the lot elevation to the highest point of the sign.

Sign, Illuminated. Any sign that is lighted by an exterior or interior artificial light source.

Sign, Marquee, Awning and Canopy. Any message or identification which is affixed to or part of a marquee, awning or canopy.

Sign, Monument. A ground sign that is intended to be incorporated into some form of landscaping design scheme or planter box, is attached to the ground by means of a free-standing support structure, is solid from grade to the top of the structure, has materials that are constructed of the same primary building materials as the principal structure, and is placed directly on the ground or on an interior planter base which is incorporated into a design arrangement. A monument sign shall be considered as one sign though it may have two faces.

Sign, Nameplate. A sign that identifies the address of a property and/or the owner or occupant of the property.

Sign, Nonconforming. A sign which lawfully existed at the time of the adoption of this section, which does not conform to the requirements thereof.

Sign, Off Premises. A sign that directs attention to a business commodity, service, activity or entertainment not conducted, sold or offered upon the premises where such sign is located.

Sign, On Premises. A sign that directs attention to the business commodity, service or entertainment offered upon the same premises on which the sign is located.

Sign, Portable. A sign constructed to be moveable from one location to another or not permanently attached to the ground or to any permanent structure.

Sign, Projecting. A sign, other than a wall sign, which projects from and is supported by a building.

Sign, Reader Board. A sign intended to display a message through the use of manually changed letters that is permanently attached to a ground sign or affixed to a wall. All other such signs shall be deemed temporary signs.

Sign, Roof. A sign permanently affixed upon the roof of a building.

Sign Setback. The horizontal distance measured from a lot line and the nearest portion of a sign or its structure.

Sign, Temporary. Any sign, banner, pennant, poster or advertising display which is intended to be displayed for a limited period of time and is not permanently affixed to the ground or a structure. Signs other than temporary signs shall be considered permanent signs.

Sign, Wall. A sign affixed on a part of the exterior wall of a building and flush against it.

Sign, Window. A sign meant to be visible in the interior window(s) of a business or a sign painted to the exterior window(s) of a business.

Sign, Wayfinding. A sign designed to aid a motorist in locating government agencies, public institutions, educational facilities, and places of worship.

Shopping Center. A group of commercial establishments planned, developed, owned and managed as a unit related in location, size and types of shop the unit serves.

Sport Vehicle. Snowmobiles and snowmobile trailers, boats and boat trailers, utility trailers, all-terrain vehicles and their trailers. For the purpose of this chapter, a boat, atv, or snowmobile(s) when stored or kept on a trailer shall be considered as one Sport Vehicle.

Storage Pod Container. A portable container that allows for storage of goods or materials which is not permanently affixed to a foundation.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if no such floor above, the space between such floor and the ceiling next above it.

Story, Half. A space under a sloping roof which has the line of intersection of roof decking and

wall face not more than three feet above the top floor level and in which space not more than two thirds of the floor area is finished off for use. A **Half Story** containing independent living quarters shall be counted as a full story.

Street, Arterial. A street which provides for the movement of heavy traffic on relatively long trips. It has the secondary function of providing access to abutting land.

Street, Collector. A street which collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.

Street Frontage. The distance for which a lot line of a lot adjoins a public street, from one lot line intersecting the street to the furthest distant lot line intersecting the same street.

Street Line. A dividing line between the lot and the street.

Street. A thoroughfare which affords a principal means of access to abutting property and which has been accepted by the city as a public street.

Structure. Anything constructed or erected, the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground. When a structure is divided into separate parts by an unpierced wall, the part shall be deemed a separate structure.

Structural Alterations. Any change in the supporting members of a building such as bearing walls, columns, beams or girders or any substantial changes in the roof and exterior walls.

Studio. A facility where the practice or study of the visual and audio arts occurs. This may include dance, music, art, photography or interior design; printing, sculpturing, photography, recording, radio and television studios. This use also includes dance studios and studios for the martial arts. This use does not include large industrial photography or printing processes. These uses are separate from "schools" and "educational institutions" as defined herein.

Subdivision. Improved or unimproved land or lands which are divided for the purpose of ready sale or lease or divided successively within a five-year period for the purpose of sale or lease into three or more lots or parcels of less than five areas each, contiguous in area and which are under common ownership or control.

Taxi Cab/Limo Service. An establishment which provides taxicab and/or limousine facilities and services such as radio dispatching and driver assignments.

Temporary/Seasonal Outdoor Sales Uses. The display or sale of the following items: Christmas trees, nursery stock, plants and related materials; and lawn, garden, patio furniture and furniture accessories. When these items are the primary merchandise offered for sale by the principal use, such as for nurseries, it shall not be considered a **Temporary/Seasonal Outdoor Sales Use**.

Theater. A building or part of a building devoted to showing motion pictures or for dramatic, dance, musical or other live performances. Such performances occur indoors.

Transient Vending. The conducting of business out of a vehicle, trailer, boxcar, tent, other portable shelter, or empty store front for the purpose of exposing or displaying for sale, selling or attempting to sell, and delivering, goods, wares, products, merchandise or other personal property; farmer's markets, and antique/flea markets but not to include vehicles.

Tree. A large, woody plant having one or several self-supporting stems or trunks and numerous branches; may be classified as deciduous or evergreen.

Tree, Ornamental. A deciduous tree planted primarily for its ornamental value or for screening purposes; tends to be smaller at maturity than an overstory tree.

Tree, Overstory. A large, deciduous, shade-producing tree which provides a high crown of foliage or overhead canopy with a mature height over 30 feet.

Tree, Specimen. A particularly impressive or unusual example of a species due to its size, shade, age or any other trait that epitomizes the character of the species.

Truck And Machinery Sales. Any building, land area, or other premise for the display and sale, lease or rental of new or used vehicles used to carry cargo and material, implements, or other machinery and including any preparation or repair work conducted as an accessory use. Up to 50% of the premise may include **Automobile Sales**.

Truck Repair/Service/Garage. A building which is used or intended to be used for the storage, service and/or repair of motor trucks, truck trailers, tractors and commercial vehicles exceeding one and one half tons capacity.

Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. The term includes the structure and any support thereto. **Tower** does not include **Essential Services** or **Essential Service Structures**, as defined herein.

Tower, Co-Locate. A tower designed for two or more commercial wireless telecommunications service providers.

Townhouse. A single structure consisting of three or more dwelling units having the first story at or near the ground level with no other dwelling unit connected to the other dwelling unit, except by a party wall with no openings.

Urban Service Area I (USA I). The Urban Service Area I shall be that area designated as such in the City's Comprehensive Plan. The USA I designates an area outside the City for which the City has extraterritorial planning, zoning and building permitting authority.

Use. The purpose or activity for which land or premises or a building or structure thereon is designated, arranged or intended or for which it is or may be occupied or maintained.

Use, Accessory. A use incidental or accessory to the principal use of a lot or a building located on the same lot as the accessory use.

Use, Incompatible. A use which is incapable of direct association with certain other uses because it is contradictory, incongruent or discordant.

Use, Nonconforming. Any lawfully established use of a building or premises which on the effective date of this chapter does not comply with the use regulations of the zoning district in which such building or premises shall be located.

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

Use, Principal. The main use of land or buildings, as distinguished from a subordinate or accessory use.

Utility Trailer. A wheeled vehicle weighing two thousand pounds or less, without motive power, which is designed to be drawn by a motor vehicle and which is generally and commonly used to carry and transport personal effects, articles of household furniture, loads of trash and rubbish, or not to exceed two horses over the public highways.

Variance. Any modification or variation of official controls where it is determined that the strict enforcement of the official controls would cause practical difficulties.

Veterinary Clinic. A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the medical use.

Wall Surface Area. The height of the structure multiplied by the width of the structure of the wall facing the street frontage designated by the mailing address or as otherwise determined by the Zoning Administrator.

Warehousing/Storage. A facility for receiving, holding, shipping and occasional packaging of commodities. This use may include, but is not limited to, conventional warehouse facilities, mini warehouse, and joint warehouse and storage facilities.

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

Wholesale Trade. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

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

Yard, Front. A yard extending along the full width of the front lot line between site lot lines and from the abutting front street right of way line to the front building line in depth.

Yard, Rear. The portion of the yard on the same lot with the building, between the rear line of the building and the rear line of the lot for the full width of the lot. In those locations where any alley is platted in the rear of the lots, one half of width of the platted alley may be included in the rear yard requirements. On corner lots the owner may elect which yards are to be side and rear yards.

Yard, Side. A yard extending along a side lot line between the front and rear yards.

Zoning Administrator. The person designated by the City Administrator to be the Zoning Administrator for the City of Cambridge.

Zoning District. An area or areas within the limits of the City for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.

Zoning Map. The map setting forth the boundaries of the zoning districts of the City, which map is a part of this chapter.

ZONING DISTRICTS AND ZONING MAP

§ 156.020 DISTRICTS

In order to carry out the purpose of this chapter, the city shall be divided into the following districts:

- (A) *Flood Plain District.* F-1, Flood Plain District.
- (B) *Shoreland districts.*
 - (1) SSP, Shoreland Special Protection District.
 - (2) SR, Shoreland Residential District.
 - (3) GD, Shoreland General Development District.
- (C) *Scenic river districts.*

- (1) SR-I, Scenic River I District.
- (2) SR-II, Scenic River II District.
- (3) SR-III, Scenic River III District.

(D) *Residence districts.*

- (1) R-1, One Family Residence District.
- (2) R-1A, One Family Residence District.
- (3) R-2, One- and Two-Family Residence District.
- (4) R-3, Multiple Family Residence District.

(E) *Professional Medical District.* PM, Professional Medical District.

(F) *Business districts.*

- (1) B-1, Downtown Business District.
- (2) B-1A, Downtown Fringe Business District.
- (3) B-2, Highway Business District.
- (4) BT, Business Transition District.

(G) *Industrial districts.*

- (1) I-1, Low Impact Business-Industrial District
- (2) I-2, Limited Industrial District.
- (3) I-3, General Industrial District.
- (4) IT, Industrial Transition District.

(H) *Growth area districts.*

- (1) UR, Urban Reserve District.
- (2) RA, Rural Residence/Agricultural District.

(I) *Airport District.* A, Airport District.

(J) *Planned Unit Development District.* PUD, Planned Unit Development District.
(Ord. 774, 10-16-2023)

§ 156.021 ZONING MAP

The location and boundaries of the districts established by this chapter are set forth in the Zoning Map, and the map is made a part of this chapter; the map shall be known as the “City of Cambridge 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 shall be recorded on the Zoning Map within 30 days after official publication of amendments. The Zoning Map shall be kept on file at the City Hall.
(Ord. 774, 10-16-2023)

§ 156.022 BOUNDARIES

(A) The boundaries between districts are, unless otherwise indicated, the center lines of highways, roads, streets, alleys or railroad right of way or such lines extended or lines parallel or perpendicular thereto, or section half section, quarter section, quarter section or other fractional section lines of the United States public land surveys, as established by law. Where figures are shown on the Zoning Map between a road and a district boundary line, they indicate that the district boundary line runs parallel to the road center line at a distance therefrom equivalent to the number of feet so indicated, unless otherwise indicated.

(B) Shoreland district boundaries shall conform to the Zoning Map and definitions contained herein. In the event shoreland district boundaries, as interpreted by the Zoning Administrator, are contested, the Board of Appeals and Adjustments shall make a judgment as to the location of the district boundaries. A judgment by the Commissioner of Natural Resources may also be sought in the event that agreement relative to precise location of shoreland district boundaries cannot be obtained.

(C) Flood Plain District boundaries are described in § 156.035, any amendments to these district boundaries must be approved by the Commissioner of Natural Resources.
(Ord. 410, 9-15-03; Ord. 774, 10-16-2023)

§ 156.023 ANNEXED TERRITORY

Any land annexed to the City in the future shall be placed in the RA, Rural Residential/Agricultural District and the corresponding Shoreland Overlay or Scenic River Overlay District (if applicable) until placed in another district by action of the City Council after recommendation of the City Planning Commission. Any land annexed to the city shall be given a city address and the adjacent street shall be given a city street name when feasible to do so, as determined by the Zoning Administrator.
(Ord. 774, 10-16-2023)

DISTRICT REGULATIONS

§ 156.035 FLOOD PLAIN F-1

See Chapter 151, Flood Damage Prevention.

§ 156.036 SHORELAND DISTRICTS, SSP, GD, SR

See Chapter 154.

§ 156.037 SCENIC RIVER DISTRICTS, SR-I, SR-II, SR-III

See Chapter 153.

§ 156.038 RESIDENCE DISTRICTS

(A) Purposes of residence districts. (Ord. No. 779, 1/16/24)

(1) *R-1, One-Family Residence District.* The R-1 One-Family Residence District provides space for low-density residential living with full provision of necessary urban service facilities. Nonresidential uses are limited to the minimum necessary for residential convenience and welfare. Only one home per lot is allowed.

(2) *R-1A, One-Family Residence District.* The R-1A One-Family Residence District is established to allow and preserve older neighborhoods, most of which are located near downtown in the older part of the city which was platted into small to modest sized lots. This District may also be used to create traditional style neighborhoods in newly developing areas. Only one home per lot is allowed.

(3) *R-2, One- and Two-Family Residence District.* The R-2 One- and Two-Family Residence District is established to allow and preserve areas in the city for medium density residential development of single-family and duplex units.

(4) *R-3, Multiple Family Residence District.* The R-3 Multiple Family Residence District is established to allow and preserve relatively high-density residential areas in the city.

(B) Allowable uses in residence districts. The uses listed below are allowable in the districts indicated. “P” indicates the use is permitted if it conforms with all other city and state building and use regulations. “C” indicates that a conditional use permit must be issued by the city prior to use or construction. “I” indicates that an interim use permit must be issued by the city prior to use or construction. No letter indicates the use is not allowed in the district. If a use is not listed, it is not allowed. (Ord. No. 779, 1/16/24)

<i>DISTRICT</i>				<i>USE</i>
R-1	R-1A	R-2	R-3	RESIDENTIAL AND LODGING USES
P	P	P	P	Dwellings, Single Family
		P	P	Dwellings, Two-Family
		C	P	Dwellings, Multiple Family
		C	C	Manufactured Home Complexes, pursuant to § 156.064
I	I	I	I	Rooming/Boarding House

		C	P	Townhouses
I	I	I	I	Bed and Breakfasts, pursuant to § 156.070
P	P	P	P	Home Occupations, pursuant to § 156.084
I	I	I	I	Extended Home Occupations, pursuant to § 156.084
I	I			Keeping of Fowl, pursuant to § 156.067
				HUMAN CARE USES
P	P	P	P	Day Care Facilities, Residential, up to 14 persons
		I	P	Day Care Facilities, Residential, 15 to 16 persons
P	P	P	P	Residential Facilities, up to 6 persons
		I	P	Residential Facilities, 7 to 16 persons
I	I	P	P	Senior Residential Care Facilities
				PUBLIC, SEMI-PUBLIC, AND UTILITY USES
P	P	P	P	Essential Services, pursuant to § 156.072
C	C	C	C	Essential Service Structures, pursuant to § 156.072
C	C	C	C	Educational Institutions
P	P	P	P	Municipal Buildings and Structures
P	P	P	P	Places of Worship (See § 156.092 for related provisions)
P	P	P	P	Public Parks, Playgrounds, and Recreational Uses of a Non-Commercial Nature
P	P	P	P	Schools
P	P	P	P	Towers Supporting Amateur Radio Antennas, as an accessory use and pursuant to § 156.082
C	C	C	C	Towers, (other than above) pursuant to § 156.082
P	P	P	P	Accessory Uses and Structures (structures are pursuant to §156.080)
I	I	I	I	Those other uses, which in the opinion of the Planning Commission, are appropriate only on an interim basis, and pursuant to § 156.118

(C) Use conditions. A structure or land may be used for the following only if its use complies with the specific conditions imposed in this division and any other applicable requirements of this chapter. In addition, a use listed as conditional in division (B) above must obtain a conditional use permit, and a use listed as interim in division (B) above must obtain an interim use permit. (Ord. No. 779, 1/16/24)

(1) *Dwellings.* In the R-1 and R-1A Districts, dwellings shall not exceed one unit. In the R-2 District, multiple family dwellings shall not exceed four units.

(2) *Schools(a)* Buildings shall be located a minimum of 50 feet from, and outdoor recreation and play areas shall be located a minimum of 25 feet from a protected residential area as defined herein.

(b) An off-street passenger loading area shall be provided in order to maintain vehicular and pedestrian safety.

3) *Senior residential care facilities(a)* In the R-1, R-1A, and R-2 Districts, senior residential care facilities shall be located on a collector or arterial street as defined in this chapter.

(b) No senior residential care facility building shall be located closer than 50 feet from the lot line.

(D) Building and lot requirements. (Ord. No. 779, 1/16/24)

BUILDING REQUIREMENTS	DISTRICT			
	R-1	R-1A	R-2 ⁶	R-3 ⁶
Minimum Floor Area in Square Feet:				
One-Family Dwelling	1,050	900	900	900
Two-Family Dwelling	N/A	N/A	750	750
Multiple Family Dwellings				
Efficiency	N/A	N/A	400	400
1 Bedroom	N/A	N/A	600	600
2 Bedroom	N/A	N/A	700	700
3 Bedroom	N/A	N/A	800	800
4 Bedroom	N/A	N/A	960	960

Maximum Height Limit in Feet	30 ft.	30 ft.	35 ft.	50 ft ⁸
Maximum Lot Coverage				
Residential (building/structure lot coverage only)	25%	25%	25%	25%
All Other (building/structure lot coverage only)	30%	30%	30%	30%
Impervious Surface Coverage (total of all impervious) ⁷	30%	30%	30%	
LOT REQUIREMENTS	DISTRICT			
	R-1	R-1A	R-2 ⁵	R-3 ⁶
Minimum Lot Area in Square Feet				
One-Family Dwelling	11,000	9,400	6,750	6,750
Two-Family Dwelling	N/A	N/A	9,000	9,000
Multiple Family Dwelling	N/A	N/A	15,000, but not less than 2,000 sf for each dwelling unit	20,000, but not less than 2,000 sf for each dwelling unit
Minimum Lot Width in Feet ¹	80	70	50	100
Minimum Lot Depth in Feet	120	120	109	120
Minimum Structure Setbacks⁹				
Minimum Front Yard in Feet ⁹	30 ²	30 ²	30 ²	30 ²
Minimum Rear Yard in Feet ⁹	30 ³	30 ³	30 ³	20
Minimum Side Yard in Feet ⁹				
Residential ⁹	10 ⁴	10 ⁴	6	10 plus 5 for each additional story above first story
All Other ⁹	25	25	25	10 plus 5 for each additional

				story above first story
Minimum Side Yard Adjacent to Street in Feet (measured to Right-of-Way line)				
Residential ⁹	15	15	12	15
All Other ⁹	25	25	25	15 plus 5 for each additional story above first story
Minimum Structure Setback From A Public Alley ⁹	6 feet from the property line or 14 feet from the center line of the alley, whichever is greater.	6 feet from the property line or 14 feet from the center line of the alley, whichever is greater.	6 feet from the property line or 14 feet from the center line of the alley, whichever is greater.	6 feet from the property line or 14 feet from the center line of the alley, whichever is greater.

¹ Measured at front setback line.

² Or average depth of front yards immediately adjacent but not less than 12 feet.

³ Except where yard abuts permanent open space, in which case, 20 feet shall suffice.

⁴ Except that an attached garage may be 6' from an interior side line.

⁵ Except that multiple family dwellings and townhouses shall follow the respective requirements of the R-3 District.

⁶ Except that Single Family and Two-Family Dwellings in the R-3 District shall follow the respective requirements of the R-2 District.

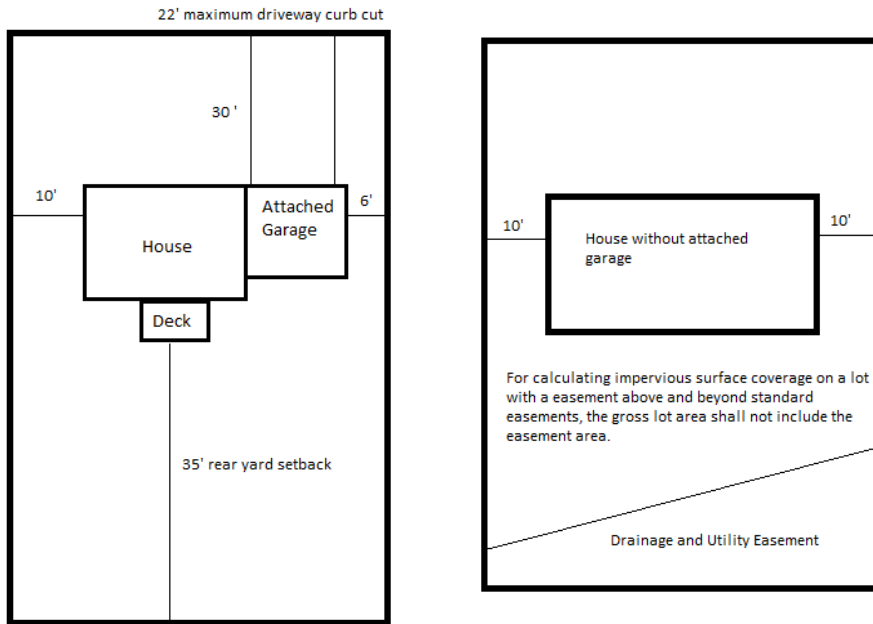
⁷ For the purpose of calculating impervious surface coverage, the lot size should be the gross lot area less land located in drainage and utility easements above and beyond the standard lot line drainage and utility easements. Impervious surfaces shall not be allowed in drainage and utility easements.

⁸ A conditional use permit may be allowed for higher buildings.

⁹ The structure setback shall be to the closest projection of the building whether foundation, wall, eaved box window, cantilevered fireplace or otherwise. The roof overhang shall not need to meet

setback requirements if the roof overhang is the standard 2' overhang. Larger than 2' roof overhangs shall be required to meet the setbacks as noted in the table above.

Lot Standards for Illustration purposes only



§ 156.039 PROFESSIONAL/ MEDICAL PM

(A) Purpose. The purpose of this district is to provide for high quality professional offices, medical/dental offices, public uses, and mixed-use development. (Ord. No. 779, 1/16/24)

(B) Permitted uses. (Ord. No. 779, 1/16/24)

- (1) Essential services, pursuant to § 156.072.
- (2) Home occupations, pursuant to § 156.084.
- (3) Hospitals.
- (4) Medical/dental offices.
- (5) Municipal buildings and structures.
- (6) Professional offices.
- (7) Public parks, playgrounds and recreational uses of non-commercial nature.
- (8) Public uses.
- (9) Towers supporting amateur radio antennas, as an accessory use and pursuant to § 156.082.
- (10) Accessory uses.
- (11) Community Centers for social, educational, or recreational activities.
- (12) Existing Dwellings, single family.
- (13) Essential service structures, pursuant to § 156.072.

(C) *Conditional uses. (Ord. No. 779, 1/16/24)*

- (1) Dwellings, two family.
- (2) Dwellings, multiple family.
- (3) Dwelling units not on ground floor.
- (4) Residential facilities.
- (5) Senior residential care facilities.
- (6) Townhouses.
- (7) Towers, pursuant to § 156.082.
- (8) Publicly owned and operated correctional facilities.

(D) *Interim uses. (Ord. No. 779, 1/16/24)*

- (1) Bed and Breakfasts, pursuant to § 156.070.
- (2) Extended home occupations, pursuant to § 156.084.
- (3) Day care facilities, adult.
- (4) Day care facilities, residential.
- (5) Day care facilities, non-residential.
- (6) Group homes, non-statutory.
- (7) Those other uses which, in the sole opinion and discretion of the Planning Commission, may be allowed only on an interim basis, and pursuant to § 156.118.

(E) *Building and lot requirements. (Ord. No. 779, 1/16/24)*

(1) *For uses by conditional use.* The minimum floor area, height limitation, lot coverage, and all lot requirements as to area, width, and depth of front, rear, and side yards shall be established by the Planning Commission and approved by the City Council as part of the conditional use permit application.

(2) *All other uses.* The minimum floor area, height limitation, lot coverage, and all lot requirements as to area, width, depth of front, rear, and side yards shall be the same as for the R-1 District.

(F) *Special requirements.* The Planning Commission shall use the Comprehensive Plan as the guide for setting development standards and approving uses as part of any conditional or interim use permit. (Ord. No. 779, 1/16/24)

§ 156.040 BUSINESS DISTRICTS

(A) *Purposes of business districts. (Ord. No. 779, 1/16/24)*

(1) *B-1, Downtown Business District.* The Downtown Business District is intended to provide a unified and organized business center which serves a broad service area with a variety of retail, service, office, and public uses that primarily serve pedestrian traffic. The district will be kept compact by encouraging a high density of development, public or joint parking for efficient use of space.

(2) *B-1A, Downtown Fringe Business District.* The Downtown Fringe Business District is intended to provide an area around the Downtown Business District that will contain a broad range of services and goods primarily for one-stop shopping trips by automobile. These uses, which might otherwise be incompatible with other downtown uses, will help to maintain a compact and convenient downtown shopping district. Buildings will be set back from the sidewalks and off-street parking will be required for individual businesses.

(3) *B-2, Highway Business District.* The Highway Business District is intended to promote highway-oriented uses and businesses, which are located in close proximity to major thoroughfares or highways in order that access by community members is simplified.

(4) *BT, Business Transition District.* The Business Transition District is intended to provide a means of transition from residential uses to highway business uses, while still allowing existing residences to continue.

(B) Allowable uses in business districts. The uses listed below are allowable in the business districts indicated. “P” indicates the use is permitted if it conforms with all other City and State building and use regulations. “C” indicates that a conditional use permit must be issued by the city prior to use or construction. “I” indicates that an interim use permit must be issued by the City prior to use or construction. No letter indicates the use is not allowed in the district. If a use is not listed, , it is not allowed. (Ord. No. 779, 1/16/24)

DISTRICT				USE
B-1	B-1A	B-2	BT	RESIDENTIAL USES
			P	Dwellings, Single Family – Existing
			P	Dwellings, Two Family – Existing
P	P	P	P	Dwelling Units, not on ground level floor
	C			Dwellings, Multiple Family
	P		P	Home Occupations, pursuant to § 156.084
	C			Townhouses
				HUMAN CARE USES
P	P	P	P	Day Care Facility, Adult
	I		P	Day Care Facility, Residential, up to 14 persons
	I			Day Care Facility, Residential, up to 16 persons
P	P	P	P	Day Care Facility, Non-Residential
	I			Group Home, Non-Statutory

	I		P	Residential Facility, up to 6 persons
	I			Residential Facility, 7 to 16 persons
I	I	I	I	Senior Residential Care Facilities
				PUBLIC, SEMI-PUBLIC, PRIVATE, AND UTILITY USES
P	P			Clubs/Lodges
P	P	P	P	Essential Services, pursuant to § 156.072
C	C	C	C	Essential Service Structures, pursuant to § 156.072
				PUBLIC, SEMI-PUBLIC, PRIVATE, AND UTILITY USES
I	P	P	P	Place of Worship (See § 156.092 for related provisions)
C	C	C	C	Public Uses
		P		Schools
		I	I	Towers, pursuant to § 156.082
				COMMERCIAL AND INDUSTRIAL USES
		I		Above Ground Bulk Liquid/Gas Fuel Storage in excess of 400 gallons
		P	P	Auto Convenience Stations, pursuant to § 156.090
		P	P	Automotive Parts Retail, pursuant to § 156.090
		P	P	Auto Repair and Service, Major, pursuant to § 156.090
		P	P	Auto Repair and Service, Minor, pursuant to § 156.090
		P	P	Automobile Sales & Rental, pursuant to § 156.090
		P	P	Automobile Wash and/or Automatic Automobile Wash, pursuant to § 156.090
P	P	P	P	Banks/Financial Institutions
P	P	P	P	Bed and Breakfasts, pursuant to § 156.070
I	I	I	I	Brewery Manufacturing fewer than 3,500 barrels of malt liquor in a year and/or Brewpub (See Chapter 114 for related licensing provisions)
P	P	P	P	Commercial Recreation
P	P	P	P	Community Centers
P	P	P	P	Drive-in Establishments, pursuant to § 156.090
P	P	P	P	Funeral Homes

		I	I	Kennels (Commercial), pursuant to § 156.091
P	P	P	P	Medical/Dental Offices
P	P	P	P	Motel/Hotel
		I	I	Nurseries (Plants)
P	P	P	P	Offices
I	I	I	I	Outdoor Storage, pursuant to § 156.085
P	P	P	P	Outdoor Merchandise Display covering 75 square feet or less, pursuant to § 156.086
I	I	I	I	Outdoor Merchandise Display covering more than 75 square feet, pursuant to § 156.086
		I		Outdoor Storage, Storage Pods, pursuant to § 156.085
C	C	P	P	Parking Area, Public, pursuant to § 156.090
I	I	I	I	Pawn Shop
P	P	P	P	Personal Services
P	P	P	P	Printing Process/Supply
P	P	P	P	Restaurants
P	P	P	P	Retail Sales, except Automotive Sales and Parts Retail
P	P	P	P	Schools, Proprietary
P	P	P	P	Repair Shop, Small Engine/Appliance/Bicycle
P	P	P	P	Studios
P	P	P	P	Temporary/Seasonal Outdoor & Transient Vending Sales Uses, pursuant to § 156.087
P	P	P	P	Theaters
	P	P	P	Veterinary Clinics, pursuant to § 156.091
I	I	I	I	Taxi Cab/Limo Service
P	P	P	P	Accessory Uses and Structures (structures are pursuant to 156.080)
I	I	I	I	Those other uses, which in the opinion of the Planning Commission, are appropriate only on an interim basis, and pursuant to § 156.118

(C) Use conditions. A structure or land may be used for the following only if its use complies with the specific conditions imposed in this division and any other applicable requirements of this chapter. In addition, a use listed as conditional in division (B) above must obtain a conditional use

permit, and a use listed as interim in division B above must obtain an interim use permit. (Ord. No. 779, 1/16/24)

(D) *Repair shop, small engine/appliance/bicycle.* Engines shall not be operated outside or tested outside of a structure if the use is within 300 feet of a protected residential area as defined herein. (Ord. No. 779, 1/16/24)

(E) *Building and lot requirements.* (Ord. No. 779, 1/16/24)

<i>BUILDING REQUIREMENTS</i>	<i>DISTRICT</i>		
	B-1	B-1A	B2 & BT
Maximum Building Height in Feet	60 ft. ¹	60 ft. ¹	30 ft. ¹
<i>LOT REQUIREMENTS</i>			
Minimum lot area in square feet Business Multiple family	900 None	7,500 2,000/unit	7,500 2,000/unit
Minimum lot depth in feet	60	100	100
Minimum lot width in feet	15	50	50
Maximum Lot Coverage Business Residential	100% 100%	50% 30%	50% 30%
Minimum front yard setback in feet	None	12	20
Minimum side yard setback in feet	None	10	10
Minimum side yard setback in feet adjacent to a street	None	12	15
Minimum Structure Setback from alley	None	6 feet from the property line or 14 feet from the center line of the alley, whichever is greater	6 feet from the property line or 14 feet from the center line of the alley, whichever is great
Minimum rear yard in feet	15 or as determined by the Planning Commission	15	15
Minimum rear yard when adjacent to or separated only by an alley from a protected	15 or as determined by the Planning Commission	25 feet	25 feet

residential area as defined herein.			
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¹ Higher buildings may be allowed through the issuance of a conditional use permit.

(C) Use conditions. A structure or land may be used for the following only if its use complies with the specific conditions imposed in this division and any other applicable requirements of this chapter. In addition, a use listed as conditional in division (B) above must obtain a conditional use permit, and a use listed as interim in division B above must obtain an interim use permit.

(D) Repair shop, small engine/appliance/bicycle. Engines shall not be operated outside or tested outside of a structure if the use is within the 300 feet of a protected residential area as defined herein.

(E) Building and lot requirements.

BUILDING REQUIREMENTS	DISTRICT		
	B-1	B-1A	B2 & BT
Maximum Building Height in Feet	60 ft. ¹	60 ft. ¹	30 ft. ¹
LOT REQUIREMENTS			
Minimum lot area in square feet Business Multiple family	900 None	7,500 2,000/unit	7,500 2,000/unit
Minimum lot depth in feet	60	100	100
Minimum lot width in feet	15	50	50
Maximum Lot Coverage Business Residential	100% 100%	50% 30%	50% 30%
Minimum front yard setback in feet	None	12	20
Minimum side yard setback in feet	None	10	10
Minimum side yard setback in feet adjacent to a street	None	12	15
Minimum Structure Setback from alley	None	6 feet from the property line or 14 feet from the center line of the alley, whichever is greater	6 feet from the property line or 14 feet from the center line of the alley, whichever is great
Minimum rear yard in feet	15 or as determined by	15	15

	the Planning Commission		
Minimum rear yard when adjacent to or separated only by an alley from a protected residential area as defined herein.	15 or as determined by the Planning Commission	25 feet	25 feet

¹ Higher buildings may be allowed through the issuance of a conditional use permit.

§ 156.041 INDUSTRIAL DISTRICTS

(A) Purposes of industrial districts.

(1) *I-1, Low Impact Business-Industrial District.* The Low Impact Business-Industrial District is intended to allow office and office showroom/office warehouse operations that have attractive buildings and low impacts on surrounding uses.

(2) *I-2, Light Industrial District.* The Light Industrial District is intended to allow light industrial uses that are free from objectionable features, or whose objectionable features are limited and can be eliminated by design, screening and other appropriate devices.

(3) *I-3, General Industrial District.* The General Industrial District is intended to provide an area that will accommodate heavier, higher impact industrial uses.

(4) *IT, Industrial Transition District.* The Industrial Transition District is intended to provide a means of transition from residential uses to light industrial uses, while still allowing existing residences to continue.

(B) Allowable uses in industrial districts. The uses listed below are allowable in the industrial districts indicated. “P” indicates the use is permitted if it conforms with all other city and state building and use regulations. “C” indicates that a conditional use permit must be issued by the city prior to use or construction. “I” indicates that an interim use permit must be issued by the city prior to use or construction. No letter indicates the use is not allowed in the district. If a use is not listed, the Planning Commission shall determine if a proposed use is similar to one that is listed. A negative determination would require a zoning ordinance amendment to establish the use as allowable.

DISTRICT				USES
I-1	I-2	I-3	IT	RESIDENTIAL USES
			P	Dwellings, Single Family – Existing
			P	Dwellings, Two Family – Existing

			P	Home Occupations, pursuant to § 156.084
I-1	I-2	I-3	IT	PUBLIC, SEMI-PUBLIC AND UTILITY USES
P	P	P	P	Essential Services, pursuant to § 156.072
C	C	C	C	Essential Service Structures, pursuant to § 156.072
I	P	P		Towers, pursuant to § 156.082
I-1	I-2	I-3	IT	COMMERCIAL AND INDUSTRIAL USES
I	I	I		Above Ground Bulk Liquid/Gas Fuel Storage in excess of 400 gallons
	P	P		Adult Establishments, pursuant to § 156.089, and Chapter 118
I	I			Commercial Kennels, pursuant to § 156.091
P	P	P	P	Fabricating/Assembling
I	I	I	I	Public Maintenance Facilities
		I		Manufacturing/Processing, Heavy
P	P	P	P	Manufacturing/Processing, Light
	I	I		Mini Storage
		P		Intermodal Freight Terminal
P	P	P	P	Offices
P	P	P	P	Office – Showrooms
P	P	P	P	Office – Warehouses
I				Retail Sales
	P	P	P	Outdoor Merchandise Display covering 75 square feet or less, pursuant to § 156.086
	I	I	I	Outdoor Merchandise Display covering more than 75 square feet, pursuant to § 156.086
I	I	I	I	Outdoor Storage, pursuant to § 156.085
I	I	I	I	Outdoor Storage, Storage Pods, pursuant to §156.085

P	P	P	P	Printing, Industrial
I	I	I		Recycling Center
P	P	P	P	Research/Development
		I		Salvage Yards
I	I	I	I	Towing (Automotive)
I	I	I	I	Toxic, Noxious and Odorous Matters pursuant to § 156.076
	I	I	I	Truck and Machinery Sales
	I	I	I	Truck Repair/Service/Garage
P	P	P	P	Warehousing/Storage (See Sec. C3)
			I	Waste Processing (Household)
	P	P	P	Wholesale Trade (see Sec. C4)
C	P	P	P	Accessory Uses or Structures
I	I	I	I	Those other uses which in the opinion of the Planning Commission are appropriate only on an interim basis, and pursuant to § 156.118

(C) Use conditions. A structure or land may be used for the following only if its use complies with the specific conditions imposed in this division and any other applicable requirements of this chapter. In addition, a use listed as conditional (C) in division (B) above must obtain a conditional use permit, and use listed as interim (I) in division (B) above must obtain an interim use permit.

(1) *Fabricating/Assembling.* In the I-2 and IT Districts, all fabricating/assembling shall be conducted wholly within a completely enclosed building.

(2) *Manufacturing/Processing.* In the I-1, I-2 and IT Districts, all manufacturing/processing shall be conducted wholly within a completely enclosed building.

(3) *Warehousing/Storage.*

(a) In the I-1, I-2 and IT Districts, warehousing/storage shall not include live animal commodities.

(b) In the I-1, I-2 and IT Districts, warehousing/storage shall not include bulk agricultural commodities.

(c) In the I-1, I-2 and IT Districts, warehousing/storage shall not include bulk

storage of liquid.

(4) *Wholesale Trade.*

(a) In the I-2 and IT Districts, wholesale trade shall not include live animal commodities.

(b) In the I-2 and IT Districts, wholesale trade shall not include bulk agricultural commodities.

(c) In the I-2 and IT Districts, wholesale trade shall not include bulk storage of liquids.

(D) *Building and lot requirements.*

BUILDING REQUIREMENTS	DISTRICT		
	I-1	I-2 and IT	I-3
Minimum Floor Area in Square Feet	None	None	None
Height Limit in Feet	None ¹	None ¹	None ¹
Maximum Lot Coverage	50%	50%	50%
LOT REQUIREMENTS	DISTRICT		
	I-1	I-2 and IT	I-3
Area in Square Feet	None	None	None
Width in Feet	None	None	None
Depth in Feet	None	None	None
Front Yard in Feet	30 ft.	30 ft.	20 ft.
Rear Yard in Feet	10 ft.	10 ft.	None
Rear Yard in Feet where adjacent to a street	Same as required for front yard	Same as required for front yard	None
Rear Yard in Feet when adjacent to or separated only by an alley from a protected residential area as defined herein.	50 ft.	50 ft.	50 ft.
Side Yard in Feet	10 ft.	10 ft.	None

Side Yard in Feet Adjacent to a Street	30 ft.	30 ft.	5 ft.
Side Yard in Feet when adjacent to or separated only by an alley from a protected residential area as defined herein.	50 ft.	50 ft.	50 ft.

¹ Except those that may be imposed by regulations of other governmental units

(E) *Exception for continuation of existing building line.* In an instance where the building line of a legal nonconforming principal structure is not setback from the side or rear property line in conformance with this section, the principal structure and structures on adjoining lots may be expanded in a manner consistent with the existing building line and in conformance with the following provisions:

- (1) The use of the structure is conforming to the zoning district.
- (2) The expansion of the structure shall not be located closer to the lot line than the existing building line.
- (3) The expansion of the structure will not reduce any other required setback below the minimum standards of the section.
- (4) The expansion of the structure will conform to all other restrictions of this chapter, including but not limited to, density, lot coverage, building height, parking and loading requirements.
- (5) Adequate drainage will be provided and the drainage shall be directed away from adjacent private property.

§ 156.042 URBAN RESERVE UR

(A) *Purpose and intent.* The UR, Urban Reserve District applies to lands designated as Planned Growth Areas in the City’s Comprehensive Plan. This district implements the city’s growth management strategy by prohibiting premature urban development within portions of the city’s Urban Service Area I, while still allowing reasonable interim uses of these properties. These are areas where agriculture and open space are current and proper uses, but which in the future will be required for expansion of urban uses as urban services and facilities become available. Low density residential development may also be appropriate in the Urban Reserve where the city’s future land use plan map identifies low density residential uses in the future. Land within the Urban Reserve is intended to be preserved in agricultural, low density residential or open space use in large parcels consistent with the future land use plan map and growth areas master plan until capital funds for the extension of urban facilities and services are committed in an adopted capital improvement plan. This implements the City growth management goals and objectives by protecting these areas against subdivision and land uses that will hinder future urban development and the provision of adequate streets, water, sanitary sewer and other urban

services in a cost-effective and efficient manner.

(B) *General provisions.*

(1) The UR, Urban Reserve is intended to be an interim zone until such time as these areas can be developed at urban densities and be provided with urban services.

(2) Land within the UR, Urban Reserve shall only be rezoned upon annexation into the City. Once annexed, these areas shall be zoned in conformance with the future land use plan and growth area master plans contained in the City's Comprehensive Plan.

(3) Agricultural operations in existence at the time this chapter was adopted may continue to operate as that use. New feedlots or feedlot expansions are not appropriate in this district.

(C) *Permitted uses.*

- (1) Agricultural uses in existence at the time this chapter was adopted; provided any expansion of an agricultural use required an interim use permit described below.
- (2) Dwellings, single family in locations designated for future low-density residential development on the city's future land use plan map.
- (3) Clustered development pursuant to § 156.049.
- (4) Residential facilities, up to six persons.
- (5) Day care facilities, residential, up to 14 persons.
- (6) Home occupations pursuant to § 156.084.
- (7) Municipal buildings.
- (8) Public parks, playgrounds and recreational uses of a non-commercial nature.
- (9) Golf courses and driving ranges.
- (10) Towers supporting amateur radio antennas, as an accessory use and pursuant to § 156.082.
- (11) Essential services, pursuant to § 156.072.
- (12) Public and private schools.
- (13) Accessory uses.

(D) *Interim uses.* Those other uses which in the sole opinion and discretion of the Planning Commission on an interim basis, and pursuant to § 156.118. Interim uses in the use zone may include:

- (1) Expansion or intensification of any agricultural use, provided it does not hinder the future urbanization of the area, except no new animal feedlots or expansions shall be allowed.
- (2) Limited agricultural uses.
- (3) Bed and Breakfasts, pursuant to § 156.070.
- (4) Towers, pursuant to § 156.082.
- (5) Essential service structures, pursuant to § 156.072.

(6) Extended home occupations, pursuant to § 156.084.

(E) *Building requirements.*

- (1) Minimum floor area, one family dwelling: 1,050 square feet.
- (2) Height limit, residential: 2 ½ stories but less than 30 feet.

(F) *Minimum lot requirements.*

- (1) Lot area, residential: 40 acres or 1 full quarter-quarter section, whichever is less.
- (2) Front yard:
 - (a) 50 feet from the road right-of-way of any county road.
 - (b) 130 feet from the road right-of-way for highways, expressways, four lane highways, U.S. highways and state highways.
 - (c) 30 feet from the road right-of-way of any other road or street.
- (3) Rear yard: 35 feet, except where yard abuts permanent open space in which case 20 feet shall suffice.
- (4) Side yard:
 - (a) Residential: 20 feet each side.
 - (b) Other buildings: 25 feet.

(G) *Access requirements.* All driveway access points on a county or township road shall require a permit from the local road authority. Driveway accesses on county roads shall meet a minimum spacing of 300 feet.

§ 156.043 RURAL RESIDENCE/AGRICULTURE - RA

(A) *Purpose and intent.* The RA, Rural Residence/Agriculture District applies to lands designated as Agricultural and Rural Residential on the city's future land use plan map. The purpose of this District is to preserve existing agricultural and open space areas while allowed limited low-density residential development in areas unlikely to be provided with urban services within the near future. These areas largely correspond to unincorporated land within the portions of the City's Urban Service Area I designated as rural planning areas in the Comprehensive Plan. These areas are not expected to be annexed into the City and/or provided with full urban services in the near future. However, these areas have the potential for increased development pressure and should be protected against premature subdivision that will hinder long-term urban development and the provision of adequate streets, water, sanitary sewer and other urban services in a cost-effective and efficient manner. Some limited areas within the incorporated City are also designated Rural Residence and Agricultural.

(B) *Permitted uses.*

(1) Agricultural uses in existence at the time this chapter was adopted, provided any expansion of an agricultural use requires an interim use permit as described below.

(2) Agricultural uses (new), except animal feedlots.

(3) Limited agricultural uses.

(4) Dwellings, single family.

(5) The keeping of animals on non-farm lots according to the following regulations:

(a) Dogs, cats and other domestic animals customarily kept as pets are not subject to these regulations.

(b) The following types of animals shall be allowed at a maximum density of one animal unit per acre.

<i>Animal</i>	<i>Animal Units</i>	<i>Max. per Acre</i>
Equine (horses, mules, or similar)	1	1
Cattle	1	1
Sheep, goats or similar	.2	5
Large poultry (turkeys, ducks, or similar)	.04	25
Small poultry and animals (chickens, rabbits, or similar)	.02	50

(6) Residential facilities, up to six persons.

(7) Day care facilities, residential, up to 14 persons.

(8) Home occupations, pursuant to § 156.084.

(9) Municipal buildings.

(10) Public parks, playgrounds and recreational uses of a non-commercial nature.

(11) Golf courses and driving ranges.

(12) Towers supporting amateur radio antennas, as an accessory use and pursuant to § 156.082.

(13) Essential services, pursuant to § 156.072.

(14) Public and private schools.

(15) Accessory uses.

(C) Conditional uses.

(1) Towers, pursuant to § 156.082.

(2) Essential Service Structures, pursuant to § 156.072.

(D) Interim uses. Those other uses which in the sole opinion and discretion of the Planning Commission may be allowed on an interim basis, and pursuant to §156.118. Interim uses in the RA District may include:

(1) Expansion or intensification of any agricultural use or structure, except no new animal feedlots or expansions shall be allowed.

(2) Bed and Breakfasts, pursuant to § 156.070.

(3) Extended Home Occupations, pursuant to § 156.084.

(E) Building requirements. The building requirements shall be the same as for the UR District.

(F) Minimum lot requirements. The minimum lot requirements shall be the same as for the UR District.

(G) Access requirements. The access requirements shall be the same as for the UR District.

§ 156.049 PLANNED UNIT DEVELOPMENT - PUD

(A) Authorization. A planned unit development (“PUD”) may be allowed only through a request for rezoning within any of the City’s zoning districts. For PUDs in shoreland districts, refer also to the Shoreland Management Ordinance. Planned unit development authorization may allow:

(1) *Variety.* Within a comprehensive site design concept, a mixture of land uses, housing types and densities.

(2) *Sensitivity.* By departing from the strict application of required setbacks, yard areas, lot sizes, minimum house sizes, minimum requirements, and other performance standards associated with traditional zoning, planned unit development can maximize the development potential of land while remaining sensitive to its unique and valuable natural characteristics.

(3) *Efficiency.* The consolidation of areas for recreation and reductions in street lengths and other utility related expenses.

(4) *Clustering/density transfer.* The project density may be clustered, basing density on number of units per acre instead of specific lot dimensions.

(5) *District integration.* The combination of uses which are allowed in separate zoning districts such as:

(a) Mixed residential allows both densities and unit types to be varied within the project.

(b) Mixed commercial, industrial, residential, or institutional land uses with the integration of compatible land uses within the project.

(B) *Allowed uses and density.*

(1) Uses within the PUD may include only those uses generally considered associated with the land use category shown for the area on the official Comprehensive Land Use Plan or those that provide support services to the primary uses in the PUD. Specific allowed uses and performance standards for each PUD shall be delineated in an Ordinance and Development Plan. The PUD plan shall identify all the proposed land uses and those uses shall become permitted uses with the acceptance of the Development Plan. Any change in the uses presented in the Development Plan will be considered an amendment to the PUD and will follow the procedures specified in (E) below.

(2) Housing density in PUDs shall not exceed the following limits:

(a) Urban Reserve (UR) District: four units per quarter quarter section.

(b) Rural Residence/Agricultural (RA) District: four units per quarter quarter section in areas designated as Rural Residential in the Comprehensive Plan. One unit per quarter quarter section in areas designated as Agricultural in the Comprehensive Plan.

(c) The maximum lot size in the UR and RA districts shall not exceed one acre.

(d) In all other districts: Same as underlying district plus 15%.

(3) If the property involved in the PUD includes land in more than one underlying zoning district, the number of dwelling units or the square footage of commercial, industrial or institutional uses in the PUD shall be proportional to the amount that would be allowed separately on the parcels located in each of the underlying zoning districts.

(C) *Required standards.*

(1) The City shall consider the proposed PUD from the point of view of all standards and purposes of the Comprehensive Plan to achieve a maximum coordination between the proposed development and the surrounding uses, the conservation of woodlands and wetlands, the protection of health, safety and welfare of the community and residents of the PUD.

(2) To these ends, the City Council shall consider the compatibility of the location of the buildings, parking areas and other proposed improvements with the topography of the area and existing natural features such as streams and large trees; the efficiency, adequacy and safety of the proposed layout of internal streets and driveways; the adequacy and location of green areas; the adequacy, location and screening of parking areas; and such other matters as the Council may find to have a material bearing upon the stated standards and objectives of the Comprehensive Plan.

(3) Private, community septic systems shall be required for all dwelling units and other uses in PUDs in the UR and RA zoning districts and in any other location where City sewer service is not available. The private community septic system shall be designed to be able to be connected to City sewer service in the future. Connections to City sewer service shall be made within three years of the date when sewer service is provided to or past the PUD.

(4) Private, community water supply systems in the PUD must also be designed to connect to the City system when it becomes available. Connection shall be required within three years of the date when City water service is provided to or past the PUD.

(5) The PUD shall include the proposed development and all the land from which the density for the development is derived.

(6) There can be two kinds of open space in a PUD. One may be land required for the use and benefit of the homeowners. This land will be a permanent part of the residential development. Other open space could be in the form of farmland or open space that will be developed at some future date. Open space required for the PUD shall be owned in common and managed by the PUD's homeowners association. Other land in the PUD such as farm land or land held for future development may be retained as an outlot with a deed restriction preventing further development or subdivision until authorized by the City. Land retained for future development shall be "ghost platted" to demonstrate future development compatibility with urban design standards as provided in this and all other applicable ordinances.

(7) Where not specifically listed within this chapter, or otherwise established through the PUD agreement, all PUDs shall follow the standards set forth for the underlying zoning districts.

(D) *Coordination with subdivision regulations.* Subdivision review under the City's subdivision regulations shall be carried out simultaneously with the review of the PUD. The plans required under this chapter shall be submitted in a form which will satisfy the requirements of the subdivision ordinance for the preliminary and final plat.

(E) *Revisions and/or changes.*

(1) Minor changes in the location, placement and height of structures may be authorized by the Zoning Administrator if required by engineering or other circumstances not foreseen at the time the final plan was approved and filed with the Zoning Administrator.

(2) Changes in uses, significant changes in the location, size, or height of structures, any rearrangement of lots, blocks and building tracts, changes in the provision of common open spaces, and all other changes to the approved final plan may be made only after a public hearing conducted by the Council. Any changes shall be recorded as amendments to the recorded copy of the final Development Plan.

(3) All of the provisions of this section applicable to the original district within which the Planned Unit Development District is established shall apply to the PUD District except as otherwise provided in approval of the final plan.

(4) If substantial development has not occurred within a reasonable time after approval of the PUD Zoning District, the City Council may instruct the Planning Commission to initiate rezoning back to the original zoning district. It shall not be necessary for the City Council to find that the rezoning was in error.

(F) *Phasing and guarantee of performance.*

(1) A performance bond or letter of credit shall be required to guarantee performance by the developer. The amount of this bond or letter of credit, and the specific elements of the development program that it is intended to guarantee, will be stipulated in the development agreement.

(2) The Planning Commission shall compare the actual development accomplished in the PUD with the approved development schedule.

(3) Upon recommendation of the Planning Commission, and for good cause shown by the property owner, the Council may extend the limits of the development schedule.

(4) The construction and provision of all of the common open space and public and recreational facilities which are shown on the final development plan must proceed at the same rate as the construction of dwelling units, if any. The Zoning Administrator shall review all of the building permits issued for the PUD and examine the construction which has taken place on the site. If the Zoning Administrator find that the rate of construction of dwelling units is greater than the rate at which common open spaces and public and recreational facilities have been constructed and provided, the Administrator shall forward this information to the Council for action.

(G) *Control of PUD following completion.*

(1) After the certificate of occupancy has been issued, the use of the land and the construction, modification or alteration of any buildings or structures within the PUD shall be governed by the final development plan.

(2) After the certificate of occupancy has been issued, no changes shall be made in the approved final Development Plan except upon application as provided below:

(a) Any minor extensions, alterations or modifications of existing buildings or structures may be authorized by the Zoning Administrator if they are consistent with the purposes and intent of the Development Plan. No change authorized by this section may increase the cubic volume of any building or structure by more than 10%.

(b) Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the Development Plan unless an amendment to the Development Plan is approved under division (E) below.

(c) Changes in the use of the common open space may be authorized by an amendment to the Development Plan under division (E) below.

(d) Any other changes in the Development Plan must be authorized by an amendment of the Development Plan under division (E).

(H) *Submission requirements.* Five large scale copies and one reduction 8 ½ inch x 11 inch of the following exhibits, analysis and plans shall be submitted to the City during the PUD process. All of the graphics should be the same scale as the final plan to allow easy cross reference. The use of overlays is recommended for clear reference.

(1) *General concept stage.*

(a) *General information.*

1. The landowner's name and address and their interest in the subject property.

2. The applicant's name and address if different from the landowner.

3. Evidence that the applicant has sufficient control over the subject property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up-to-date certified abstract of title or registered property report, and such other evidences as the City Attorney may require to show the status of title or control of the subject property.

(b) *Present status.*

1. The address and legal description of the subject property.
2. The existing zoning classification and present use of the subject property and all lands within 1,000 feet of the subject property.
3. A map depicting the existing development of the subject property and all land within 1,000 feet thereof and indicating the location of existing streets, property lines, easements, water mains and storm and sanitary sewers, with invert elevations on and within 100 feet of the subject property.

(c) *Market and demand.* A written statement generally describing the proposed PUD and the market which it is intended to serve and its demand showing its relationship to the Comprehensive Plan and how the proposed PUD is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of the city.

(d) *Site conditions.* Graphic reproductions of the existing site conditions at a scale of one inch equals 100 feet.

1. Contours - minimum two foot intervals.
2. Location, type, size and extent of existing tree cover.
3. Slope analysis.
4. Location and extent of water bodies, wetlands and streams and floodplains within 300 feet of the subject property.
5. Existing drainage patterns.
6. Soil conditions as they affect development.

(e) *Development concepts.* Schematic drawing of the proposed development concept including but not limited to the general location of major circulation elements, public and common open space, residential and other land uses including a “ghost plat” of open space reserved for future development.

(f) *Dwelling units and allocation.* A statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area that shall include at least the following:

1. Area devoted to uses.
2. Area devoted to use by building type with a maximum residential lot

coverage of 25%, and a maximum non-residential lot coverage of 50%.

3. Area devoted to common open space with a minimum of 15% of the project area.

4. Area devoted to public open space shall be in accordance with the adopted park dedication requirements of the City.

5. Approximate area devoted to streets.

6. Approximate area devoted to, and number of, off-street parking and loading spaces and related access.

(g) *Schedule of development.* When the proposed PUD is to be constructed in stages during a period of time extending beyond a single construction season, a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage or unit and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed during each such stage, and the overall chronology of development to be followed from stage to stage.

(h) *Care and maintenance of open space/service facilities.* When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities.

(i) *Restrictive covenants.* General intents of any restrictive covenants that are to be recorded with respect to property included in the proposed PUD. A signed copy of the final restrictive covenants shall be submitted to the City.

(j) *Utilities plans.* Schematic utilities plans indicating placement of water, sanitary and storm sewers.

(k) *Exemption from submittal requirements.* The City may excuse an applicant from submitting any specific item of information or document required in this stage, which it finds to be unnecessary to the consideration of the specific proposal for PUD approval.

(l) *Additional information.* The City may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD or any aspect or stage thereof.

(2) *Development stage.* Development stage submissions should depict and outline the proposed implementation of the general concept stage for the PUD. Information from the general concept stage may be included for background and to provide a basis for the submitted plan. The development stage submissions shall include but not be limited to:

(a) Any public decisions necessary for implementation of the proposed plan.

(b) Five sets of plans, drawn to a scale of not less than 1 inch=100 foot or scale requested by the city and one reduction 8 ½ inch x 11 inch containing at least the following information:

1. Proposed name of the development (which shall not duplicate nor be similar in pronunciation to the name of any plat theretofore recorded in Isanti County).

2. Property boundary lines and dimensions of the property and any significant topographical or physical features of the property

3. The location, size, use and arrangement including height in stories and feet and total square feet of ground area coverage and floor area, of proposed buildings, and existing buildings which will remain, if any.

4. Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements including bike and pedestrian; and the total site coverage of all elements.

5. Location, designation and total area of all common open space.

6. Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities.

7. Proposed lots and blocks, if any, and numbering system.

8. The location, use and size of structures and other land uses on adjacent properties.

9. Detailed sketches and provisions of proposed landscaping.

10. General grading and drainage plans for the developed PUD.

11. Any other information that may have been required by the City in conjunction with the approval of the general concept plan.

(c) An accurate legal description of the entire area within the PUD for which final development plan approval is sought.

(d) A tabulation indicating the number of residential dwelling units and expected population.

(e) A tabulation indicating the gross square footage, if any, of commercial and

industrial floor space by type of activity (drug store, dry cleaning, supermarket).

(f) Preliminary architectural “typical” plans indicating use, floor plan, elevations and exterior wall finishes of proposed buildings, including mobile homes.

(g) A detailed site plan, suitable for recording, showing the physical layout, design and purpose of all streets, easements, rights of way, utility lines and facilities, lots, blocks, public and common open space, general landscaping plan, structure, including mobile homes and uses.

(h) A preliminary grading and site alteration plan illustrating changes to existing topography and natural site vegetation. The plan should clearly reflect the site treatment and its conformance with the approved concept plan.

(i) A preliminary plat prepared in accordance with the Subdivision Ordinance of the City Code.

(j) A soil erosion control plan acceptable to watershed districts, Department of Natural Resources, Soil Conservation Service, or any other agency with review authority illustrating all erosion control measures to be used during construction and as permanent measures.

(k) A statement summarizing all changes which have been made in any document, plan, data or information previously submitted, together with revised copies of any such document, plan or data.

(l) Such other and further information as the City shall find necessary to a full consideration of the entire proposed PUD or any stage thereof.

(m) The City may excuse an applicant from submitting any specific item of information or document required in this Chapter it finds to be unnecessary to the consideration of the specific proposal for PUD approval.

(3) *Final plan stage.* After approval of a general concept plan for the PUD and approval of a development (rezoning) stage plan by the City Council for a section of the proposed PUD, the applicant will submit the following material for review by the City prior to issuance of a building permit.

(a) Proof of recording any easements and restrictive covenants prior to the sale of any land or dwelling unit within the PUD and of the establishment and activation of any entity that is to be responsible for the management and maintenance of any public or common open space or service facility.

(b) All certificates, seals and signatures required for the dedication of land and recording of documents.

(c) Final architectural working drawings of all structures.

(d) A final plat and final engineering plans and specifications for streets, utilities and other public improvements, together with a City/applicant agreement for the installation of such improvements and financial guarantees for the completion of such improvements.

(e) Any other plan, agreements, or specifications necessary for the city to review the proposed construction. All work must be in conformance with the State Building Code.

(I) Procedures for processing a PUD.

(1) *General processing requirements.* The PUD request shall be processed as a Zoning Code amendment, except as herein modified.

(2) *Pre-application conference.* Prior to filing of an application for a PUD, the applicant of the proposed PUD is encouraged to arrange a conference with the City. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the proposal for the area for which it is proposed and its conformity to the provisions of this chapter before incurring substantial expense in the preparation of plans, surveys and other data.

(3) *General concept plan.*

(a) *Purpose.* The general concept plan provides an opportunity for the applicant to submit a plan to the City showing his basic intent and the general nature of the entire development. The following elements of the proposed general concept plan represents the immediately significant elements for city review and comment.

1. Overall maximum PUD density range.
2. General location of major streets and pedestrian ways
3. General location and extent of public and common open space.
4. General location of residential and nonresidential land uses with approximate type and intensities of development.
5. Staging and time schedule of development.
6. Other special criteria for development.

(b) *Schedule.*

1. The applicant shall file the general concept plan application, together with all supporting data and filing fee as established by Council resolution.

2. The Planning Commission shall conduct a public hearing on the concept plan and provide a recommendation to the Council. The Council shall act to approve or deny the concept plan.

(c) *Optional submission of development stage plan.* In the case of single stage PUDs or where the first stage of a multiple stage PUD is to begin immediately, the applicant may initially submit development stage plans and supportive material. In such case, the city shall consider and act upon such plans according to the applicable provision of this chapter.

(d) *Effect of concept plan approval.* Unless the applicant shall fail to meet time schedules for filing development stage and final plans or shall fail to proceed with development in accordance with the plans as approved or shall in any other manner fail to comply with any condition of this section or of any approval granted pursuant to it, a general concept plan which has been approved shall not be modified, revoked or otherwise impaired pending the application of development stage and final plans by any action of the City without the consent of the applicant.

(e) *Limitation on general concept plan approval.* Unless a development stage plan covering at least ten dwelling units or the area designated in the general concept plan as the first stage of the PUD, whichever is greater, has been filed within six months from the date the City grants general concept plan approval, or in any case where the applicant fails to file development stage and final plans and to proceed with development in accordance with the provisions of this section and of an approved general concept plan, the approval shall lapse. Upon request by the applicant, the Council at its discretion may extend for additional periods, not in excess of six months each, the filing deadline for any development stage plan, when, for good cause shown, such extension is necessary.

(4) *Development (rezoning) stage plan.*

(a) *Purpose.* The purpose of the development stage plan is to provide a specific and particular plan upon which the Planning Commission will base its rezoning recommendation to the Council and with which substantial compliance with the general concept plan is necessary for the preparation of the final plan.

(b) *Submission of development stage.* Submission requirements for the development stage plan shall only be deemed adequate if the Council has first approved a general concept plan. Within six months of the approval of the general concept plan, the applicant shall file with the City a development stage plan consisting of the information and submissions required by this chapter. The development stage plan shall refine, implement, and be in substantial conformity with the approved general concept plan.

(c) *Review and action by City staff and Planning Commission.* Immediately upon receipt of a complete development stage plan application, said plan shall be referred to the appropriate City staff and/or official bodies and the Planning Commission for their review and recommendation.

(d) *Council action.* The City Council shall act to deny or approve the request.

(e) *Effect of development stage approval.* Approval of the development stage plan by the City Council shall be considered a rezoning to PUD.

(f) *Limitation on development stage plan approval.* Unless a final plan covering the area designated in the development stage plan as the first stage of the PUD has been filed within six months from the date the City Council grants development stage plan approval, or in any case where the applicant fails to file final plans and to proceed with development in accordance with the provisions of this section and/or an approved development stage plan, the approval shall expire. Upon application by the applicant, the Council at its discretion may extend for not more than six months, the filing deadline for any final plan when, for good cause shown, such extension is necessary.

(g) *Site improvements.* At any time following the approval of a development stage plan by the Council, the applicant may, pursuant to the applicable City Code provisions apply for, and the city may issue, grading permits for the area within the PUD for which development stage plan approval has been given.

(5) *Final Development Plan.*

(a) *Purpose.* The final plan is to serve a complete, thorough and permanent public recorded of the PUD and manner in which it is to be developed. It shall incorporate all prior approved plans and all approved modifications thereof resulting from the PUD process. It shall serve in conjunction with the other City Code provision as the land use regulations application to the PUD. The final Development Plan is intended only to add detail to, and to put in final form, the information contained in the development stage plan and shall conform to the development stage plan in all respects.

(b) *Schedule.*

1. Upon approval of the development stage plan, the applicant shall file with the City a final plan consisting of the information and required submissions for the entire PUD or for one or more stages. This plan will be reviewed and approved or denied by City staff.

2. Within 30 days of its approval, the applicant shall cause the final plan, or such portions thereof as are appropriate, to be recorded with the County Recorder or Registrar of Titles. The applicant shall provide the City with a signed copy verifying county recording within 40 days of the date of approval.

(c) *Building and other permits.* Except as otherwise expressly provided herein, upon receiving notice from the City that the approved final plan has been recorded and upon application of the applicant pursuant to the applicable City Code provisions, the City may issue building and other permits to the applicant for development, construction and other work in the

area encompassed by the approved final plan provided, however, that no such permit shall be issued unless the City is first satisfied that the requirements of all codes and City Code provisions in which are applicable to the permit sought, have been met.

(d) *Limitation of final plan approval.* Within one year after the approval of a final plan for PUD, or such shorter time as may be established by the approved development schedule, construction shall commence in accordance with such approved plan. Failure to commence construction within such period shall, unless an extension shall have been granted as hereinafter provided, automatically render void the PUD permit and all approvals of the PUD plan and the area encompassed within the PUD shall thereafter be subject to those provisions of this section, and other City Code provisions, applicable in the zoning district in which it is located. In such cases, the Council shall forthwith adopt a resolution repealing the PUD permit and all PUD approvals and re-establish the zoning and other City Code provisions that would otherwise be applicable. The time limit established may, at the discretion of the Council, be extended for not more than one year.

(e) *Inspections during development.*

1. *Compliance with overall plan.* Following final plan approval of a PUD, or a stage thereof, the City shall, at least annually until the completion of the development, review all permits issued and construction undertaken and compare actual development with the approved development schedule.

2. *Noncompliance with schedule.* If the City finds that development is not proceeding in accordance with the approved schedule, or that it fails in any other respect to comply with the PUD plans as finally approved, the City shall either by ordinance revoke the PUD permit, and the land shall thereafter be governed by the regulations applicable in the zoning district in which it is located; or it shall take such steps as it shall deem necessary to compel compliance with the final plans as approved; or shall require the landowner or applicant to seek an amendment to the final plan.

§ 156.050 AIRPORT DISTRICT - A

(A) See Chapter 150, Cambridge Municipal Airport Zoning.

(B) *Permitted uses.* Uses within the Airport District located within the confines of the municipal airport property shall be regulated through a lease as approved by the City.

SPECIAL REGULATIONS

§ 156.060 OFF-STREET PARKING REQUIREMENTS

(A) *Purpose and intent.* It is the intent of this section that off-street parking be provided and maintained by each property owner for the use of occupants, employees and patrons. These regulations are further intended to promote the safe and efficient storage, circulation and

channelization of motor vehicles on site to avoid undue congestion of the public streets.

(B) *Compliance required.* In all districts except where exempted by part (J) of this section, off-street parking shall be provided as follows.

(1) *New construction.* Full off-street parking compliance is required for all newly erected buildings.

(2) *Enlargement.*

(a) Whenever a use or building not requiring off-street parking prior to adoption of this section is increased in floor area or when building modifications result in an increase in effective capacity for any use, beyond its use as of the date of the adoption of this section, the extent to which the use has been enlarged shall be required to comply fully with all the provisions of this chapter.

(b) Whenever a use of a building requiring off-street parking prior to adoption of this section is increased in floor area or when building modifications result in an increase in effective capacity for any use, beyond its use as of the date of the adoption of this section, the total area of the existing and expanded use shall be required to comply with all the provisions of this chapter.

(c) Whenever a building or use or part thereof is changed, such that the new use requires more parking than the old, the extent to which the use is changed shall be required to comply fully with all the provisions of this chapter.

(d) All new parking lots and improvements and extensions to existing lots shall comply fully with all the requirements of this chapter.

(C) *Permits and improvement guarantees required.*

(1) *Permits.* Permits shall be required for parking lot construction in all districts except for one- and two-family residences. All new residential driveways and adjustments to existing driveways at the curb and in right-of-way are required to obtain a permit.

(2) *Improvement guarantees.* For any parking improvement for which a building permit is required, a performance bond, letter of credit or other financial guarantee, as approved by the City Attorney, in the amount of 120% of the estimated construction cost shall be submitted prior to issuance of a building permit and retained until the parking improvement is completed and acceptable to the City. All such improvements shall be completed within one year.

(D) *Limitations on use.*

(1) No commercial repair work or service of any kind, or commercial sale or display thereof, or the storage of new or used vehicles which are not for the use of the occupant,

employees and patrons shall be conducted in such parking area.

(2) Required off-street parking existing at the date of adoption of this chapter in connection with the operation of any existing building or use and any area once designated as required off-street parking shall not be reduced to an amount less than hereinafter required for a similar new building or use until equal facilities as required by this section are provided elsewhere.

(E) *Joint use of parking areas.* Two or more buildings or uses may collectively provide off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the individual uses computed separately. In the case of the joint use of off-street parking spaces where operating hours do not overlap, where patrons will substantially cross-over between uses, or other conditions exist which would reasonably cause the number of parking spaces required to be reduced, application for conditional use permit to allow the total parking required to be reduced below the sum total of the individual uses shall be made with a copy of an agreement between joint users.

(F) *Location.* All off-street parking required by this chapter for other than residential uses shall be located on the same lot or within 300 feet as measured from the nearest point of the parking lot to the nearest point of the property intended to be served. The off-street parking shall be located in the same zoning district as the use it is intended to serve. For residential uses, all required parking shall be located on the lot it is intended to serve. Exceptions to these requirements may be allowed through the issuance of a conditional use permit.

(G) *Ownership.* The owner or user of the property to be served shall own all property utilized to meet minimum parking requirements.

(H) *Stacking spaces required.*

(1) *Circulation.* No stacking space shall encroach into any drive aisle necessary for the circulation of vehicles on the lot.

(2) *Setbacks required.* All stacking spaces shall comply with the setbacks required for parking spaces.

(3) *Size of stacking spaces.* The minimum size of stacking space shall be 9 feet x 23 feet.

(4) *Spaces required.* The minimum number of stacking spaces shall be:

<i>Use</i>	<i>Minimum spaces</i>	<i>Measured from</i>
Bank teller lane	4	Teller or window
Automated teller machine	3	Teller

Restaurant drive-through	6	Pick-up window
Automobile Wash-Automatic	3 per 20 ft. of washing line or area	Entrance
Automobile Wash-Self Service	1 per bay	Entrance
Gasoline pump island	1 space from each end of pump island	
Other	As determined by the Zoning Administrator	

(I) Calculating spaces.

(1) *Fractional spaces.* If the calculation for determining the number of required parking spaces results in a fractional space, any fraction up to and including one half shall be disregarded, and fractions over one half shall require one parking space.

(2) *Off-street loading areas.* Any off-street loading area provided within or attached to a principle structure shall not be considered part of the gross floor area of the principal structure for the purposes of calculating the number of off-street parking spaces required.

(3) *Permanent outdoor merchandise display.* The square footage of any permanent outdoor merchandise display area shall be included as part of the gross floor area of the principal structure for the purposes of calculating the number of off-street parking spaces required.

(4) *Pews, bleachers and benches.* Where the required number of parking spaces is based on number of seats, bleachers, benches or pews shall be calculated at a rate of 24 inches = 1 seat for the purposes of calculating the required number of off-street parking spaces.

(J) Off-street parking, special conditions, exemptions and variances.

(1) *Compact cars.* Up to 20% of the parking required for a given use may be designed specifically for compact cars, provided:

- (a) Signage is erected at appropriate locations indicating “For Compacts Only”.
- (b) A compact car space shall not be less than 8 feet in width and 16 feet in length; and
- (c) The construction standards for standard stalls apply.

(2) *Proof of parking required.* Establishments shall be capable of providing the number of on-site parking spaces required by this chapter at any time. However, all such required parking need not be constructed initially if the owner of the property provides a pro forma to the Zoning

Administrator that demonstrates to the Zoning Administrator's satisfaction, that the required parking is in excess of its real parking demand. Future parking sufficient in quantity to meet the requirements may need to be shown on the official site plan for which a building permit request is made and the parking shall be constructed at the discretion of the Zoning Administrator if it proves to be needed later.

(3) *Central Business District (B-1 District).* Existing and new uses in existing buildings in the B-1 District shall be exempt from this section. Except that all dwellings shall be required to meet the parking requirements of this Chapter, and any newly constructed parking lot shall comply with this section. Maintenance of an existing lot shall comply with this section where applicable as determined by the City Engineer and the Zoning Administrator.

(a) Purpose Statement: The downtown business owners must work together to make the downtown thrive. The Downtown Task Force has been making strides to improve the downtown business district. At this time, it is unrealistic for the City to require parking in lieu cost burden's when the Task Force is working toward an end goal of significant improvements and change. In addition, the B-1 District is intended to primarily serve pedestrian traffic, and new impervious surface coverage can have environmental impacts to the city's stormwater treatment system.

(4) *Space requirement.* The parking space requirement for a use not specifically mentioned herein shall be determined by the Zoning Administrator.

(5) *Parking for multi-family buildings.* A minimum of one required off-street parking space per dwelling unit shall be housed in a garage for all multi-family buildings.

(6) *Shared driveway.* To further the access management policies of the City, shared driveways located upon mutual property lines may be required. Said shared drive shall be appropriately maintained and controlled through a joint easement established by the benefiting property owner(s).

(7) *Existing business.*

(a) The construction of new off-street parking for an existing business location as a result of a change in use or building enlargement shall not be required to meet current city standards (such as concrete curb and gutter) and may be constructed consistent with existing conditions when the number of additional stalls required under this chapter is less than 20% of the existing number of parking stalls. In no event however shall stalls be required to be constructed to current city standards (such as concrete curb and gutter) if the number of stalls is less than ten. In the event that the necessary stalls are not constructed, a proof of parking plan shall be provided in accordance with (J)(2). A business shall only be allowed to utilize this provision once.

(b) The improvement of a portion of an existing substandard parking lot (gravel or similar material) for an existing business shall not be required to meet current city standards (i.e. concrete curb and gutter) as specified by this chapter provided a portion of the existing

parking lot is at a minimum bituminous or concrete. Said parking lot improvement shall not be more than 20% of the existing number of off-street parking stalls required for the business. A business shall only be allowed to utilize this provision once.

(c) Existing improved (asphalt or concrete) parking lots that are resurfaced with the same material may be required to install curb and gutter around and within the lot. This will be determined by the City Engineer and the Zoning Administrator after reviewing drainage, traffic operations, safety, and other site conditions.

(K) Off-street parking design and construction standards.

(1) *Design and construction of residential and nonresidential parking lots and driveways.* Sidewalks shall be four (4) feet in width. Parking lots and driveways shall be designed and constructed as prescribed in the Appendices to this chapter, the state standards for handicap parking and all other specifications adopted by the city. (Ord. 454, passed 10-15-2005)

(2) *Bumper overhang.* The minimum parking space length may be decreased by up to two feet for spaces which allow the bumper of the auto to project beyond the terminus of the parking space without obstructing other parking spaces or vehicle circulation. However, if parking stalls are designed to use the bumper overhang projecting over a sidewalk, the sidewalk must be 6 or more feet in width to allow for the overhang.

(3) *Maneuvering lanes.* All maneuvering lanes shall permit only one way traffic movements with the exception of the 90-degree pattern where two-way traffic may be permitted. Each parking space shall have direct unimpeded access to a maneuvering lane and dead end maneuvering lanes shall only be permitted with two way 90 degree pattern in parking bays with fewer than ten spaces, unless a turnaround is provided as approved by the Zoning Administrator. Maneuvering lanes through parking lots must be designed with minimal access to the public street. A maximum of two entrances per lot is preferred. Maneuvering lanes are subject to City Engineer and Zoning Administrator review and approval.

(4) *Backing into a street.* Except for one- and two-family dwellings, access to all parking areas shall be off private driveways and not directly off a public street. Except for one- and two-family dwellings, backing from a parking lot directly into a street shall be prohibited.

(5) *Surfacing.*

(a) All new or enlarged parking lots shall be paved with a concrete or bituminous surface in accordance with standards as established by the city, unless meeting the requirements of division (J)(6) above. All parking spaces shall be striped with suitable paint in accordance with approved plans. Surfacing shall be constructed prior to the certificate of occupancy being issued.

(b) Parking and driveway areas for urban residential dwellings shall be paved with a concrete or bituminous surface in accordance with standards as established by the city.

(c) Parking and driveway areas for residential and agricultural uses in the UR and RA districts shall be improved in accordance with standards as established by the city.

(d) In an effort to reduce stormwater run-off, and possibly reduce the need for detention ponds, pervious surfacing may be allowed. A site plan identifying the surfacing material and location along with the product manufacturers specifications for use and installation or engineered drawings showing how the system will work will be required. The pervious surfacing material must have similar structural characteristics to asphalt or concrete and be capable of withstanding normal wear and tear associated with parking and maneuvering of vehicles.

(6) *Curb and gutter and/or barriers.* Except for use for one- and two-family dwellings or agricultural uses:

(a) All new parking lots shall have curb and gutter or other suitable parking bumpers or barriers to channelize the flow of traffic and clearly define parking spaces in the interest of efficient lot utilization and conflict minimization.

(b) All new parking lots shall have curb and gutter around the entire lot perimeter.

(c) All open off-street parking areas designed to have head in (front end of vehicle) parking along the property line shall provide an area for the wheel curb of the vehicle to overhang not less than five feet from the property line. No vehicle shall be within five feet of a property line.

(7) *Drainage.* All parking lots shall have a drainage system which is approved by the City.

(8) *Screening and landscaping.* Parking lots shall be landscaped and screened in accordance with § 156.065.

(9) *Lighting.* Lighting shall be so arranged to deflect the light away from a protected residential area as defined herein. The lighting standards in § 156.073 shall also apply.

(10) *Maintenance.* It shall be the joint responsibility of the operator and owner of any principal use to maintain, in a neat and aesthetic manner, the parking space, accessway, landscaping and required fences and walls.

(L) Garage and Driveway Requirements.

(1) *General statement.* Garages shall be required for the construction, conversion (of non-residential structures to residential use) or placement of any residence, except for dwellings in manufactured home complexes and dwelling units not on ground floor in the business districts. No required garage shall be converted to another use.

(2) *Minimum size.* The minimum size of garages for single family residences and two-family residences shall be 400 sq. ft. per unit. Multiple family residences shall have a garage of not less than 200 sq. ft. for each unit. See also the maximum size limitations for accessory structures set forth in § 156.080(A)(6).

(3) *Minimum number.* For one and two-family dwellings, one garage per dwelling unit shall be required. For multi-family buildings, a minimum of one required off-street parking space per dwelling unit shall be housed in a garage. Senior residential multiple dwelling parking as required by this chapter shall be housed in a garage.

(4) *Design standards.* All garages shall be subject to accessory building requirements set forth in § 156.080.

(5) *Driveway required.* All garages that are attached to the principal structure shall have an impervious surface driveway in front of the garage leading to the street. The maximum width of the driveway shall be 28' feet and shall be maintained for its full width from the curb through the boulevard (right of way) to the property line. The driveway width shall be measured perpendicular to the property line that is parallel to the street. See appendix C for details.

(6) *2nd Driveway.* A second driveway may only be allowed on corner lots. The location of the 2nd driveway should be located the maximum distance from street intersections and is subject to the City Engineer's review and approval. A 2nd driveway may only be allowed where needed for access to an accessory structure; a 2nd driveway is not allowed for parking purposes only. All driveways shall have an impervious surface and are limited to the 28' width requirement in accordance with this chapter.

(7) All driveways shall be setback at least 5' from property lines in the absence of drainage and utility easements. If easements are present, driveways should not encroach into the easement.

(M) *Parking spaces required.* The minimum number of off-street parking spaces by type of use shall be required in accordance with the following schedule:

(1) Residential uses, public uses and quasi-public uses and business uses.

<i>Residential Uses (Spaces per unit of measurement)</i>	<i>Minimum Parking Required</i>
Single family dwellings	2/dwelling unit (DU)
Two family dwellings	2/dwelling unit (DU)
Townhomes	2/dwelling unit (DU) .25/guest parking per dwelling unit
Multiple family dwellings	2/DU – One space shall be housed in a garage .25/guest parking per dwelling unit
Dwelling units not on a ground floor	2/DU

Senior residential care facilities Congregate living Assisted living Nursing homes	1.5/unit plus 1/employee on a major shift 1 per 3 units plus 1/employee on major shift 1/6 beds plus 1/employee on major shift
Senior Residential Multiple Dwelling	.75/unit
Rooming/boarded houses	2/3 persons
Bed and breakfasts	2 spaces plus 1 space per room to be rented out
Accessory apartments, or additional spaces for roomers/boarders	1/unit or 1 per 2 boarders
Day care facilities (residential, non-residential, adult)	1/6 individuals licensed for plus 1/employee
Residential facilities, group homes (non-statutory)	1/6 individuals licensed for plus 1/employee major shift
Manufactured home complexes Each manufactured home: Add'l for the complex:	2/DU 1/3 units in the complex for visitors
<i>Public Uses & Quasi-Public Uses</i>	<i>Minimum Parking Required</i>
Schools Elementary & Junior High Senior High	1/classroom plus 1/20 students 1/classroom plus 1/7 students
Educational Institutions	1/classroom and other rooms used by students and faculty plus 1/5 students
Proprietary	1/classroom and other rooms used by students and faculty plus 1/5 students
Studios	30% of the capacity of persons
Stadiums, arena, auditoriums, & other similar places of assembly	1/4 seats
Places of worship	1/4 seats
Museums, libraries, & art galleries	1/500 sq. ft. GFA
Golf & country clubs	6/hole
Government offices	1/200 sq. ft. GFA
Hospitals and medical/dental offices	1/2 beds/chairs plus 1 space for each employee on major shift
Clubs/lodges	1/2 persons based on occupancy rating
<i>Business Uses</i>	<i>Minimum Parking Required</i>
Offices (business, general, professional, service), unless otherwise specified herein:	1 space/300 square feet or one space per employee on major shift whichever is greater
Retail sales and services, personal services, auto repair and service, truck repair/service/garages and banks/financial	1 space/300 square feet GFA

institutions, unless otherwise specified herein.	
Veterinary clinics, kennels	1 space/400 square feet GFA
Home furnishing stores	1 space/400 square feet GFA
Athletic, exercise, weight reduction facilities: Basketball or volleyball court Game room Tennis, racquet or handball courts Restaurant or place of assembly All other space	6 spaces/full court 30% of the capacity of patrons 3 spaces per court 30% of the capacity of patrons 1/200 square feet GFA
Restaurants and Bars: Sit down Fast food	1/3 seats 2.5/1,000 GFA + 1/employee + any required stacking spaces
Funeral Homes	1/3 seats in largest gathering room
Theaters	1/6 seats of designed occupancy plus e/employee on major shift
Motels/Hotels	1/guestroom plus 1/employee on major shift
Bowling alleys	5/lane
Pool halls, roller and ice rinks	1/2 persons based on occupancy rating
Barber and Beauty Shops	1/per chair plus 1/employee
Automobile Wash	1/employee on major shift plus any required stacking spaces
Auto Convenience Station	2/service stall plus 1/employee on major shift plus 1/140 square feet of retail space plus any required stacking spaces
Automobile Sales, Truck, and Machinery Sales	One space for every 500 GFA utilized plus one for each employee on a major shift, or as otherwise determined by the Planning Commission and City Council through an Interim Use Permit (IUP).
Employee Parking	1/employee per employee on major shift
Dry Cleaning	1/140 GFA plus 1/employee

(2) *Industrial uses.*

(a) One space per 300 square feet GFA or 1.25 spaces for each employee at maximum shift.

1. Manufacturing/Processing, Fabrication/Assembly.
2. Printing, Industrial.
3. Packaging.

(b) One space per 500 square feet GFA or 1.25 spaces for each employee at maximum shift: Research/Development.

(c) One space per 2,000 square feet GFA or 1.25 space for each employee at maximum

shift: Warehousing.

§ 156.061 OFF-STREET LOADING AND UNLOADING

(A) *Minimum number of off-street loading spaces required.* An adequate number of off-street loading spaces shall be provided for all structures which require the receipt or distribution of materials or merchandise by trucks or similar vehicles so as to assure unrestricted movement of both pedestrians and motor vehicles throughout the active areas of the City.

(B) *Minimum size of off-street loading berths.*

- (1) Width: 10 feet.
- (2) Length: 25 feet.
- (3) Vertical clearance: 14 feet.

(C) *Location of off-street loading berths.*

- (1) All off-street.
- (2) No closer than 25 feet from the intersection of two street rights of way.
- (3) Shall not be located within any front yard.

(D) *Access to off-street loading berths.* Each berth shall be designed with appropriate means of access to a street or alley in a manner that will least interfere with traffic movement.

(E) *Surfacing and drainage.* All loading berths and access ways shall be surfaced in accordance with the city's parking lot standards.

(F) All off-street loading areas shall be screened in accordance with § 156.065.

§ 156.062 RESIDENTIAL OUTDOOR PARKING AND STORAGE

(A) *Declaration of nuisance.* The outside parking and storage on residentially-zoned property of vehicles, 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) introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited, d) decreases adjoining landowners and occupants' enjoyment of their property and neighborhood, and e) otherwise adversely affects property values and neighborhood patterns

(B) *Storage.* On any residential lot or protected residential area, all materials and equipment

shall be stored within a building or fully screened (so as not to be visible) from adjoining properties, except for the following:

- (1) Clothes lines;
- (2) Functional recreational equipment including, but not limited to, patio furniture, grills, swing sets and play equipment;
- (3) Construction or other equipment and supplies temporarily being used on the premises;
- (4) Agricultural equipment and associated materials and machinery intended for agricultural use on the premises;
- (5) Firewood pursuant to this section; and
- (6) Off-street parking or storage of vehicles pursuant to this section.

(C) *Firewood storage.*

- (1) Except for firewood and construction materials necessary for on-site work, no wood or wood product shall be kept or stored outdoors upon a residential premises.
- (2) Firewood may be stored upon a residential premises solely for use on the premises and not for resale.
- (3) Except as provided below, all firewood located outdoors upon a residential premises shall be stored as follows:
 - (a) The firewood shall be stored in neat, secure stacks piled in a regular, orderly arrangement that is stable and reasonably resistant to collapse.
 - (b) The height of woodpiles over three feet shall be no more than twice its width, but in no event shall the height exceed six feet;
 - (c) The firewood shall be stored on an improved surface such as pallets, concrete, pavers, but shall not be stored directly on the ground;
 - (d) No firewood shall be stored in the front yard;
- (4) All existing woodpiles shall be brought into compliance with the provisions of this chapter within one year of the date of its adoption.

(D) *Vehicle storage and parking.*

(1) All vehicles parked or stored outdoors shall be licensed and operational.

(2) All vehicles parked or stored outdoors shall be on poured bituminous or concrete surface, or on a continuous brick paver parking pad or other hard surface as approved by the Zoning Administrator, or on the same material as that of the established driveway except for those vehicles permitted adjacent to the established driveway during the snow season as noted in (D) (2) (a) below. A pervious surface may be allowed if approved by the Zoning Administrator. A site plan identifying the surface material and location along with the product manufacturers specifications for use and installation or engineered drawings showing how the system will work will be required. It must have similar structural characteristics to asphalt or concrete. Other materials, including decorative landscape rock, gravel, sand, bare soil, crushed rock, or any crushed material shall be prohibited for use as a driveway or parking surface unless the existing driveway is already constructed of one of these.

(a) One sport vehicle may be parked or stored adjacent to the improved driveway during the period of November 1 to March 31 of each year.

(3) Recreational, Commercial, and Sport Vehicles may be parked or stored in a residential district in accordance with this section provided the following conditions are met:

(a) *All residential properties.*

1. Recreational, Commercial, and Sport Vehicles must be the property of the residential lot owner or tenant and be maintained in a clean, well-kept, operable condition.

2. Recreational vehicles shall be mobile and shall not be permanently affixed in the ground in a manner that would prevent removal.

3. Unmounted slide-in pickup campers must be stored no higher than 20 inches above the ground and must be securely supported at all four corners by solid support blocks or support mechanisms.

4. Recreational vehicles are not to be occupied or used for living, sleeping or housekeeping purposes while parked or stored. Provided however, nonpaying guests of the owner of the property may occupy one recreational vehicle in addition to those permitted herein. Such vehicle shall be parked subject to the provisions of this section and used for sleeping purposes for a period not to exceed seven consecutive days at one time or more than 14 days total in one calendar year.

5. It shall be unlawful to discharge from any recreational vehicle holding or storage tank except at a state approved disposal facility.

6. Except for routine maintenance or during emergency conditions when power supply is disrupted, the operation of a recreational power generator plant shall not be permitted in residential districts. Routine maintenance periods shall not exceed 60 minutes per

month.

7. No Commercial Vehicle exceeding 12,000 GVW (Gross Vehicle Weight) may be parked or stored outdoors except in the UR or RA districts. Such vehicles may be kept within an enclosed structure which otherwise conforms to the zoning requirements of the district.

(b) *All one- and two-family residential properties.* Except in the UR and RA Districts:

1. One Recreational Vehicle, one Commercial Vehicle, and one Sport Vehicle may be parked or stored outside on a residential lot less than one acre in size; or

2. One Commercial Vehicle and two Sport Vehicles may be allowed on a lot less than one acre in size.

3. No more than four Recreational, Commercial, and Sport Vehicles in total may be parked or stored outside on a residential lot one acre or larger in size provided that at least two of these vehicles be completely screened from public streets or adjacent property. Additional recreational or oversized vehicles may be kept within an enclosed structure which otherwise conforms to the requirements of the zoning district.

4. Commercial and Sport Vehicles shall be parked on a side or rear yard provided they are kept on surface as stated in (E) (2), except when parked in the front yard on the driveway during the season of customary use only.

5. Recreational vehicles may be parked on a lot only without regard to the location on the lot, provided they are parked on an improved surface as stated in (E) (2).

6. All Recreational, Commercial, and Sport Vehicles may not be parked in any right-of-way, over any sidewalk, or be parked in a manner that blocks any traffic views or site triangles.

(c) *All multiple family dwellings.* Recreational, Commercial, and Sport Vehicles may be stored on site only if stored in an area that is completely screened from eye-level view from adjacent properties and public streets.

§ 156.063 SIGN REGULATION.

(A) *Intent.* The intent of this section is to promote the health, safety, and general welfare of the public, to provide for necessary visual communications, to prevent visual clutter among businesses in the City, to prevent unsightly competition for attention, to assure that the public is not endangered by the unsafe, disorderly or unnecessary use of signage, and to preserve and promote a pleasant physical environment within the City by regulating the type, number, size, height, lighting, maintenance and erection of sign structures. This section is not intended to and does not restrict,

limit, or control the content or message of signs.

(B) *General requirements.*

(1) In any district, animal displays, pieces of sculpture or other displays or features which do not clearly fall within the definition of a sign but which direct attention to an object, product, activity, person, institution, organization or business shall require a sign permit. However, only 25% of the square footage of the object shall be used in the total sign area calculation.

(2) Signs that are meant to be permanent shall be constructed of a material that is durable, rigid, and otherwise appropriate for a permanent sign and not of vinyl, cloth, cardboard, paper, or other non-durable material.

(3) In all zoning districts, one sign displaying the property address shall be required for each principal building to aid in emergency response and navigation. All principle buildings shall be allowed one wall sign for this purpose that is not subject to permitting and will not count against the property's total sign area, provided this sign does not exceed one square foot.

(4) *Ground Signs.* The maximum number of ground signs allowed for any property is one, except for those properties with two street frontages, in which case two ground signs shall be permitted. Additional ground signs may be authorized in conjunction with development proposals through conditional use permits or planned unit developments. The total amount of sign area for the property shall not exceed the limits specified in Table A.

(a) Maximum height of a ground sign shall not exceed the limits established in Table B. However, in all commercial and industrial zones, the height of any ground sign identifying a highway-oriented business that is intended to be viewed from an elevated four lane highway and is to be located within 200 feet of the highway right of way line may exceed district height and size standards, provided that the maximum height to the top of the sign shall not exceed 15 feet above the grade elevation of such elevated four lane highway directly adjacent to such property on which the sign is positioned and the sign does not exceed 200 square feet in size. All elevated signs shall be separated a minimum of 200 feet from another elevated sign. Elevated signs adjacent to residential uses shall require the issuance of a special use permit by the Council.

(b) The maximum area of ground signage may be increased by 50% if the ground signs are constructed as monument signs and the design and landscaping are approved by the Zoning Administrator. The size increase allowed under this provision shall not count against the maximum allowable sign area per lot. The maximum height of a monument sign shall not exceed ten feet in height.

(c) Ground signs shall be setback a minimum of five feet from a property line. The owner of property subject to a public easement may request to install a sign on the easement with an Easement Agreement as prescribed by the City.

- (5) Signage shall be located on private property only and not in the public right of way.
- (6) Signage shall be subject to Section 156.068 Traffic visibility and control.
- (7) Signage shall be located so that clear sight lines are maintained at all times at public roadway intersections and access points to private parking areas, etc., as determined by the Zoning Administrator.
- (8) Commercial and Industrial Development Complexes. Property owners must make a request to the City to be considered a Commercial or Industrial Development Complex.

(a) *General.* Signs for all commercial and industrial development complexes shall comply with a master sign plan for the development approved by the Zoning Administrator. The plan shall include all proposed sign locations, materials, structures and installation details to the extent known at the time of master sign plan submittal. Additional submittals or amendments to the master sign plan may be necessary as a new development complex becomes occupied or as businesses within a complex change. Signs within a development complex shall be subject to the requirements set forth in this section.

(b) *Business signs.* Each enterprise, institution or business shall be permitted wall signs subject to the maximum size requirements set forth for in the applicable zone.

(c) *Ground signs.* Each development complex shall be permitted two ground signs. The maximum permitted sign area for each development complex sign shall be as provided within the applicable zoning district, plus a bonus of ten additional square feet per business, enterprise, institution or franchise within the development complex, provided that the bonus shall not exceed 180 square feet.

- (9) Electronic message signs are allowed subject to the following regulations.

(a) The message shall only change once every five (5) seconds.

(b) The message must not continuously scroll or flash.

(c) Electronic sign elements shall be installed so as not to direct rays of light onto public streets or adjacent property thereby creating a nuisance or safety hazard.

(d) Signs shall be allowed in Business Districts, Professional/Medical Districts, and Industrial Districts.

- (10) Signs at Outdoor Sports Complexes (i.e ball fields, ice rinks) shall be permitted in all zoning districts subject to the provisions of this chapter and with the following conditions:

(a) Signs in City parks shall be subject to the City of Cambridge park rules.

(b) Illuminated, electronic, or changing signs shall be placed to minimize the greatest possible extent of exposure to adjacent residential properties and public right-of-ways.

(c) Signs shall not be illuminated when the complex is not in use for games.

(d) Off-premises signs may be erected at outdoor sports complexes subject to these regulations with approval by the City.

(11) Wayfinding Signs.

(a) Sign Design Criteria.

- i. The sign panel background color shall not use red, orange, yellow, purple, or the fluorescent versions thereof, fluorescent yellow-green or fluorescent pink.
- ii. The sign panels shall be made using retroreflective sheeting. Fluorescent sheeting shall not be used on sign panels.
- iii. Up to three destinations/attractions may be displayed on a sign structure.
- iv. Lettering shall be 6-inches high. The suggested font is Series C Federal Highway Gothic font (or a similar font style that does not detract noticeably from legibility) with approximately a maximum number of 14 characters per line (including spaces between words). Abbreviations, if used, should be standard abbreviations.
- v. Signage shall be located so that clear sight lines are maintained at all times at public roadway intersections and access points to private parking areas, etc., as determined by the Zoning Administrator.

(b) Wayfinding signs are permitted in the right-of-way with the following conditions:

- i. The City of Cambridge will install and maintain the signs.
- ii. The cost of fabrication, installation, and maintenance shall be paid by the requester.
- iii. Signs shall not be provided if the facility is readily visible or if effective off right-of-way directional signing is present or can be provided.
- iv. Wayfinding signs are only allowed on principal arterial, minor arterial, and collector roadways.
- v. The height of a wayfinding sign shall be determined by the Zoning Administrator.
- vi. Maximum size for a wayfinding sign shall not exceed two feet in length and three feet in height.
- vii. Only one sign structure is allowed in each direction approaching an intersection and should be located on the right side of the roadway.
- viii. A sign shall not obscure or detract from any existing traffic control devices.
- ix. Signing is allowed for left and right turning movements. Straight ahead

confirmatory signing is prohibited.

- (c) Wayfinding signs are permitted on private property in all zoning districts with the following conditions:
- i. The requester or owner of the property is responsible for cost of installation and maintenance of the sign.
 - ii. Wayfinding signs are only allowed on principal arterial, minor arterial, and collector roadways.
 - iii. The height of a wayfinding sign shall be determined by the Zoning Administrator.
 - iv. Wayfinding signs shall not obscure or detract from any existing traffic control devices.
 - v. Sign permits are required.
 - vi. Maximum size for a wayfinding sign shall not exceed two feet in length and three feet in height.
 - vii. Only one sign structure is allowed in each direction approaching an intersection and should be located on the right side of the roadway.
 - viii. Signing is allowed for left and right turning movements. Straight ahead confirmatory signing is prohibited.
 - ix. Written permission is received by the property owner.

(C) *Prohibited signs.* The following signs are prohibited by this section, unless otherwise specifically allowed:

(1) Signs that by reason of position, shape or color would interfere with the proper function of a traffic sign, signal or interferes with or is misleading to vehicular traffic.

(2) Signs that by reason of illumination or brightness disturb the peace of any neighboring residential property.

(3) Signs within a public right-of-way or easement, except for signs installed by governmental units and B-1/B-1A District sidewalk signs as regulated herein. The owner of property subject to a public easement may request to install a sign on the easement with an Easement Agreement as prescribed by the City.

(4) Signs that resemble any official marker erected by a governmental agency or that displays such words as “stop” or “danger,” which are not erected by legal authority.

(5) Signs attached to trees, benches, street light standards or utility poles.

(6) Signs with rotating beams, spotlights, flashing illumination, pennants and stringers.

(7) Signs which project over and into public right-of-way, except for canopy, flag mount or awning signs which shall have a minimum clearance of seven feet above a public sidewalk in the B-1 and B-1A Districts.

(8) Rotating signs.

(9) Signs painted or attached to vehicles where the vehicle is parked on a property and not intended to be moved.

(10) Signs on any rooftop.

(11) Off-premises signs, except as specifically allowed in this section.

(12) Signs that constitute a nuisance or a danger to public safety.

(D) *District regulations (Permitted Signs).*

(1) The following signs are permitted in R-1A, R-1, R-2 and R-3, Residential Districts; the UR and RA Growth Areas Districts subject to the stated requirements and limitations:

(a) Nonresidential properties and residential developments may have signs not exceeding 32 square feet in area and not exceeding a maximum total of 100 square feet of signage. Such signs may be wall or ground mounted or combination thereof. Only one ground sign shall be allowed, except that residential developments may have one ground sign per entrance from arterial or collector streets as determined by the Zoning Administrator. A ground sign shall not exceed six feet in height.

(2) The following signs are permitted in the Professional/Medical Zoning Districts subject to the stated requirements and limitations:

(a) Signs not exceeding 32 square feet in size for nonresidential property and residential developments which may be wall or ground mounted or combination thereof. A ground sign shall not exceed six feet in height except when located on a lot abutting a collector or minor arterial street. In such cases the limits in Table B shall apply.

(b) Maximum height of any permitted ground sign shall be as specified in Table B.

(c) Maximum area of any permitted ground sign shall be as specified in Table B.

(d) The total area of signs, including ground signs, shall not exceed the total area as specified in Tables A and B.

(3) The following signs are permitted in the B-1, B-1A, BT and B-2 Business Districts subject to the stated requirements and limitations:

(a) Wall and/or ground signs are permitted.

(b) The total area of all signs shall not exceed the total area as specified in Tables A and B.

(c) Awning or canopy signs are permitted as regulated in this section.

(d) All commercial development complexes shall require a master signage plan, pursuant to the requirements of division (B)(5) of this section, prior to installation of any signage.

(e) Island canopies shall be entitled to four signs in addition to those otherwise permitted in Tables A and B. Canopy signs shall not exceed ten feet in length or 20 square feet each and shall not be placed on the same side of the canopy. Stripes or colors do not contribute to the sign area computation.

(f) Signs shall be permitted on gas pumps, gas pump islands, or supporting structure of the canopy in addition to those otherwise permitted in Tables A and B provided the letter height is five inches or less in height and overall sign size does not exceed six square feet.

(g) Two on-site signs per drive-up or walk-up lane of a drive-in establishment up to a maximum of 50 square feet each shall be permitted in addition to those signs otherwise permitted.

(h) Window signs are allowed in addition to those otherwise permitted on the principal structure. There must be visibility into the business at night. Vinyl signs affixed to the interior of the windows must be translucent so they allow visibility into the building at night so emergency responders can see inside. Opaque vinyl is prohibited.

(4) The following signs are permitted in I-1, I-2, I-3 and IT Industrial Zoning Districts subject to the stated requirements and limitations:

(a) Wall and/or ground signs

(b) The total area of all signs shall not exceed the limits established in Tables A and B.

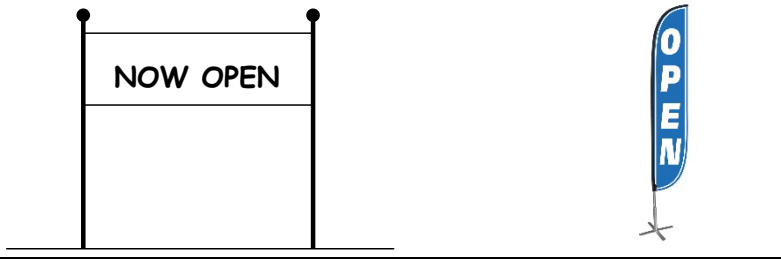
(c) All industrial development complexes shall require a master signage plan, pursuant to the requirements of division (B)(5) of this section, prior to installation of any signage.

(E) *Temporary signs.* Temporary signage shall be allowed with a permit, unless otherwise specified, and exempt from and not included in the calculations of maximum total sign area except as set forth in this section (E). The following provisions shall apply:

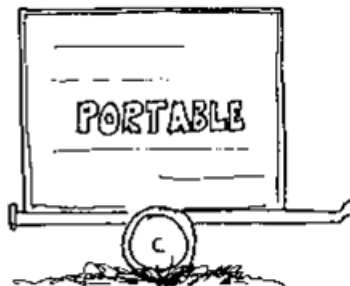
(1) Temporary signs may be allowed up to a cumulative 120 days per year per parcel. This maximum allotment applies to each parcel as a whole, not each individual occupant or business located on the parcel. Parcels with multiple occupants or

businesses must share this total allotment.

- (2) Signs shall be located on private property and not in the public right-of-way.
- (3) No setback required from public right-of-way.
- (4) Signs shall be well secured and controlled regardless of weather conditions.
- (5) Temporary Signage shall only be allowed in Business Districts, Professional/Medical districts, Industrial Districts, and for non-residential uses or multi-family uses in residentially zoned district.
- (6) Signs shall be legible.
- (7) Banners and feather signs may be used as follows:



- (a) Banners may be attached to poles, tents, and buildings. Banners on buildings shall not exceed 100 sq. ft.
 - (b) No more than two such signs shall be allowed at any one time;
- (8) Portable signs may be used as follows:



- (a) No more than one sign per lot shall be allowed at any one time;
 - (b) Signage shall not be larger than 32 square feet;

(c) Signage shall be permanently removed from view of any public right-of-way or adjacent property when not in use.

(9) Temporary off-premises signage shall only be allowed as follows:

(a) The property where the sign is placed must use the temporary sign allotment for that property.

(b) Temporary off-premise signs are allowed on commercially zoned property in the B-1, B-1A, B-2 zoning districts. These signs will be allowed in the BT district only if the use of the property is commercial and not residential.

(c) Temporary off-premises signs shall be limited to 32 sq. ft. in size.

(10) Temporary off-premises signs containing only non-commercial speech are allowed concurrent with one-time or special events provided:

(a) A maximum of four temporary signs per event can be located in any zoning district.

(b) Signs shall be allowed for a maximum of 30-days and only one off-premises temporary sign is allowed on a property at one time.

(c) Temporary signs under this Section (E)(10) do not count towards a property's total temporary sign allotment.

(d) There shall be no fees for signs allowed under this Section (E)(10), but permits are required for such signage.

(11) Beacons, hot or cold air inflatable devices, large balloons or collections of small balloons exceeding 2 feet in diameter (except balloon arches not exceeding eight feet in height) shall be permitted as temporary signs provided no more than two such signs are displayed at any one time.

(12) One Sidewalk (sandwich board) sign shall be permitted to be located in the public right-of-way or along a private sidewalk within the B-1 district as follows:



(a) Signage shall not obstruct free pedestrian passage on the sidewalk or create a safety hazard as determined by the Zoning Administrator;

(b) Signage shall not exceed ten square feet in size;

(c) Signage shall be located immediately in front of the place of business or along the primary pedestrian sidewalk for a business or business complex;

(d) Signage within the public right of way shall be removed from the sidewalk at the end of each business day, though signage located on private property may remain out overnight at the owner's discretion;

(e) Any injury or damage caused by the placement of the sign in the public right-of-way shall be the sole liability and responsibility of the business, sign, and/or property owner; and

(f) Signage shall be allowed without a permit.

(F) *Maintenance requirements.*

(1) All signs shall be maintained by the owner in a safe condition. A sign shall be repainted or removed whenever its paint begins to fade, chip or discolor.

(2) On-premises sign faces shall be removed from a building and property by the owner of the property within 30 days after termination of the use to the sign relates.

(3) If the Zoning Administrator finds that any sign is unsafe, a risk or detriment to public safety, or is constructed, erected or maintained in violation of the provisions of this section, the Zoning Administrator shall give written notice of such finding to the property owner and follow the Administrative Citations procedure in chapter 38 of the City Code.

(4) All signs shall comply with the State Building Code, as amended from time to time. A footing inspection may be required for the erection of any free-standing signs.

(5) Signs painted on a building shall be governed by the square footage limitations specified in the appropriate zoning districts. These shall be repainted, removed or painted out when they are not maintained.

(6) The supporting structure of all ground signs shall be painted a neutral color so as to reduce visual obtrusiveness.

(G) *Administration.*

(1) No sign shall be placed, erected, replaced or altered without a permit, unless no

permit is required as specifically set forth in this section. Application for a sign permit shall be made in writing on forms furnished by the Zoning Administrator. The Building Inspector may require filing of plans or other pertinent information where such information is necessary to ensure compliance with the Building Code.

(2) The fee for a sign permit shall be established by an ordinance of the City Council. A double fee may be charged if a sign is erected or placed without first obtaining a permit for the sign.

(H) *Signs Exempt from Permitting Requirement.* The following signs need no permit and shall not count against the allowable signage for the property, but shall conform to the requirements of this section:

(1) Signs on residential properties, provided that the signs are less than one square foot in area.

(2) Non-Commercial Signs in parking lots provided the signs are less than eight square feet in size and six feet in height.



(3) Noncommercial signs erected by railroad or utilities companies for the purpose of safety.

(4) Temporary signs displayed during the time a parcel is for sale, available for lease, or under construction as follows.

(a) The signs shall not exceed six square feet in size on residential property or 32 square feet in size on nonresidential or multi-family property.

(b) If the parcel on which the sign is placed is ten (10) acres or more, the sign can be 150 square feet maximum.

(c) One sign shall be permitted on each parcel and must be removed within ten days following the sale, lease, development, or substantial completion of construction.

(5) Subject to Minnesota Statute Section 211B.045, or successor statute, signs containing non-commercial speech may be posted beginning 46 days before a primary election in a general election year until 10 days following the general election.

(6) Noncommercial flags, badges or insignia.

(7) Emergency signs required by any governmental agency.

(8) Carvings into stone, concrete or similar materials or made of bronze, steel, aluminum or other permanent type of construction incorporated into the design and structure of a building and containing only non-commercial speech.

(9) Home occupation and residential day care facilities shall be allowed one non-illuminated sign not exceeding eight square feet in area. If the home occupation is located in the B-1, B-1A, B-2, or BT zoning district, then one non-illuminated ground sign may be allowed per Table A, column B.

(I) *Nonconforming signs.* Any sign legally existing on the effective date of this section which does not conform to the requirements set forth in this section shall be considered a nonconforming sign. Nonconforming signs shall be governed pursuant to Section 156.095. Nonconforming signs shall not be moved or altered, except for the changing of movable parts of signs which are designed for changes or the repainting of display copy for maintenance purposes.

(J) *Exemption for City Signs.* Signs that are erected or maintained by the City shall be exempt from the sign regulations in this section.

(K) *Substitution Clause.* The owner of any sign that is otherwise allowed under this section may substitute non-commercial speech for any other commercial or non-commercial speech without any additional approval or permitting, notwithstanding any provision to the contrary.

(L) *Severability.* If any part, clause, provision, or portion of this section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected thereby.

Sign Table A
Maximum Allowable Sign Area

	A (SQ. FT.)	B
P-M	50	18% not to exceed
B 1	50	18% not to exceed
B 1A	75	18% not to exceed
B 2, BT	125	18% not to exceed
I-1, I-2, I-3, IT	125	18% not to exceed

A. Minimum allowable sign area regardless of wall surface area as defined herein.

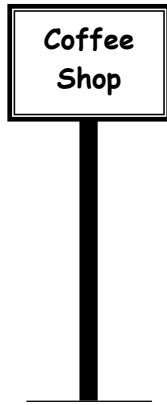
B. Maximum allowable sign area based on percentage area of wall surface area as defined herein.

Sign Table B

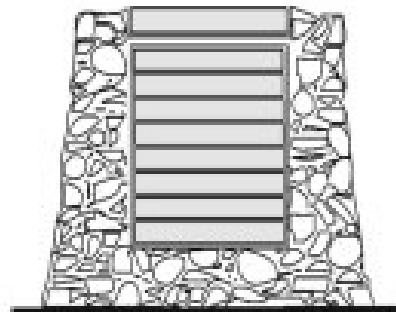
Ground Sign Standards Except as Otherwise Provided

Street Classification	Speed Limit MPH	Area* Sq. Ft.	Height** Feet
Local	30	20	6
Collector	30	25	16
	35	25	20
Principal or Minor Arterial	40	100	24
	30	75	18
	35	100	22
	40	125	24
	45	150	26
	50+	175	28

Examples of Ground Signs (also known as pylon signs)



Examples of Monument signs (also considered a ground sign, but it has a solid base from ground to top of structure)



Example of a Wall sign



§ 156.064 MANUFACTURED HOMES AND MANUFACTURED HOME COMPLEXES

The location, design and maintenance of manufactured home complexes in Cambridge shall be regulated as follows.

(A) *Manufactured home complexes.* At such time that a manufactured home complex is established in the City, all manufactured homes in manufactured home complexes shall be designed and maintained pursuant to the requirements of this section and to the laws and regulations of the State of Minnesota. In cases where either state or City regulation is more restrictive, than the regulations of the other unit of government, the more restrictive regulation shall prevail.

(B) *Minimum design requirements for manufactured home complexes.*

- (1) Lateral dimension: 250 feet.
- (2) Size of complex: 2 acres.
- (3) Size of manufactured home lot: 3,200 square feet.
- (4) Width of lot: 40 feet.
- (5) Length of lot: 80 feet.
- (6) Front yard: 15 feet.
- (7) Space between manufactured homes: 10 feet.
- (8) Manufactured home setback: 50 feet from either State Highway 65 or 95; 30 feet from other public streets and from exterior property line of complex.
- (9) Off-street parking: Two spaces per lot to be located within the required lot area or within 150 feet of lot served. In addition, there shall be at least one parking space for each three homes that are accessible by guests.
- (10) Access: From a collector or an arterial street as designated on the Cambridge

Comprehensive Guide Plan: access to parking areas adjacent to a public street shall be from a driveway or opening no wider than 36 feet.

(11) **Underground utilities:** All utility service and storage systems (sewer, water, gas, oil, power) shall be located under the surface of the ground except for necessary “hook up” facilities. Gas and oil storage facilities shall be excepted from this requirement if such facilities are adequately screened from view.

(12) **Streets:** The minimum street width shall be 33 feet. Street width may be reduced to 24 feet if on-street parking is prohibited.

(13) **Buffer yards:** A buffer yard of not less than 30 feet shall be landscaped with appropriate grass, shrubbery and trees around the entire perimeter of the manufactured home complex. This buffer yard shall be maintained by the owner of the manufactured home complex.

(C) Required facilities.

(1) **Utility building.** A utility building containing sanitary facilities for the use of complex residents shall be provided at a central location that is no further than 300 feet from any lot.

(2) **Sanitary facilities.** Toilet, lavatory and bathroom facilities shall be provided as regulated by the Minnesota State Board of Health, except that the number of the facilities that are required by the state shall be reduced to one facility for each sex if methods of operation indicate such a reduction is warranted. Laundry facilities shall be as regulated by the Minnesota State Board of Health.

(3) **Sewage disposal.** Water supply, garbage and refuse disposal, insect and rodent control, bottled gas, electrical connections, plumbing standards and fire protection, as regulated by the Minnesota State Board of Health.

(4) **Lighting.** Site lighting shall be provided to supplement street lighting and shall be effectively related to such area as toilet, laundry, and other public facilities; walkways, steps and ramps for purposes of safety and convenience.

(5) **Telephones.** One public telephone shall be provided at a location convenient for the use of complex residents.

(6) **Planting.** Appropriate shade trees and exterior screen planting (hedges, bushes, trees and the like) shall be provided to assure reasonable amenities of living within the complex as well as within adjacent residential area.

(7) **Common area.** At least one common area shall be provided for the use and enjoyment of complex residents at a ratio of 500 square feet of common area per individual lot.

(8) **Hard surfaced areas.** One masonry hard surfaced area at least 100 square feet in size shall

be provided on each manufactured home lot at a location convenient for the leisure time usage of complex residents, but not situated so as to interfere with the placing of the manufactured home within its lot.

(9) *Hard surfaced roadways.* All vehicular roadways within a manufactured home complex shall be hard surfaced to control dust and shall be graded so as to dispose of all surface water.

(10) *Emergency vehicle access.* All roadways shall remain unobstructed for emergency vehicle access.

(11) *Garage.* Garages shall be required in accordance with § 156.081.

(12) *Emergency storm shelter.* An emergency storm shelter with an occupancy equivalent to or greater than the number of residents occupying the park.

§ 156.065 LANDSCAPING AND SCREENING

(A) ***Applicability.*** The provisions of this section shall apply to all uses except for agricultural uses or as otherwise indicated herein.

(B) ***Minimum landscaping.***

(1) All exposed ground areas on a lot or parcel surrounding a principal or accessory structure that are not devoted to drives, sidewalks, patios, parking lots, or Managed Natural Landscape shall have a minimum of three inches of topsoil and be covered with commercially grown sod, or professional hydroseed with in-ground sprinkler installation and other landscape materials as required or allowed herein.

(2) Other landscaped materials and forms of ground cover may be permitted in an approved site plan for:

(a) Seeding of future expansion areas as shown on approved site plans. Manual seeding shall only be allowed in areas not typical of a standard size lot (i.e., atypical lots of more than one acre in size where sodding isn't conducive, abnormal ponding or drainage and utility easements, industrial or commercial areas where future expansion is proposed);

(b) Undisturbed areas containing existing viable natural vegetation that can be maintained free of foreign and noxious plant material;

(c) Use of mulch materials such as wood chips or rocks in support of shrubs and foundations plantings.

(3) Managed Natural Landscapes. Managed Natural Landscapes may be allowed on improved lots with an approved site plan submitted to the city. Managed Natural Landscapes must meet the following performance standards:

(a) A site plan for the area to be converted must be submitted to the Zoning Administrator at least 3 weeks prior to onset of work. A fee as set in the city's fee schedule may be required for site plan review. The scale of plan should be 1" =30' and include all adjacent properties and public streets and alleys;

(b) The site plan shall include the location of all Managed Natural Landscapes and their sizes, the location and percentage of all planted areas, a general description of the border used, a general description of the vegetation types, plants and plant succession to be used; the estimated transition period before full growth; a maintenance plan to prevent non-native, invasive or noxious weeds from the area; and the location of all sod required as buffer strips in setback areas from lot lines, streets or sidewalks.

(c) A minimum of 30% of the entire yard not devoted to sidewalks, driveways, or structures must be commercially grown sod, or professional hydroseed with in-ground sprinkler installation. This 30% must be primarily concentrated in the front yard and along perimeter of the primary structure.

(d) Boulevard areas between the sidewalk and street or a strip not less than fifteen feet (15') adjacent to the street where there is no sidewalk and ten feet (10') where there is a sidewalk must be established lawn, commercially grown sod, or professional hydroseed with professional in-ground sprinkler installation.

(e) A buffer strip of not less than six feet (6') adjacent to neighboring property lines and rights-of-way must be commercially grown sod, or professional hydroseed with in-ground sprinklers unless these areas have a slope of 3:1 or greater; abut a wetland, pond, lake, raingarden, or area where mowing is prohibited by easement or law; or unless otherwise approved by the Zoning Administrator.

(f) Overgrowth of any plantings is prohibited and all Managed Natural Landscapes must be kept free of weeds. The plantings must be intentionally placed and appear maintained.

(g) Violations are subject to inspection by the City and enforcement in accordance with Cambridge City Code Chapter 38- Administrative Citations for Enforcement of the City Code. Managed Natural Landscapes may be required to be removed and restored to sod meeting this Code section if found to be in violation of City Code.

(4) *Minimum percentage of landscape area.* The minimum percentage of landscaped

area for a site shall be:

- (a) Industrial Districts: I-1 - 15% I-2 - 10% I-3 - 5%
- (b) All other, except B-1: 20%

(5) *Planting requirements.*

(a) One- and Two-Family Dwellings: There shall be a minimum of two overstory, deciduous trees located in the front yard per dwelling unit. If the area of the front yard is not capable of allowing two trees, the Zoning Administrator will assess and may allow/require the second tree in the rear yard.

(b) All other Zoning Districts.

1. There shall be a minimum tree planting, except in the B-1 District, as follows:

Commercial, Professional Medical, and I-1 Districts; Multiple Family Dwellings	1 tree per 500 sq. ft. of total building footprint or 1 tree per 40 ft. of site perimeter, whichever is greater.
I-2 District	1 tree per 750 sq. ft. of total building footprint or 1 tree per 45 ft. of site perimeter, whichever is greater.
I-3 District	1 tree per 1000 sq. ft. of total building footprint or 1 tree per 50 ft. of site perimeter, whichever is greater; and

2. Existing properties may not need to comply with the regulations of this chapter as determined by the Zoning Administrator if the existing landscaping is satisfactory for the new intended use of the property.

3. The compliment of trees fulfilling this requirement shall not be less than 25% overstory deciduous and not less than 25% coniferous. The remainder may be a combination of overstory, ornamental, deciduous and/or coniferous; and

4. There shall be a minimum shrub planting, except in the B-1 District, as follows:

Commercial, Professional Medical, I-1 Districts and Multiple Family Dwellings	1 shrub per 350 sq. ft. of total building footprint or 1 shrub per 75 ft. of site perimeter, whichever is greater
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I-2 District	1 shrub per 450 sq. ft. of total building footprint or 1 shrub per 95 ft. of site perimeter, whichever is greater.
I-3 District	1 shrub per 550 sq. ft. of total building footprint or 1 shrub per 115 ft. of site perimeter, whichever is greater

5. Other trees, shrubs, flowers, berms and ground covers deemed appropriate for a complete quality landscape treatment of the site may be required in addition to the minimum standards of this section. Planting requirement reductions may be proposed for buildings in excess of 100,000 sq. ft. in size or sites with a disproportionate amount of undisturbed, undeveloped, or planned future expansion area. The Zoning Administrator shall approve planting requirement reductions only upon review and approval of a landscape plan that has been prepared by a Registered Landscape Architect and meets the design criteria of this chapter.

6. Industrial Districts: Planting requirements may be reduced if the landscape plan shows an adequate number of trees to screen the perimeter of the site, and an adequate number of shrubs to enhance the site as determined by the Zoning Administrator.

(C) Maintenance.

(1) All yards, open spaces and landscaped areas on developed or undeveloped lots or parcels must be kept free from accumulations of garbage, trash, refuse, debris and other unsightly or nuisance creating materials.

(2) All landscaping shall be continually maintained by the owner or other person responsible for maintenance of the premises, and all planting areas shall be kept free of weeds and debris.

(3) All required landscaping shall be replaced if vegetation dies or is otherwise removed.

(D) Species. The following shall apply to all landscaping materials used to satisfy the minimum requirements of this policy:

(1) All planting material shall be of good quality, of species normally grown in Minnesota and capable of withstanding the extremes of individual site microclimates.

(2) All overstory deciduous trees shall be native to Isanti County and not weak-wooded as listed in subpart D(3) of this code. Other species of trees may be approved by the Zoning Administrator. Ornamental and fruit trees are allowed, but may not count as one of the required overstory trees.

(3) The use of Silver Maple, Box Elder, Russian Olive, Tree of Heaven, Mulberry, Ash (any type), Norway Maple, Amur Maple, Siberian Elm, Common Buckthorn, Glossy Buckthorn,

Black Locust, Siberian pea shrub, and other weak wooded species are prohibited.

(4) Trees that can cause a public nuisance, such as cotton producing trees, or can be a public hazard, such as bug infestation or weak bark, are prohibited.

(5) All specifications for measurement, quality and installation of trees and shrubs where not otherwise specified herein shall be in accordance with the American Standards for Nursery Stock, published by the American Association of Nurserymen.

(E) *Plant size.* Minimum plant size for required plantings used to satisfy the minimum requirements of this policy shall be as follows:

(1) Overstory deciduous trees shall be at least two inches in diameter for one- and two-family dwellings and two and one-half inches in diameter for all other uses as measured four feet from the base at the time of planting.

(2) Coniferous trees must have a minimum height of six (6) feet.

(3) Any shrubs used to meet screening requirements set forth in this section shall be at least three (3) feet in height at planting and have a minimum spread of twenty-four (24) inches.

(4) Trees may be bare root in season, but shall be balled and burlapped if not in season.

(5) Any potted shrubs used to meet landscaping requirements shall be in a five (5) gallon pot or larger.

(F) *Location.*

(1) Landscaping and screening required by this section shall be interrupted only by access drives and sidewalks. All landscaping and screening required by this section shall be so designed and maintained as to preserve unobstructed vision of the street and sidewalk at points of access.

(2) Landscaping may be located within a standard utility and drainage easement but not within larger easements. The owner of the property shall be responsible for any cost associated with removing and replacing such landscaping if work within the easement areas requires removal of the landscaping.

(3) Landscaping shall not be located within any public right-of-way, except existing plant material that does not create any site line issues or block views as determined by the Zoning Administrator, or in accordance with subpart (H) as determined by the Zoning Administrator. Future work within the right of way may result in the removal of the landscaping at the owner's expense.

(4) Trees shall be planted in a location that when full grown will not interfere with adjacent properties, sidewalks, or streets.

(G) Landscape plans.

(1) *Applicability.* A landscaping plan, and the implementation and maintenance of the plan, shall be required for all uses, except for one- and two-family dwellings (unless requesting a Managed Natural Landscape or other alternative landscape materials). In lieu of a landscape plan, one- and two-family residential developments shall follow all other applicable provisions of this section as well as (G)(2) below.

(2) *Certificate of occupancy requirements.* Wherever the submission and approval of a landscape plan is required by this chapter, the landscape plan and its maintenance shall be part of the certificate of occupancy. No certificate of occupancy shall be issued without approval of a landscape plan. In the event that weather conditions prohibit the installation of such landscaping, an escrow deposit in the amount to be determined by the city shall be submitted to the city as security for completion of the improvements. Following completion of the landscaping improvements the city shall refund the amount of the deposit. The city reserves the right to expend such funds to insure completion of the improvements. Failure to implement the approved landscape plan by the date specified on the escrow deposit agreement shall be cause for revocation of the certificate of occupancy.

(3) *Content of landscape plan.* All landscape plans submitted for approval shall contain or have attached thereto the following information:

(a) The location and dimensions of all existing and proposed structures, parking lots and drives, roadways and right of ways, sidewalks, bicycle paths, ground signs, lighting, refuse disposal areas, bicycle parking areas, fences, freestanding electrical equipment, tot lots and other recreational facilities and other freestanding structural features as determined necessary by the Zoning Administrator.

(b) The location, quantity, size and name, both botanical and common names, of all proposed planting materials.

(c) The location of existing buildings, structures and plant materials on adjacent properties within 100 feet of the site.

(d) Existing and proposed grading of the site, including proposed berming, indicating contours, at one-foot intervals.

(e) Specification of the type and boundaries of all proposed ground cover.

(f) Elevations of all fences proposed for location on the site.

(g) Irrigation plan.

(h) Elevations, cross sections and other details as determined necessary by the Zoning Administrator.

(i) Location, size and name of existing trees, if any, and any unique or special areas of existing vegetation.

(4) *Design criteria.* Landscaping plans described above shall be prepared based on the following design criteria. The evaluation and approval of landscape plans shall also be based on these design criteria.

(a) *Scale and nature of landscaping material.* The scale and nature of landscaping materials shall be appropriate to the size of the structures. Large scaled buildings for example shall generally be complemented by larger scaled plants. Landscaping of larger areas, such as required yards, shall be accomplished by both horizontal landscaping elements, such as planting beds, and vertical landscaping elements, such as trees, berms and fences.

(b) *Selection of plant material.* Plant material shall be selected for its form, texture, color and concern for its ultimate growth.

(c) *Softening of walls and fences.* Plant material shall be placed intermittently against long expanses of building walls, fences and other barriers to create a softening effect.

(d) *Planting bed.* Planting beds shall be mulched with bark chips or living ground cover.

(e) *Detention/retention basins and ponds.* Detention/retention basins and ponds shall be landscaped. The landscaping shall include shade and ornamental trees, evergreens, shrubbery, hedges and/or other planting materials.

(f) *Watering plant material.* A permanent means of watering plant material shall be provided. Installation of an underground irrigation system is recommended.

(g) *Energy conservation.*

1. Deciduous trees shall be placed on the south and west sides of buildings where possible and parking lots to provide shade from the summer sun.

2. Evergreens and other similar plant materials shall be concentrated on the north side of buildings where possible to dissipate the effect of winter winds.

(H) *Preservation of existing plant material.* Existing plant material wherever practical as determined by the Zoning Administrator, shall be incorporated into the landscape treatment of a

site. Credit for the retention of existing trees which are of acceptable species, size and location may be given to satisfy the minimum requirements set forth in this policy.

(I) Slopes and berms.

(1) Final slope grades steeper than a ratio of 3:1 will not be permitted without special landscaping treatment such as terracing, retaining walls, or ground covers approved by the City.

(2) Earthen berms and existing topography, whenever determined practical by the Zoning Administrator, shall be incorporated into the landscape treatment of a site, particularly when combined with plant material to facilitate screening from adjacent residential or other uses.

(3) Berms shall be designed to allow for maintenance, mowing and adequate drainage.

(4) The elevation and horizontal ground location of any berms shall be varied in order to mimic a natural topographical feature.

(J) Parking lot landscaping and screening. In addition to the other landscaping requirements of this section, the following requirements shall apply to off-street parking areas:

(1) *Setbacks and perimeter landscaping.* Off-street parking areas with four or more stalls, except for one- and two-family dwellings, shall be setback and buffered by perimeter landscaping as follows:

(a) Front yard setback/landscape area:

1. Protected residential areas: 20 feet
2. All other, except B-1: 10 feet
3. B-1: None, except 5 feet for Automobile Sales lots

(b) Side and rear yard setback/landscape area:

1. All districts except B-1: 10 feet if adjoining any protected residential area, otherwise five feet
2. B-1 District: None unless adjoining any protected residential area, then five feet

(c) Setback/landscape area from principal building:

1. Protected residential areas: 10 feet

2. All other, except B-1: 5 feet

(d) Such landscaping shall consist of a combination of ground cover, trees, shrubs and appropriate screening devices.

(e) Area devoted to parking lot perimeter landscaping may count toward the overall site landscaping requirements in § 56.065(B).

(2) *Interior landscaping.* Off-street parking areas that contain 50 or more stalls shall provide interior landscaping of either landscape islands or raingardens, except in the B-1 District, as follows:

(a) The interior landscaping shall constitute at least 5% of the area of the parking lot. Area devoted to perimeter landscaping is not considered as any part of interior landscaping.

(b) The minimum width of landscape islands or raingardens is 4 feet and the minimum area is 160 square feet.

(c) Landscape islands shall be bounded by concrete curbing.

(d) Islands shall be spaced throughout the parking lot as appropriate to the overall size of the lot.

(e) There shall be one overstory or evergreen tree per 160 square feet of interior landscaped island area.

(f) Islands and raingardens shall be covered with sod or other approved ground cover consistent with this section. Rocks, wood chips or similar materials may only be used in support of trees or shrubs and must be contained in such a way so as to not spill outside of the island area.

(g) Interior landscaping may include landscape islands or landscape raingardens.

(3) *Screening when adjacent to residential property.* When adjacent to a protected residential area as defined herein, all off-street parking areas with four or more stalls shall be screened from all sides adjacent to said property by a wall, fencing, berm or landscaping to create an all-seasons screen that is 90% opaque to a height of at least four but not greater than eight feet.

(K) *Off-street loading areas.* Except as used in conjunction with a one- or two-family dwelling, every off-street loading area visible from a protected residential area as defined herein or visible from any public street shall be screened on all sides visible from such lot or street by an opaque fence, wall, berm or landscape screen of not less than six feet in height, except at drive aisles.

(L) *Tower and antennas compounds.* Tower facilities shall be buffered with a landscape screen that effectively screens the view of the tower compound from property used for residences. The standards buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound. Existing mature tree growth and natural land forms shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

(M) *Roof-top and ground-level mechanical equipment.* The ground level view of all mechanical utilities shall be completely screened from contiguous properties and adjacent streets by a parapet wall or other screening structure constructed of similar materials as the principal structure, or be designed or painted to be compatible with the architectural treatment of the principal structure, except as provided below.

(1) Exceptions:

- a. When used in conjunction with a one or two-family dwelling.
- b. When the subject property is located in an industrial zoning district and the equipment units are not visible from the ground level of adjacent residential or commercial properties.

(N) *Outdoor storage areas.* Outdoor storage shall meet the requirements of §§ 156.085 and 156.062. Screening of outdoor storage may be required through the conditional use permit where such permit is required.

(O) *Essential service structures.* When adjacent to a protected residential area as defined herein, essential service structures shall be screened from all sides adjacent to said property by a wall, fencing, berm or landscaping to create an all-seasons screen that is 90% opaque to a height sufficient to completely screen such areas from view said property, or ten feet, whichever is less.

(P) *Business buffering and screening.*

(1) Except in the B-1 District, where a business development is adjacent to a protected residential area as defined herein, there shall be a protective strip of not less than 25 feet in width established as a buffer zone in the yard that is adjacent to the protected residential area. Where the yard of the business property that is adjacent to the protected residential area is the front yard, this requirement shall not apply. Where the business development is separated by the protected residential area by a street, the protective strip may be reduced to 15 feet.

(2) The buffer zone shall contain no structures and shall not be used for off-street loading or outdoor storage, but may be used for parking in accordance with the parking setback and screening requirements of this section. The business shall be screened by a fence, wall, berm or landscape screen of not less than six feet in height to create an all-seasons screen that is 90% opaque.

(Q) *Industrial buffering and screening.*

(1) Where an industrial development is adjacent to a protected residential area as defined herein, there shall be a protective strip of not less than 50 feet in width established as a buffer zone in the yard that is adjacent to the protected residential area. Where the yard of the industrial property that is adjacent to the protected residential area is the front yard, this requirement shall not apply. Where the industrial development is separated by the protected residential area by a street, the protective strip may be reduced to 20 feet.

(2) The buffer zone shall contain no structures and shall not be used for off-street loading or outdoor storage, but may be used for parking in accordance with the parking setback and screening requirements of this section. The business shall be screened by a fence, wall, berm or landscape screen of not less than six feet in height to create an all-seasons screen that is 90% opaque.

(R) *Fences, walls and landscape screens.* Any fence, wall or landscape screen used to meet the screening requirements of this section shall meet the following requirements:

(1) Any fence or wall shall have an exterior finish that is similar to the material found on the exterior walls of the main building on the property or other approved material as determined by the Zoning Administrator. The exterior finish of those used to enclose outdoor storage areas may be determined through the conditional use process where a conditional use permit is required.

(2) Screens shall not extend within 15 feet of any street or driveway. The screening shall be placed along property lines or, in the case of screening along a street, 15 feet from the street right-of-way with landscaping between the screening and the pavement.

(3) The outside base of a wall or fence shall be landscaped if the wall or fence fronts on a public street or is adjacent to a protected residential area as defined herein.

(4) No fence, wall, landscape screen or other screening device shall be permitted to encroach on any public right of way or infringe on any vision triangle.

(5) Any landscaping used to meet the screening requirements of this section shall provide a year-round opacity. The required minimum opacity must be achieved within three years.

(Ord. 775, 11-20-2023)

§ 156.066 ALTERNATIVE ENERGY

(A) *Wind Energy Conversion Systems (WECS) (aka wind turbines)*

(1) Location. WECS may be permitted as an interim use in the zoning districts identified herein.

(B) *Application for Accessory Use of a WECS*

- (1) Required Applications, approvals. No WECS or support structure of any kind shall be erected anywhere within the city without first making application for and obtaining a permit and approval by the city. An interim use permit is required for all WECS as noted in this section.
- (2) Building Permit. A building permit shall be obtained for any WECS prior to installation.
- (3) Site Plan Drawing. All applications for a WECS permit shall be accompanied by a detailed site plan drawn to scale and dimensioned, displaying the following information:
 - (a) Location and dimension of property lines; setback dimensions from the WECS to buildings and property lines; height of all buildings, structures, above-ground utilities and trees on a lot, including both existing and proposed structures and guywire anchors.
 - (b) Location and height of all adjacent buildings, structures, above-ground utilities and trees located within three hundred fifty feet (350') of the exterior boundaries of the property in question.
 - (c) Sketch elevation drawing of the premises accurately depicting the proposed WECS and its relationship to structures on the subject site and adjacent lots.
- (4) Survey Required. When the Zoning Administrator determines that a Site Plan Drawing is not sufficient, a Certificate of Survey will be required showing the required site plan drawing information.
- (5) Interim Use Permit. Required for all WECS.
 - (a) Applications for an interim use permit under this section shall include studies documenting sufficient access to unobstructed wind necessary for operation of the proposed turbine.
 - (b) Applications for an interim use permit must contain all information as prescribed in Section B.

(C) *Zoning Districts.*

Zoning District	Permitted Use	Interim Use
R-1, SR, SSP, and SR-II Lots less than 4 acres		Less than 22' in height. If attached to an accessory

		structure, no higher than 10' above the wall height of the structure.
R-1, SR, SSP, and SR-II		X
I-3		X
RA		X

(D) *Code Compliance.*

- (1) Noise. All WECS shall comply with the state pollution control agency's noise pollution control section (NPC1 and NPC2), as amended.
- (2) FCC Regulations. All WECS shall comply with all applicable Federal Communications Commission regulations, as amended.
- (3) FAA Regulations. All WECS shall comply with all applicable Federal Aviation Administration regulations, as amended.
- (4) Compliance with State Building Code. Standard drawings of the structural components of the wind energy conversion system and support structures, including base and footings shall be provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the state building code. Drawings and engineering calculations shall be certified by a Minnesota licensed engineer.
- (5) Compliance with National Electrical Code. WECS electrical equipment and connections shall be designed and installed in adherence to the national electrical code as adopted by the city.
- (6) Manufacturing Warranty. Applicant shall provide documentation or other evidence from the dealer or manufacturer that the WECS has been successfully operated in atmospheric conditions similar to the conditions within Cambridge. The WECS shall be warranted against any system failures reasonably expected in severe weather operation conditions.
- (7) Safety. All WECS shall be equipped with over speed or similar controls designed to prevent disintegration of the rotor in high winds.
- (8) Lighting. No lights shall be installed on the tower, unless required to meet FAA regulations.

(E) *Design.*

- (1) Setback. No part of a WECS shall be located within or above any required front, side or rear yard setback. In addition, WECS towers and accessory structures shall meet

setback requirements equal to the height of the tower from all property lines; they shall be setback one foot (1') for every one foot (1') of system height.

- (2) Height. Height shall be measured from grade to the highest point of the blade, at full extension.
- (3) Color. The WECS and support structure shall be a neutral color such as white or light gray. Other colors may be allowed at the discretion of the City Council. The surface shall be non-reflective.
- (4) Number. No more than one WECS may be placed on a lot.

(F) *General Requirements.*

- (1) Signage. No signage or advertising or any kind shall be permitted on the tower or any associated structures.
- (2) Climbing Apparatus. All climbing apparatus shall be located at least 12 feet above the ground, and the tower must be designed to prevent climbing within the first 12 feet.
- (3) Wind Access Easements. The enactment of this section does not constitute the granting of an easement by the city. The owner/operator shall be responsible for acquiring any covenants, easements, or similar documentation to assure sufficient wind to operate the WECS.
- (4) Abandoned Towers. If the WECS has not operated for a period of twelve successive months, or fails to meet the conditions of this section, the City Council may order it dismantled and the site restored to its original condition.

(G) *Utility Connection*

- (1) Utility notification. No WECS shall be installed until evidence has been given that the utility company has been informed.
- (2) Interconnection. The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth by the utility.

(H) *Solar Energy Systems.*

- (1) Location. Solar Energy Systems may be allowed as an interim use in all zoning districts in accordance with the standards in this section.
- (2) Exemptions. The following systems shall be exempt from the requirements of this section and shall be regulated as any other building element.

- (a) Building integrated solar energy systems that are an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural element or structural component including, but not limited to, photovoltaic or hot water solar energy systems contained within roofing materials, windows, skylights and awnings.
- (b) Passive solar energy systems that capture solar light or heat without transforming it into another form of energy or transferring the heat via a heat exchanger.

(I) *Application for Accessory Use of a Solar Energy System*

- (1) Required applications, approvals. No Solar Energy System of any kind shall be erected anywhere within the City without first making application for an obtaining a permit and approval by the City. An interim use permit is required for all Solar Energy Systems as noted in this section.
- (2) Building Permit. A building permit shall be obtained for any solar energy system prior to installation.
- (3) Certification. The solar energy system shall be certified by Underwriters Laboratories, Inc., and comply to the requirements of the International Building Codes and Minnesota State Building Codes.
- (4) Site Plan Drawing. All applications for a Solar Energy System permit shall be accompanied by a detailed site plan drawn to scale and dimensioned, displaying the following information:
 - (a) Location and dimension of property lines; setback dimensions from the Solar Energy System to buildings and property lines; height, dimensions and location of the system.
- (5) Survey Required. When the Zoning Administrator determines that a Site Plan Drawing is not sufficient, a Certificate of Survey will be required showing the required site plan drawing information.
- (6) Manufacturers information. Applicant shall provide documentation on the specifications of the Solar Energy System.
- (7) Interim Use Permit. Required for all Solar Energy Systems. Applications for an interim use permit must contain all information as prescribed in Section I above.

(J) *Solar Energy Systems Standards.*

- (1) Electrical.
 - (a) All utilities shall be installed underground.
 - (b) An exterior utility disconnect switch shall be installed at the electric meter serving the property.
 - (c) Solar energy systems shall be grounded to protect against natural lightning strikes in conformance with the national electrical code as adopted by the City.
 - (d) No solar energy system shall be interconnected with the local electrical utility company until the utility company has reviewed and commented upon it. The interconnection of the solar energy system with the utility company shall adhere to the national electrical code as adopted by the City.
- (2) Color. All roof mounted solar energy systems shall use colors that are the same or similar with the color of the roof material of the building on which the system is mounted.
- (3) Location.
 - (a) Roof Mounting:
 1. The solar energy system shall comply with the maximum height requirements of the applicable zoning district.
 2. The solar energy system shall not extend beyond the perimeter of the exterior walls for the building on which it is mounted.
 - (b) Ground Mounting:
 1. The solar energy system shall only be located in the rear yard.
 2. The solar energy system shall comply with the maximum height requirements for accessory buildings for the applicable zoning district.
 - (c) All components of the solar energy system shall be setback from the rear and side property lines in accordance with the applicable zoning district in which they are placed.
 - (d) Solar energy systems shall not encroach upon any drainage and utility easements.
- (4) Screening. Solar systems shall be screened from adjacent properties to the extent possible without affecting their function.

(K) *Abandonment.* Any solar energy system which is inoperable for twelve (12) successive months shall be deemed to be abandoned and shall be deemed a public nuisance. The owner shall remove the abandoned system at their expense after obtaining a demolition permit.

§ 156.067 KEEPING OF FOWL

(A) Purpose. It is recognized that the ability to cultivate one's own food is a sustainable activity that can also be a rewarding past time. Therefore, it is the purpose and intent of this ordinance to permit the keeping and maintenance of fowl for eggs and meat sources in a clean and sanitary manner that is not a nuisance to or detrimental to the public health, safety, and welfare of the community.

(B) Interim Use Permit Required. No person shall own, keep, harbor, or have custody of any live fowl without first obtaining an Interim Use Permit and paying a fee not to exceed \$150.00 for this permit.

(1) The keeping of any poultry besides fowl is prohibited.

(2) Roosters are prohibited

(3) Sale of eggs in a residential district is prohibited.

(4) Live slaughter is prohibited.

(5) Fowl fighting shall not be allowed within city limits.

(6) Leg banding of all fowl is required with serial numbers to identify the owner. An owner will have a set range of serial numbers associated for his/her chickens as noted on the Interim Use Permit application for the keeping of fowl.

(7) The maximum total number of fowl allowed on properties are as follows:

a. Less than three (3) acres – 6 fowl total

b. More than three (3) acres – 12 fowl total

(8) fowl shall not be kept in a residential house or an attached or detached garage.

(9) A separate coop is required to house the fowl. Coops must be constructed and maintained to meet the following minimum standards:

a. A site plan illustrating the location of the coop and run must be reviewed and approved by the Zoning Administrator.

b. Coops must be located in the interior side or rear yard

- c. Coops must meet all accessory structure setback requirements for the zoning district of the property and must be at a minimum of ten (10) feet from a side or rear property line and thirty (30) feet from any residential dwelling on adjacent properties or any road right-of-way.
- d. Coops shall not be located in a drainage or utility easement or in a shoreland protection area or in a wetland setback area.
- e. Construction shall be adequate to prevent access by rodents and predators.
- f. Coops shall be maintained so they are not unsightly and free from major defects.
- g. Coops must be constructed of materials which are durable and compatible with your house and neighboring residential properties.

(10) On properties that are less than five acres in size, outdoor pens (also known as runs) are required and must be attached to the coop to fully enclose and contain fowl within the pen area.

(11) Free range fowl on properties less than five (5) acres in size are prohibited. Free range fowl are allowed on properties five (5) acres or greater as long as the animals are supervised and fenced.

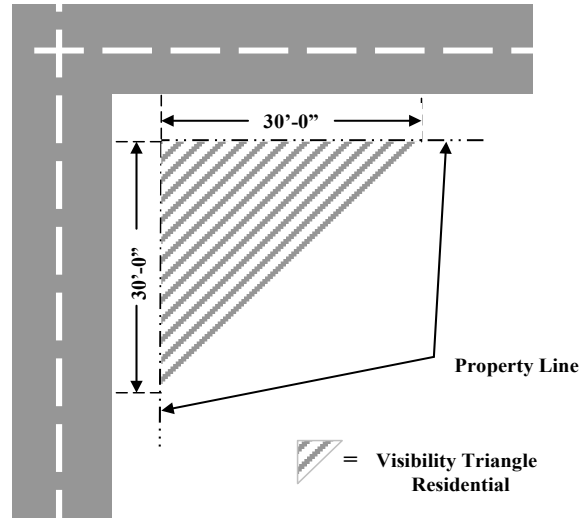
(12) All premises on which fowl are kept or maintained shall be kept clean free from filth, garbage, and any substances which attracts rodents. The coop and its surroundings must be cleaned frequently enough to control odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors detectible on another property.

(13) All food shall be stored in an enclosed, insect and rodent proof container.

(14) Dead fowl shall be disposed of according to the applicable Minnesota Department of Health rules which require carcasses to be disposed of as soon as possible after death, usually within 48 to 72 hours. Legal forms of carcass disposal include offsite burial, offsite incineration or rendering, or offsite composting.

§ 156.068 TRAFFIC VISIBILITY AND CONTROL

(A) (1) A minimum sight triangle shall be established on each corner lot at every street intersection through which motorists shall have reasonable and unobstructed views. The minimum sight triangle is a triangle located at the corner of intersecting streets. The adjacent sides shall be located along the curb line or along the gutter line of streets without curb and gutter, and shall be 30 feet in length, except at controlled intersections the length shall be 15 feet. The third side shall be a straight line joining the end points of the adjacent sides.



(2) No structures, sign, fence or planting between a height 30 inches and seven feet above the center line grade of the street shall be permitted within any sight triangle. The City may order removal of vision obstructions located within the minimum sight triangle.

(3) The foregoing provision shall not apply to existing permanent buildings, public utility poles, trees with trunks less than 12 inches in diameter and trimmed to a height at least seven feet above the level of the intersection, and shall not apply to plant species of open growth habits not planted in the form of a hedge and which are so planted and trimmed as to allow, at all seasons, a clear and unobstructed crossview; it shall not apply to supporting members of appurtenances to permanent buildings heretofore existing, to official warning signs or signals, or to signs mounted ten feet or more above the ground and whose supporting members do not constitute an obstruction as hereinbefore defined.

(B) The traffic generated by any use shall be channeled and controlled in a manner which will avoid traffic hazards or excessive flow through residential areas, particularly truck traffic.

§ 156.069 AGRICULTURAL OPERATIONS

Agricultural operations in existence at the time of passage of this chapter shall be permitted to continue but no new buildings or expansions shall be permitted except as allowed herein. No new buildings in which farm animals are kept shall be permitted within 300 feet of a non-farm dwelling.

§ 156.070 BED AND BREAKFASTS

(A) Where allowed within any zoning district, bed and breakfasts shall comply with the following in addition to any other applicable requirements of this chapter:

- (1) The facility shall be owner-occupied.
- (2) Accommodations may be provided to a guest for a period not exceeding 14 consecutive days.

- (3) Rented rooms shall not contain cooking facilities.
- (4) Rooms used for sleeping shall be part of the primary residential structure and shall not have been constructed specifically for rental purposes.
- (5) The primary entrance to all guestrooms shall be from within the dwelling.
- (6) A guest register shall be maintained and available for City inspection.
- (7) A maximum of 50% of the rear yard shall be paved or used for parking.
- (8) Where food service, meeting space, or similar activities are open to the general public, parking shall be provided in accordance with that required for the respective use, in addition to the parking required for the bed and breakfast use.

(B) Where allowed in an R-1, R-1A, R-2, R-3, PM, PUD, UR or RA District, bed and breakfasts shall comply with the following in addition to subpart (A) above:

- (1) The total number of guest rooms shall be limited to five.
- (2) Only exterior alterations that do not alter the exterior appearance from its single-family character will be allowed.
- (3) Food service shall be limited to registered guests and not be open to the general public
- (4) No other commercial use shall occur on the property. Activities including luncheons, banquets, parties, weddings, meetings, fund raising events or other gatherings for direct or indirect compensation are prohibited.

§ 156.071 SALVAGE YARDS

Junk yards, salvage yards or automobile reduction yards shall be permitted by ~~conditional~~ interim use permit only within the I-3 District, and in no case shall they be located so as to be plainly visible from either Highway 95 or Highway 65. The junk yards shall be effectively screened on all sides so that the storage and operation is not visible from adjacent properties or streets. Nonconforming yards in existence at the time of adoption of this chapter shall be brought into conformance with this chapter within two years of the date of Ordinance passage.

§ 156.072 ESSENTIAL SERVICES AND STRUCTURES

(A) Essential services and uses shall be permitted as authorized and required by state law and by ordinances of the City.

(B) Essential service structures, where allowed within any Zoning District, shall comply with the following:

(1) All structures shall be located a minimum of 15 feet from a protected residential area as defined herein.

(2) All service drives shall be paved.

(3) Landscaping and screening shall be provided in accordance with § 156.065.

§ 156.073 LIGHTING AND GLARE

(A) *Fixtures.* Lighting fixtures used for exterior illumination on a commercial, industrial or multi-family residential property, or to illuminate roadways or common areas in manufactured home complexes, shall be of a downcast, cutoff type, concealing the light source from view and preventing glare and spilling into adjacent properties and right-of-ways. Exceptions may be made by the Planning Commission for ornamental lighting.

(B) *Height restrictions.* Lighting fixtures mounted on poles or structures shall have a maximum height of 25 feet when the commercial or industrial property is adjacent to a protected residential area as defined herein, except that no lighting shall be placed higher than 12 feet within 50 feet of any such property. Exceptions to these height requirements may be granted when said lighting is located in an area otherwise screened or blocked from view from the residential property, such as lighting on the side of a commercial/industrial building opposite the residential property. Exceptions to the height requirement will be determined by the Zoning Administrator.

(C) *Maximum lighting levels.* Any light or combination of lights used for exterior illumination on a commercial or industrial property that cast light on a public street shall not exceed one foot-candle (meter reading) as measured from the centerline of said street. Any light or combination of lights that cast light on residential property shall not exceed one-half foot-candles (meter reading) as measured from said property.

(D) *Minimum lighting levels.* Energy efficient lighting systems shall be employed for all exterior lighting. Minimum lighting levels for covered and open parking facilities and vehicle use areas shall be as follows:

(1) Covered Parking Facilities (Day): *

- | | | |
|-----|---------------------------------------|-----------------|
| (a) | General parking and pedestrian areas: | 5 foot-candles |
| (b) | Ramps/corners: | 10 foot-candles |
| (c) | Entrances/exits: | 50 foot-candles |
| (d) | Stairwells: | 20 foot-candles |
| (e) | Vehicle use areas: | 5 foot-candles |

(2) Covered Parking Facilities (Night): *

- (a) General parking and pedestrian areas: 5 foot-candles
- (b) Ramps/corners: 5 foot-candles
- (c) Entrances/exits: 5 foot-candles
- (d) Stairwells: 20 foot-candles
- (e) Vehicle use areas: 5 foot-candles

(3) Open Parking Areas: *

- (a) General parking and pedestrian areas (high activity): 0.9 foot-candle
- (b) Vehicle use areas: 1 foot-candle

*Minimum light of foot-candles at a height of five feet.

(E) In all zoning districts, any lighting used to illuminate an off-street parking area or sign shall be arranged so as to deflect light away from any adjoining protected residential area as defined herein or from the public streets. Direct or sky reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, shall not be directed into any adjoining property.

§ 156.074 GRADING AND DRAINAGE

(A) No land shall be developed and no use shall be permitted that results in increased water runoff, flooding or erosion on adjacent properties. The run off shall be properly channeled into a storm drain, water course, ponding area or other public facility. The City Engineer shall review and approve all grading and drainage plans to ensure consistency with all stormwater management industry standards including, but not limited to, Best Management Practices (BMP) and all other mandatory state and federal regulations.

(B) To provide for water quality protection, a 20-foot-wide no-disturbance buffer strip is required around all wetlands. No structures or any other disturbance shall be within 20' of a wetland.

(C) Surveys Required. A certificate of survey is required for all new residential dwelling construction before a building permit will be issued. The plat grading plan must be followed when planning/designing each lot.

(1) Staking Lots. The land surveyor must stake the building corners and the lot corners prior to any construction taking place on the lot.

(2) Requirements. The following items must be shown on the certificate of survey.

- (a) Proposed & existing buildings, labeled & showing dimensions
- (b) Lot dimensions and total lot area

(c) Distances from buildings to property lines, roads, water, etc.

(d) Show accurate driveway dimensions (maximum width 22' within the right of way,) and include slope of driveway from top back of curb to garage (garage foundation elevation must be 12" above the top back of curb + 2% above street gutter and a maximum of 8% driveway slope, unless otherwise approved by the Building Official). Driveways must be in conformance with city driveway detail standards.

(e) Existing and Proposed elevations

(f) Proposed spot elevations showing finished grade at least 6" below top of foundation, and also spot elevations showing the grade falling away an additional 6" away from the foundation within the first 10'.

(g) Indicate drainage away from the structure and to an approved drainage device

(h) Orientation to north (show with an arrow) and plan must be to scale

(i) Show total impervious surface area including the percentage of the lot covered: include all buildings, driveways, and sidewalks, etc. (For calculating impervious surface coverage, the lot size should be the gross lot area less land located in drainage and utility easements above and beyond the standard lot line drainage and utility easements.)

(j) Any other relevant features (easements, power lines, trees, etc.)

(k) Knolls, ridges, bluffs, steep slopes or drainage ways, if needed show topography; Contact the City when existing grades have slopes steeper than 3:1

(l) FloodPlain Elevations and Road access elevations if lot is in FloodPlain

(m) Normal high water mark of a lake, river/stream, or pond if lot is considered Shoreland

(D) As-Built Surveys Required. For all new residential dwelling construction in which a building permit has been issued, the permit holder must submit an as-built certificate of survey to be approved by the City as a condition of issuance of a certificate of occupancy. The survey must be prepared by a licensed surveyor and it must certify that the lot is graded in accordance with the approved grading plan.

(1) Requirements. The following items must be shown on the as-built survey.

(a) Location of all buildings labeled and showing dimensions

- (b) Lot dimensions and total lot area
- (c) Distances from buildings to property lines, roads, water, etc.
- (d) Accurate driveway dimensions
- (e) Complete elevations of lot, lot corners, top of foundation, top of finished garage floor, foundation (basement) elevation, lot drainage swales and ditches, and driveway after topsoil is placed
- (f) All elevations must conform to the approved grading plan within a tolerance of one-tenth of the proposed elevations. If the elevations do not conform to this one-tenth requirement, then the City Engineer must determine if the elevation discrepancy is acceptable according to the grading plan. If corrective actions are given by the City Engineer and the Builder/Developer does not agree to the corrective actions, the Builder/Developer may appeal the decision to the City Council.
- (g) Include proposed elevations and CIRCLED, or otherwise identified and noted, as-built elevations
- (h) Drainage arrows
- (i) Orientation to the north (show with an arrow) and plan must be to scale
- (j) Any other relevant features (easements, power lines, trees, etc.)
- (k) Knolls, ridges, bluffs, steep slopes or drainage ways
- (l) Any other pertinent information needed to explain as built survey
- (m) Statement from the surveyor or builder certifying that the lot is graded in accordance with the approved grading plan

(2) Foundation As-Builts. In addition to the final as-built survey requirement, a building location, top of foundation, and basement elevation is required at the time of building foundation inspection. A surveyor must provide spot elevations and show on the original certificate of survey (as required in C above) the elevation of the foundation and the location of the dwelling before the remainder of the dwelling can be constructed.

(3) Escrow. For dwellings that cannot get the as-built survey complete before the certificate of occupancy is issued due to weather constraints, an escrow will be required. The amount of the escrow required will be determined from a bid submitted to the city by the surveyor.

(4) City not liable. The as-built survey requirements contained in this section are for

the purposes of allowing the City to verify actual construction has been undertaken consistent with City approvals for the work. In reviewing as-built surveys, the City is relying on the data and certification provided by the surveyor. The City shall not be liable for discrepancies found in the as-built survey, foundation as-built, or certificate of survey.

§ 156.075 VIBRATION

No activity or operation shall be established which will cause earth vibrations perceptible beyond the limits of the immediate site of such operation. Temporary construction activity causing vibration beyond the limits of the immediate site may be permitted between the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday. Any damage caused as a result of temporary construction activities shall be the responsibility and liability of the contractor.

§ 156.076 TOXIC, NOXIOUS AND ODOROUS MATTERS

No activity or operation shall be established which will cause the emission of toxic, noxious or odorous matter beyond the limits of the operation's immediate site in such concentration as would be detrimental to or to endanger the public health, welfare, comfort or safety or cause injury to property. All pertinent federal and state standards governing toxic or noxious matter shall apply.

§ 156.077 SMOKE AND NOISE

No activity or operation shall be established which will cause the emission of smoke, particulate matter or noise beyond the immediate site to a degree which constitutes a nuisance. Noise levels shall be regulated by the standards of the Minnesota Pollution Control Agency. Ambient air quality standards of the Minnesota Pollution Control Agency shall apply to the release of airborne materials within the City. Temporary construction activity causing smoke and noise beyond the limits of the immediate site may be permitted between the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday.

§ 156.078 RESIDENTIAL STRUCTURES

(A) All single-family dwellings shall:

(1) Be at least 21 feet wide and at least 30 feet long. Width measurements shall not include overhangs and other projections beyond the principal walls.

(2) Be placed on a permanent foundation as prescribed in the State Building Code.

(3) Have a pitched roof of at least 3/12, with the exception of earth sheltered homes.

(4) The roof shall have a minimum eave projection and roof overhang on at least two sides of six inches which may include a gutter.

(5) Meet the applicable requirements of the State Building Code or the applicable manufactured housing code.

(6) Additional minimum size requirements may be set forth in individual zoning districts.

(7) Have a residential appearance including a residential type siding and roofing materials.

(a) Roofing materials shall not be reflective or so shiny as to cause reflection.

(b) Siding materials shall not be sheet metal steel or have exposed fasteners.

(B) Multiple family dwellings shall:

(1) Have minimum floor areas of:

(a) Efficiency: 400 S.F./D.U.

(b) Bedroom: 600 S.F./D.U.

(c) 2 Bedroom: 700 S.F./D.U.

(d) 3 Bedroom: 800 S.F./D.U.

(e) 4 Bedroom: 960 S.F./D.U.

(2) Be of fireproof construction if more than three stories in height.

(3) Have an elevator if more than three stories in height.

(C) Repairs. If repairs or improvements to the exterior of any residential dwelling are made, all siding and roofing materials shall match as close as possible and use the same materials as the existing structure.

§ 156.079 SANITARY PROVISIONS

(A) *Compliance.* Publicly owned sewer systems and water systems must be used where available. All sewage and water systems hereafter constructed or altered shall conform to the provisions of this section and any other ordinance or regulations of the city and Minn. Rules, Chapter 7080, or as amended, which regulate individual sewage treatment systems, as promulgated by the Minnesota Pollution Control Agency and the Minnesota Department of Health Standards for water quality.

(B) *Water systems.*

(1) Public water facilities, including pipe fittings, hydrants and the like, shall be installed and maintained as required by standards and specifications as established by the Minnesota Department of Health and all other pertinent federal and state regulations.

(2) Individual wells shall be constructed and maintained according to standards and regulations approved by the Minnesota Department of Health. No individual well shall be constructed on a lot or parcel when municipal water supply is available.

(C) *Land application and disposal of sewage.*

(1) All sewage hereafter disposed of shall conform to the Environmental Protection Agency (EPA) 503 Rule and all other pertinent federal and state regulations.

(2) All Minnesota Pollution Control Agency (MPCA) setbacks shall be followed.

(3) All site application permits must include soil boring records, must be submitted by a site designer licensed by the MPCA, must include a copy of the agronomic loading rates for the crops planted, and must be approved prior to any land application of septage. Permits may be issued for seasonal dumping only (such as winter or summer applications only).

(D) *Licensing.* No sewer permit shall be issued by the City to the applicant until such time the person, firm or corporation engaging in the design, site evaluation, installation or construction of any sewage treatment system provides a copy of a valid MPCA issued license authorizing the person, firm or corporation to conduct said activity in the State of Minnesota.

(E) *Permits.*

(1) No person, firm or corporation shall install, alter, repair or extend any sewage disposal system in the city urban service area boundary without first obtaining a permit from the Zoning Administrator for the specific installation, alteration, repair or extension, and, at the time of applying for the permit, shall pay a fee established by the City Council. The permits shall be valid for a period of 12 months from the date of issue. Site evaluations shall be valid for 12 months from the completion date.

(2) Applications for permits shall be made in writing upon printed forms furnished by the Zoning Administrator and shall be signed by the applicant.

(3) Each application for a permit shall have thereon the correct legal description of the property for the proposed installation, alteration and/or repair and be accompanied by a plat plan of the land showing the location of any proposed or existing buildings located on the property with respect to the boundary lines of the property and complete plans of the proposed system with substantiating data, as requested by the Zoning Administrator or his or her representative, attesting to the compliance with the requirements and standards of this chapter. A complete plan must include the location, size and design of all parts of the system to be installed, altered,

repaired or extended. The plan must include, but is not limited to, the results of soil boring tests and percolation test conducted on the property upon which the proposed installation is to take place. The application shall also show the present or proposed location of water supply facilities and water supply piping and the name of the person, firm or corporation who is to install the system and shall include such further information as may be required by the Zoning Administrator.

(4) The Zoning Administrator may assign responsibility for administration of these provisions to a qualified inspector.

(5) All systems must be designed, installed and maintained by a Minnesota Pollution Control Agency (MPCA) licensed professional (Minnesota citation).

(F) *Construction requirements.* Every individual sewage disposal system installed after the effective date of this chapter and every alteration, extension and repair to any system made after that date shall conform to the standards adopted in division (C) of this section. Any individual sewage disposal system or pertinent part thereof, irrespective of the date of original installation, which is not located, constructed or installed in accordance with this subdivision shall be so relocated, reconstructed or reinstalled as to comply with the standards of those items.

(G) *Point of sale sewer inspection.* No owner of a tract of land located in the City upon which a dwelling is located or upon which a structure having an on-site sewage treatment system is located shall sell or contract to sell by conveyance or contract for conveyance without providing a copy of a point of sale certificate of compliance to the buyer prior to the sale in accordance with the following requirements:

(1) Time of sale shall be defined as the time of execution of any document providing for the conveyance by deed or contract.

(2) The proposed purchaser shall not take occupancy of the dwelling or structure prior to the issuance of the point of sale certificate of compliance by the Zoning Administrator, except that upon the filing of an executed written agreement by the present and prospective owners, which agreement sets forth the date by which the new owner will complete the necessary corrective action and which agreement and corrective action dates are approved by the Zoning Administrator and found to be adequate in his or her discretion and deposit of such sums representing 150% of the estimated cost of the improvements, as estimated by a licensed designer with the city, the occupancy may be permitted by the City pending issuance of the point of sale certificate of compliance.

(H) *Inspection for the point of sale certificate of compliance shall be performed by a licensed Minnesota Pollution Control Agency (MPCA) Designer I.* Results of the inspection, in compliance or noncompliance, shall be submitted to the Zoning Administrator. In the case of a sewer being in compliance with the MPCA 7080 Standards, the Zoning Administrator will issue a point of sale certificate of compliance for the existing sewer system.

(I) *Additional regulations.* In addition to any standards cited in the Minnesota Pollution

Control Agency's Regulations 7080, as amended, the following shall also apply:

- (1) Any new sewage treatment system must have a septic tank with a minimum capacity of 1,250 gallons and any system using a pump chamber must have a chamber with a minimum capacity of 1,000 gallons;
- (2) All new and upgraded sewage treatment systems for individual dwellings shall be sized for a Type 1 dwelling;
- (3) If any homeowner arranges for, hires or subcontracts for design and/or installation services of the sewage treatment system, the person or entity providing design and installation services must be fully licensed by the Minnesota Pollution Control Agency;
- (4) There shall be no buried suction lines closer than 20 feet from any buried sewer line, and any buried sewer line located between 20 feet and 50 feet from a suction line must be air tested at five pounds for 15 minutes;
- (5) The use of a gravel-less drainfield pipe in sandy soils is prohibited;
- (6) A compartment tank or multiple tanks must be installed if sewage is pumped to the septic tank; and
- (7) Any system that presents an imminent threat to the public health or safety must be upgraded or the use must be discontinued within 30 days upon receipt of written notice.

§ 156.080 ACCESSORY BUILDING AND STRUCTURE REQUIREMENTS

- (A) Accessory buildings and structures, except fences, in residential zoning districts, shall be subject to the following provisions.
- (1) *General statements.* An accessory building or structure shall be considered an integral part of the principal building if it is connected to the principal building, including by a covered passageway.
 - (2) *Time of construction.* No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.
 - (3) *Location.* No detached accessory building or structure other than a private garage shall be located within a front or corner side yard.
 - (4) *Height.* Accessory buildings or structures shall not have sidewalls exceeding ten feet in height, except that in the Rural Residential/Agricultural District accessory buildings or structures shall not have sidewalls exceeding 12 feet in height on lots two acres or larger in size.
 - (5) *Setbacks and location.*

(a) Accessory structure setbacks are as follows:

District	Side, Interior	Side, Corner	Rear
R-1	10 ft.	15 ft.	10 ft.
R-1A	6 ft.	15 ft.	6 ft.
R-2	6 ft.	12 ft.	6 ft.
R-3	10 ft.	15 ft.	10 ft.
UR, when accessory to a residential use	10 ft.	15 ft.	10 ft.
RA, when accessory to a residential use	10 ft.	15 ft.	10 ft.

(b) Buildings & Structures shall not be located within a utility easement.

(6) *Number.* The number of accessory buildings shall be limited as follows:

(a) In cases where a garage is part of the principal structure, one additional accessory building is allowed, provided that the total floor area of the additional accessory building does not exceed the size limits in (A)(7) below or result in a total lot coverage of the more than 25%;

(b) In cases where a garage is not part of the principal structure, two accessory buildings are allowed, provided that the total floor area of the accessory buildings do not exceed the size limits in (A)(7) below or result in a total lot coverage of more than 30%.

(7) *Size limitations.*

(a) No accessory building or structure shall exceed the following size limitations:

Lot Size	RA District	Other Districts
Less than 2 acres	1,000 square feet ¹	1,000 square feet ¹
At least 2 but less than 5 acres	1,500	1,000 square feet ¹
5 or more acres.	1,800	1,000 square feet ¹

¹ Or the total square footage of floor area of the principal structure, whichever is less.

(b) The total floor area of accessory buildings or structure shall not exceed the following size limitations:

<i>Lot Size</i>	<i>RA District</i>	<i>Other Districts</i>
Less than 2 acres	1,000 square feet ¹	1,000 square feet ¹
At least 2 but less than 5 acres	1,500	1,000 square feet ¹
At least 5 but less than 10 acres	1,800	1,000 square feet ¹
10 or more acres	2,000	1,000 square feet ¹

¹ Or the total square footage of floor area of the principal structure, whichever is less.

(8) *Building design standards.* The architectural design and appearance of all accessory buildings shall comply with the following standards:

(a) The exterior finish, roof and roof lines and roof pitch of all accessory buildings exceeding 120 square feet shall match as close as possible the exterior finish, roof and roof lines of the dwelling unit on the lot. Boxed eaves and rakes on accessory buildings shall be required where they occur on the dwelling unit. Brick, stucco and stone dwellings justify an exemption for required matched building exteriors. Alternate materials shall only be allowed in such cases by approval of the Zoning Administrator.

(b) All accessory buildings are to be securely anchored to prevent uplifting due to wind.

(c) All accessory buildings and structures shall be sided or otherwise finished.

(d) Temporary accessory structures such as portable car ports, shelters, tarped covers, and similar structures as determined by the Zoning Administrator, shall be prohibited. Storage Pod Containers may be allowed for 14 days on a residential parcel for moving purposes and must be approved by the Zoning Administrator.

(B) Accessory buildings or structures in all other districts shall:

(1) Not be erected or located within any required side or front yard setback.

(2) In total, not exceed the size of the principal structure.

(3) In total, not occupy more than 25% of the rear yard.

(4) Not exceed the height of the principal building.

(5) Accessory buildings must be of a similar material, quality and appearance as the principal building. Other materials may be allowed through a conditional use permit.

(6) No accessory building or structure shall be constructed on any lot prior to the time

of construction of the principal building to which it is accessory.

(7) Accessory buildings or structures not meeting one or more of (B)(2) through (B)(6) above may be allowed through the issuance of a conditional use permit.

(C) Accessory buildings or structures for commercial recreation, for example where the accessory structure is accessory to a ballfield, need not match the principal building, but must be of a material approved by the Zoning Administrator.

(D) *Exemptions for agricultural buildings and structures.* Agricultural buildings and structures, when part of an agricultural use or limited agricultural use as defined herein, shall only be subject to the setback requirements set forth in subpart (A)(5) of this section.

(E) *Special requirements for accessory swimming pools.* Private outdoor residential pools, both above and below ground, and hot tubs are permitted as an accessory use within the rear yard or side yard setbacks; except that, for multiple-family developments, the Planning Commission may determine the location of the pool or tub. Private outdoor pools and hot tubs containing more than 3,000 gallons or with a depth of water over three and one half feet shall meet the following requirements as applicable:

(1) There shall be a distance of not less than ten feet between the adjoining property line and the outside of the pool/hot tub wall for above-ground pools/hot tubs. For in-ground pools/hot tubs, there shall be a distance of not less than five feet between the adjoining property line and the outside of the pool/hot tub wall.

(2) There shall be a distance of not less than four feet between the outside pool/hot tub wall and any other building or structure located on the same lot.

(3) No swimming pool/hot tub shall be located less than ten feet from any side street or alley right-of-way, or the distance required for side yard by the Zoning Code, whichever is greater.

(4) All accessory mechanical apparatus shall be located at least 30 feet from any neighboring habitable residential structure and no closer than five feet to any lot line.

(5) No swimming pool/hot tub shall be located in a public easement.

(6) A non-climbable security fence of at least four feet in height shall completely enclose the pool area. The gates shall be of a self-closing and self-latching type, with the latch on the inside of the gate, not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use. Above ground pools exceeding three and one half feet in height may provide a removable ladder in lieu of these fencing requirements.

(7) Hot tubs shall be secured as in division (D)(6) above or shall have a cover which shall be locked when the hot tub is not in use.

(8) No pool/hot tub shall be located beneath overhead electrical lines or over underground utility lines of any type.

(9) Lighting for the pool/hot tub shall be oriented so as not to cast light onto adjacent properties.

§ 156.081 RESERVED

§ 156.082 PERFORMANCE STANDARDS FOR TOWERS AND ANTENNAS

(A) Purpose. The purpose of this section is to establish general guidelines for the siting of wireless communications towers, satellite dishes, and antennas. The goals of this section are to:

(1) Protect residential areas and land uses from potential adverse impacts of towers and antennas;

(2) Encourage the location of towers in nonresidential areas;

(3) Minimize the total number of towers in the City;

(4) Strongly encourage the co-location of communication facilities joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;

(5) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the City and its residents is minimal;

(6) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening and innovative camouflaging techniques;

(7) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently;

(8) Consider the public health and safety of communication towers; and

(9) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

(10) In furtherance of these goals, the City shall give due consideration to the Comprehensive Plan, Zoning Map, existing land uses and environmentally sensitive areas in approving sites for the location of towers and antennas.

(B) General provisions.

(1) Towers, satellite dishes, and antennas shall be regulated and permitted pursuant to this section and shall not be regulated or permitted as essential services, public utilities or private utilities.

(2) No new or existing telecommunications service shall interfere with public safety telecommunications, or private telecommunications, including without limitation, radio, television and personal communications, in accordance with rules and regulations of the Federal Communications Commission.

(3) The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

(C) Permit information.

(1) *Permits.*

(a) It shall be unlawful for any person, firm or corporation to erect, construct in place, place or re-erect or replace any tower without first making application to the City and securing a permit therefore as hereinafter provided.

(b) Permits are not required for:

1. Adjustment or replacement of the elements of an antenna array affixed to a tower or antenna, provided that replacement does not reduce the safety factor; and
2. Antennas and/or towers erected temporarily for test purposes, for emergency communication or for broadcast remote pick-up operations. Temporary antennas shall be removed within 72 hours following installation.
3. Residential and commercial TV antennas and satellite dishes.

(c) The fee to be paid is that prescribed under building permit fees.

(2) *Information required.* The applicant shall provide at the time of application sufficient information to indicate that construction and installation of the antenna and tower will not create a safety hazard or damage to the property of other persons. The required information shall include:

(a) Legal description of the parent tract and leased parcel (if applicable).

(b) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning, Land Use Plan classification of the site and all properties within 400 feet, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking and other information deemed by the Zoning Administrator to be

necessary to assess compliance with this section.

(c) The setback distance between the proposed tower and the nearest residential unit protected residential areas as defined herein.

(d) A landscape plan showing specific landscape materials.

(e) Method of fencing and finished color and, if applicable, the method of camouflage and illumination.

(f) A report from a qualified engineer registered with the State of Minnesota that:

1. Describes the tower and antenna height and design, including a cross section and elevation;

2. Documents the approximate height above grade for potential mounting positions for co-located antennas and the approximate minimum separation distances between antennas;

3. Describes the tower's capacity generally, including the number and type of antennas that it can accommodate; and

4. Includes an engineers stamp and registration number;

(g) If applicable, the applicant shall submit documentation that the proposed tower complies with regulations administered by the Federal Aviation Administration and is not in conflict with the Airport Zoning for the Cambridge Municipal Airport.

(h) For all commercial wireless telecommunication service towers, a letter of intent committing the tower owners and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use, including without limitation, reasonable rental rates for such shared use. Reasonable rental rates shall be defined as the current industry standard rental rates.

(i) A site analysis showing the availability of other sites and structures that could be used to co-locate the communication facilities in question. The analysis shall demonstrate how other sites are not suitable for installation of the facilities.

(D) Construction requirements. All antennas and towers erected, constructed or located within the City, and all wiring therefore shall comply with the following requirements:

(1) All antennas and towers shall meet all pertinent provisions of this chapter;

(2) Tower designs shall be certified by a qualified engineer registered by the State of

Minnesota to conform to the latest structural standards and wind loading requirements of the Uniform Building Code and the Electronics Industry Association;

(3) With the exception of necessary electric and telephone service and connection lines approved by the City, no part of any antenna or tower nor any lines, cable, equipment or wires or braces in connection with either shall at any time extend across or over any part of the right-of-way, public street, highway, sidewalk or property line;

(4) Towers and associated antennas shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code; and

(5) All towers shall be constructed to conform to the requirements of the Occupational Safety and Health Administration.

(E) Permitted uses.

(1) *General.* The uses listed in this section are deemed to be permitted uses and shall not require administrative approval or a conditional use permit.

(2) *Permitted uses.*

(a) Antennas or towers located on property owned, leased or otherwise controlled by the City, provided a license or lease authorizing the antenna or tower has been approved by City and the tower meets all the design, construction, and co-location requirements of this section.

(b) Towers supporting amateur radio antennas and satellite dishes used to transmit and receive satellite, and not exceeding 30 inches in diameter provided they are limited to 45 feet in height measured from the ground or ten feet from the roof of the building to which they are accessory, whichever is higher. However, no tower or antenna shall be in excess of a height equal to the distance from the base of the antenna and tower to the nearest overhead electrical power line that serves more than one dwelling or place of business, less five feet.

(c) Satellite dishes used to transmit and receive satellite transmissions that are between 30 inches and 12 feet in diameter shall be mounted on the ground and may not exceed 15 feet in height.

(F) Administratively approved uses.

(1) *List of administratively approved uses.* The following uses may be approved by the Zoning Administrator after conducting an administrative review:

(a) Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna in any industrial zoning district.

(b) Locating antennas on existing structures or towers in zoning districts where they are either a permitted or approved conditional use shall be approved by issuance of a building permit based upon administrative review after submittal of:

1. A final site and building plan as specified in division (C) of this section; and

2. A report prepared by a qualified professional engineer licensed by the State of Minnesota, indicating the existing structure or towers suitability to accept the antenna and the proposed method of affixing the antenna to the structure. Complete details of all fixtures and couplings and the precise point of attachment shall be indicated.

(c) Towers supporting amateur radio antennas and conforming to all applicable provisions of this chapter shall be allowed only in the rear yard of residentially-zoned parcels.

(2) *Review provisions.* The following provisions shall govern the issuance of administrative approvals for towers and antennas.

(a) Each applicant for administrative approval shall apply to the Zoning Administrator providing the information set forth in subpart (C) of this section.

(b) The Zoning Administrator shall review the application for administrative approval and determine if the proposed use complies with all provisions of this section.

(c) In connection with any such administrative approval, the Zoning Administrator may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.

(G) *Conditional use permits.*

(1) The following provisions shall govern the issuance of conditional use permits for towers or antennas:

(a) If the tower or antenna is listed as a conditional use in this chapter, then a conditional use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts listed;

(b) An applicant for a conditional use permit shall submit the information described in this section and a nonrefundable fee as established by resolution of the City Council to reimburse the city for the costs of reviewing the application.

(2) In addition to any standards for consideration of conditional use permit applications pursuant to this chapter, the Planning Commission shall also consider the following factors in

determining whether to issue a conditional use permit for a tower or antenna:

- (a) Height of the proposed tower;
- (b) Proximity of the tower to residential structures, platted residential property or other protected residential areas as defined herein;
- (c) Nature of uses on adjacent and nearby properties;
- (d) Surrounding topography;
- (e) Surrounding tree coverage and foliage;
- (f) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- (g) Proposed ingress and egress; and
- (h) Availability of suitable existing towers, other structures or alternative technologies not requiring the use of towers or structures, as discussed in subpart (C) of this section.

(H) *Design requirements.* Proposed or modified towers and antennas shall meet the following design requirements.

(1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

(2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.

(3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(4) Commercial wireless telecommunication service towers shall be of a monopole design unless the City Council determines that an alternative design (lattice structure) would accommodate co-location of additional antennas or would better blend in to the surrounding environment.

(5) Every commercial tower affixed to the ground shall be protected to discourage climbing of the tower by unauthorized persons by erection of a security fence at least six feet in height.

(6) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from residentially-zoned properties. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound.

(7) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer.

(8) Towers and amateur radio antennas shall at least meet the setbacks of the underlying zoning district. In addition, the minimum distance to the nearest property line shall be equal to the height of the tower.

(9) The setback shall be measured between the base of the tower located nearest the property line and the actual property line. A lesser setback distance may be used if a qualified engineer specifies in writing that the collapse of the tower will occur within a lesser distance under all foreseeable circumstances.

(10) The tower shall not encroach upon any easements.

(11) Towers shall not be located between a principal structure and a public street, with the following exceptions:

(a) In industrial zoning districts, towers may be placed within a side yard abutting an internal industrial street.

(b) On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.

(c) A tower's setback may be reduced or its location in relation to a public street varied, at the sole discretion of the City Council, to allow the integration of a tower into a pre-existing or proposed new structure such as a church steeple, light standard, power line support device or similar structure.

(12) *Tower height.*

(a) All proposed commercial towers shall not exceed 200 feet in height.

(b) Towers supporting amateur radio antennas and satellite dishes used only to receive satellite or microwave transmissions, and not exceeding 30 inches in diameter shall be limited to 45 feet in height measured from the ground or ten feet from the roof of the building, to which they are accessory, whichever is higher. However, no tower or antenna shall be in excess of a height equal to the distance from the base of the antenna and tower to the nearest overhead electrical power line that serves more than one dwelling or place of business, less five feet.

(c) Satellite dishes used only to receive satellite or microwave transmissions that are between 30 inches and 12 feet in diameter shall be mounted on the ground and may not exceed 15 feet in height.

(13) Towers shall not be illuminated by artificial means and shall not display strobe lights unless the lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower or if required by the City Council for security or safety reasons. This provision shall not preclude the placement of an antenna on an existing or proposed lighting standard.

(14) All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of nonvegetative screening better reflects and complements the architectural character of the surrounding neighborhood. Accessory buildings shall not be more than 1,000 square feet in size.

(I) Location of towers in residential zoning districts. Towers in residentially zoned areas, are subject to the following restrictions:

(1) Towers supporting amateur radio antennas and satellite dishes conforming to all applicable provisions of this section shall be allowed only in the rear yard.

(2) Towers supporting commercial antennas and conforming to all applicable provisions of this section shall be allowed on only government, utility and institutional sites.

(3) Only one tower shall exist at any one time on any one parcel unless additional towers or antennas could be incorporated into existing structures such as a church steeple, light pole, power line support, or similar device.

(J) Co-location requirements. All commercial wireless telecommunication towers erected, constructed or located within the City shall comply with the following requirements.

(1) A proposal for a new commercial wireless telecommunication service tower shall not be approved unless the City Council finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one-half mile search radius for towers over 150 feet in height and a one-quarter mile search radius for towers over 100 feet in height, due to one or more of the following reasons.

(a) The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified professional engineer registered with the State of Minnesota, and the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.

(b) The planned equipment would cause interference materially impacting the

usability of other existing or planned equipment at the tower or building as documented by a qualified professional engineer registered with the State of Minnesota and the interference cannot be prevented at a reasonable cost.

(c) Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified professional engineer registered with the State of Minnesota.

(d) Other reasons affecting technical performance, system coverage and system capacity that make it impractical to place or locate the planned telecommunications equipment upon an existing or approved tower.

(2) Any proposed commercial wireless telecommunication service towers shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 150 feet in height or for at least one additional user if the tower is over 100 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the towers and to accept antennas mounted at varying heights.

(K) *Abandoned or unused towers or portions of towers.* All abandoned or unused towers and associated above-ground facilities shall be removed within 12 months of the cessation of operations of an antenna facility at the site unless a time extension is approved by the Zoning Administrator. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower is not removed within 12 months of the cessation of operations at a site, the tower and associated facilities may be removed by the City and the costs of removal assessed against the property.

(L) *Nonconforming antennas and towers.* Antennas and towers in existence as of the effective date of this chapter that do not conform to or comply with this section are subject to the following provisions.

(1) Towers may continue in use for the purpose used and existing as of the date of adoption of this Chapter but may not be replaced or materially altered without complying in all respects with this section.

(2) If such towers are hereafter damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired and restored to its former use, location and physical dimensions upon obtaining a building permit therefore but without otherwise complying with this section; provided, however, that if the cost of repairing the tower to the former use, physical dimensions and location would exceed the cost of a new tower of like kind and quality, then the tower may not be repaired or restored, except in full compliance with this section.

(3) Nonconforming towers (with guy wires) exceeding 200 feet in height may be rebuilt at their same height in their current location, or relocated, provided the new construction does

not have guy wires and the capacity of the tower is increased to allow co-location of additional antennas.

(M) Inspections.

(1) All towers may be inspected at any time by the City or a duly designated private party to determine compliance with original construction standards. Deviation from original construction for which a permit is obtained constitutes a violation of this section. Said inspection shall be conducted at the expense of the tower owner. If an inspection bill is unpaid, the City may assess it to the property.

(2) Notice of violations will be sent by registered mail to the owner and such person will have 30 days from the date the notification is issued to make repairs. The owner will notify the Building Official that the repairs have been made, and as soon as possible thereafter, another inspection will be made and the owner notified of the results.

(N) Violations. Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor.

§ 156.083 FENCES

(A) No fence or wall shall be erected, enlarged, expanded, altered, relocated, maintained or repaired in any yard, unless it shall first meet the requirements of this section. (Ord. No. 780, 1/16/24)

(B) The finished side of the fence, or that side of the fence without exposed supports or posts, shall face the neighboring properties or streets. (Ord. No. 780, 1/16/24)

(C) Materials. (Ord. No. 780, 1/16/24)

(1) *Approved material.*

(a) All fences shall be constructed of either stone, brick, durable wood, durable vinyl or other durable plastic materials (such as those specifically manufactured as a privacy fence), ornamental non-corrosive aluminum or iron, chain link, and may contain commercially marketed privacy screening, or another material approved by the Zoning Administrator.

(b) Screening on chain link fences may only consist of slats or another material approved by the Zoning Administrator.

(c) All fences shall comply with Section 156.065 Landscaping and Screening.

(2) *Prohibited material.*

(a) No residential fence or wall shall be constructed or include attached or constructed elements of barbed wire, snow fencing, chicken wire, plastic webbing or netting, pallets, tarp, fabric of any sort (including landscaping fabric) or any makeshift flimsy materials.

(b) No residential fence or wall shall be constructed of any electrically charged element unless located underground (for example, invisible or underground pet fencing). Areas utilized for agricultural purposes, for example, pasture and cropland shall be exempt from this section.

(c) No commercial or industrial fence or wall shall be constructed of snow fencing, chicken wire, plastic webbing or netting, pallets, or any makeshift flimsy materials or any electrically charged element. Barbed wire or similar security fencing may only be used above a height of six and one-half feet when incorporated with a permitted fence or wall and with the written approval of the Zoning Administrator.

(D) *Height. (Ord. No. 780, 1/16/24)*

(1) No fence or wall located in a front yard shall be of a height exceeding four feet, measured from its top edge to the ground at any point, except as required by any landscaping or screening requirements of this chapter.

(2) No fence or wall located in a side or rear yard shall be of a height exceeding eight feet, measured from its top edge to the ground at any point, except as required by any landscaping or screening requirements of this chapter.

(3) Fences over eight feet in height may be allowed through issuance of a conditional use permit in a commercial or industrial district.

(4) Any fence over seven feet in height shall require a building permit.

(5) Fences used as backstops for municipal/institutional athletic fields shall be exempt from the height requirements in this chapter provided a building permit is issued.

(E) *Placement location. (Ord. No. 780, 1/16/24)*

(1) A fence may be located adjacent to, but not on, a property line. The fence must be so located on a property so the property owner can maintain the fence (painting or other repairs) and maintain the yard without having to leave the property.

(2) No fence, wall, hedge or other screening device shall be permitted to encroach on any public right-of-way. Existing fences may be allowed to remain if the fence does not cause any site line issues or block views, however, future work in the right-of-way may result in the removal of the fence at the owner's expense.

(3) Fences may be constructed within standard drainage and utility easements, though

future work within the easement may result in the removal of the fence at the owner's expense. No fence shall be located within an improved drainage and utility easement (pond, utility pipe, storm pond, and the like) or drainage and utility easement above and beyond the standard.

(4) The property owner is responsible for locating property lines and easements and placing the fence in accordance with all applicable setbacks.

(5) No fence shall interfere with a sight triangle as described in § 156.068.

(6) No fence shall be placed within structure setbacks to alleys.

(F) Other Requirements. (Ord. No. 780, 1/16/24)

(1) No fence shall obstruct the flow of water nor divert water onto a neighboring property.

Every fence or wall shall be maintained in a good and safe condition at all times. Every damaged or missing element of any fence or wall shall be repaired or replaced immediately, including but not limited to top rails, bulging, and slats in chain link fences. The fence must stand at a 90-degree angle to the ground.

(G) Sight triangle. No fence shall interfere with a sight triangle as described in § 156.068.

§ 156.084 HOME OCCUPATIONS

(A) Intent. To allow such limited passive commercial-type uses in a residential area as would not detract from the character and integrity of residential neighborhoods, identify conditions under which such uses may be permitted and continue to require all other commercial uses to be located only in commercial zoning districts. Home occupations are allowed as accessory uses if they satisfy the following conditions:

(1) Maintain the integrity of the neighborhood and preserve the residential character of neighborhoods by encouraging compatible land uses;

(2) Provide residents of the City with an option to utilize their residences as places to enhance or fulfill personal economic goals as long as the choice of home occupations does not infringe on the residential rights of neighbors; and

(3) Assure that public and private services such as street, sewer, water or electrical systems are not burdened by home occupations to the extent that usage exceeds that which is normally associated with the residence.

(B) Provisions. In addition to the parking, signage, accessory structure requirements of any other applicable sections of this chapter, home occupations and extended home occupations shall comply with the following provisions.

(1) Home occupations, where allowed by this chapter, shall comply with the following provisions:

(a) The location, characteristics and the like of the home occupation shall comply with all other City code.

(b) The use shall be clearly incidental or subordinate to the dwelling. The area within the principal structure used by the home occupation shall not exceed 25% of the dwelling unit's gross floor area. Attached or detached garages or other accessory structure shall not be included in the calculation of the dwelling unit's gross floor area. If the dwelling is in the B-1, B-1A, B-2, or BT zoning district, then the entire lower level of the dwelling may be used for the home occupation and the upper level used for living purposes.

(c) The home occupation shall only be located within the dwelling.

(d) The residential off-street parking requirements shall be met. The home occupation shall not utilize more than three parking spaces, either off-street or on-street, at any given time in addition to the parking spaces required for the principal use. If the dwelling is in the B-1, B-1A, B-2, or BT zoning district, more parking spaces may be utilized and shall meet the intent of the code for parking lot improvements and number of spaces required or as approved by the Zoning Administrator.

(e) The use shall not generate pedestrian or vehicular traffic beyond what is reasonable to the zoning district in which it is located.

(f) No nonhousehold member shall be employed on the premises. If the dwelling is in the B-1, B-1A, B-2, or BT zoning district and the lower level is entirely devoted to the business, additional employees may be employed on the premises.

(g) There shall be no exterior evidence of the home occupation. No outside storage of material or equipment or display of merchandise is permitted.

(h) The use shall not create odor, dust, noise, electrical disturbances, glare or vibrations noticeable outside of the building that could render the building or premises objectionable or detrimental to the residential character of the neighborhood.

(i) On the premises, retail sales shall be prohibited except for the retail sales of products or goods produced or fabricated on the premises as a result of the home occupation, except for the occasional sale of items that are primarily sold mail order or sold over the Internet. If the dwelling is in the B-1, B-1A, B-2, or BT zoning district, then retail sales may be allowed.

(2) Extended home occupations, where allowed by this chapter, shall comply with the following provisions:

(a) The location, characteristics and the like of the home occupation shall

comply with all other city codes.

(b) The home occupation may be located within an attached garage or separate accessory building in addition to the dwelling.

(c) The residential off-street parking requirements shall be met. The home occupation shall not utilize more than four parking spaces, either off-street or on-street, at any given time in addition to the parking spaces required for the principal use.

(d) Not more than 25% of the square footage of the dwelling unit shall be used for the home occupation. Not more than 25% of an attached or detached garage shall be used for the home occupation. No part of the home occupation area shall displace the original purpose of the garage. A separate accessory building may be devoted solely to home occupation activities.

(e) The use shall not generate pedestrian or vehicular traffic beyond what is reasonable to the district in which it is located.

(f) The principal operator of the home occupation must reside on the premises.

(g) Up to one non-household member may be employed on the premises.

(h) There shall be no exterior evidence of the home occupation. No outside storage of material or equipment or display of merchandise is permitted.

(i) The use shall not create odor, dust, noise, electrical disturbances, glare or vibrations noticeable outside of the building that could render the building or premises objectionable or detrimental to the residential character of the neighborhood.

(j) Hours of operation shall be established with the granting of the conditional use permit (CUP).

(k) On the premises, retail sales shall be prohibited except for the retail sales of products or goods produced or fabricated on the premises as a result of the home occupation, except for the occasional sale of items that are primarily sold mail order or sold over the Internet.

(C) *Daycare.* Residential daycare facilities are exempted from all provisions provided in this section pursuant to M.S. § 462.357, Subdivision 7, as it may be amended from time to time.

(D) *Nonconforming uses.* Any home occupation lawfully existing upon the effective date of this section may be continued at the size and manner of operation existing upon such date, provided that such occupation meet the exterior evidence and hours of operation requirements of this amendment. All home occupations effective after the date of this section will be subject to the requirements of this section.

(E) *Home occupation permit required.*

(1) No home occupation shall be established unless a home occupation permit has been obtained. An application for a home occupation permit shall be made in writing on forms furnished by the Zoning Administrator. There shall be no fee charged for the home occupation permit.

(2) Existing home occupations have one year from the effective date of this amendment to apply for a home occupation permit.

§ 156.085 OUTDOOR STORAGE

(A) In all Commercial Districts, all materials, supplies, products or other similar matter not offered for sale to the public shall be stored within a completely enclosed building, except by issuance of an interim use permit. The interim use permit may impose requirements for screening, location, mitigating impacts on adjacent residential uses, height and other standards relating to the outdoor storage.

(B) *Industrial districts.*

(1) In the I-1, Low Impact Business - Industrial District and the IT, Industrial Transition District, all materials, supplies, products or other similar matter not offered for sale to the public shall be stored within a completely enclosed building, except by issuance of an interim use permit.

(2) In the I-2, Light Industrial District, materials, supplies, products or other similar matter not offered for sale to the public shall be stored within a completely enclosed building, except by issuance of an interim use permit. The interim use permit may impose requirements for screening, location, mitigating impacts on adjacent properties and uses, height and other standards relating to the outdoor storage.

(3) In the I-3, General Industrial District, materials, supplies, products or other similar matter not offered for sale to the public may be stored outside a building provided a site plan is approved by the Zoning Administrator. The site plan approval process may impose requirements for screening, location, mitigating impacts on adjacent residential uses, height and other standards relating to the outdoor storage.

(C) *Trucks and other vehicles.* Motor vehicles necessary to the operation of the principal use and of not more than one-ton capacity may be stored and parked within permitted parking areas without the issuance of a conditional use permit. Storage of trucks or other vehicles in excess of one-ton capacity or equipment shall be prohibited in front yard areas. See also § 156.062.

(D) *Prohibited storage.* Storage shall not be allowed in trucks, trailers or similar containers, unless they are located in a commercial or industrial district and the truck/trailer is in a roadworthy condition as determined by the Zoning Administrator and the storage is short term in nature. Storage Pod Containers may be permitted as described herein.

(E) Storage Pod Containers. The City Council finds that Storage Pods should be limited in their scope as a permanent storage solution for businesses lacking ample space on site and that businesses should instead be encouraged to build permanent structures for expansion and storage needs. This is because storage pods cause a visual detraction from surrounding properties, lessen surrounding property values, and lessen the tax benefit to the City. The City wants to prioritize aesthetics to citizens and local businesses as an attractive community; as well as showing a willingness to be flexible to businesses by offering a permanent solution for a limited number of storage pods. The reasonable control of the use of such storage pod containers is therefore necessary to protect the public health, safety, and general welfare.

The Zoning Administrator may administratively allow Storage Pods temporarily in any zoning district for a defined period of time if an active permit, plans, or other proof of temporary need for pods; as well as a proposed timeline for the project and proposed location for the pods have been received and approved.

(a) Storage Pod Containers may be allowed permanently in the B-2, I-1, I-2, and I-3 zoning districts subject to the following regulations or be otherwise approved by City Staff:

1. In accordance with Minnesota State Building Code Chapter 1300, Building Permits are required for permanent structures. Before placement of non-temporary Pods, a Building Permit and Site Plan must be reviewed and approved. A certification must be submitted by a licensed engineer to ensure structural integrity of any non-temporary pods.
2. Pods must be placed in the least visible location, in the side or rear yard. City Staff may approve alternatives if a site lacks viable rear or side yard locations. Location must be identified and approved on site plan so to not cause any safety concerns elsewhere on the site.
3. Pods must be either a) fully screened from all public roads and residential areas or b) painted either to match the primary structure or a neutral earth-toned color.
4. Pods may not be stacked.
5. Have an accessible drive aisle for emergency vehicles with a width of at least 24-feet in front of each container.
6. Meet a setback at least 6 feet from all property lines.
7. Have a paved bituminous or concrete surface beneath the container(s). Gravel and similar surfaces may be approved by staff if no viable location exists.
8. Only be placed on a lot after the primary structure/use is built/established (storage pods are not allowed on vacant lots except temporarily as outlined above).
9. All storage pod containers must be kept free of nuisances (grass, weeds, trash, vermin, holes, peeling paint, rust, graffiti, damage, etc.) or it may be deemed a nuisance by City staff and require its immediate removal.
10. Pod may be used for storage purposes only. No Retail or Residential Uses may be within the Pods, and rental of Pods for third party storage is not allowed.
11. Have no more than the allowed number of pods:

	B-2- Highway Business	I-1 Low- Impact Industrial	I-2 Limited Industrial	I-3 General Industrial
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Less than 2 Acres	Not permitted	Not permitted	Not permitted	2 Pods
2 Acres- 5 Acres	Not Permitted	Not permitted	4 Pods	6 Pods
5.01 Acres- 10 Acres	Not Permitted	Not permitted	5 Pods	8 Pods
10.01+ Acres	2 Pods	2 Pods	6 Pods	12 Pods

(F) *Outdoor merchandise display.* Merchandise which is offered for sale may be displayed beyond the confines of a building subject to § 156.086.

§ 156.086 OUTDOOR MERCHANDISE DISPLAY/SALES

(A) In all Commercial and Industrial Districts, all merchandise or other similar matter, including the vending of food which is offered for sale shall be stored within a completely enclosed building, except by issuance of an interim use permit. This interim use permit provision does not apply in the case of the I-1, Low Impact Business - Industrial District.

(B) (1) Temporary/seasonal outdoor and transient vending sales shall not be required to meet the provisions of this section. These uses shall be subject to § 156.087.

(2) Promotional events such as sidewalk sales or shopping center carnivals accessory to the principal use of the property limited to no more than five consecutive days shall be exempted from this section, provided it complies with divisions (C)(1) through (C)(4).

(3) Outdoor display of merchandise which covers less than 75 square feet shall be exempt from this section provided it complies with subpart (C) of this Section.

(C) All outdoor merchandise display shall comply with following minimum requirements unless exempted herein. Additional standards may be established through the conditional use permit.

(1) Merchandise shall be displayed in a neat and orderly fashion at all times.

(2) No display or sale of merchandise shall be permitted within any required setback area, required parking areas, required green/landscape areas, any right-of-way or other public property, or fire lanes except in the B-1, Downtown Business District, provided said display or sale of merchandise does not create a health and safety issue as determined by the Zoning Administrator.

(3) Merchandise shall only be displayed on a concrete surface or an equivalent, as determined by the Zoning Administrator, to control dust and erosion.

(4) The display of highly flammable and hazardous materials shall be prohibited.

(5) The display of wearing apparel and other merchandise with wind-moveable parts and appendages shall be prohibited except in the B-1, Downtown Business District.

§ 156.087 TEMPORARY/SEASONAL OUTDOOR AND TRANSIENT VENDING SALES

(A) *Permit required.* No person shall conduct temporary/seasonal outdoor or transient vending sales without first having received a permit as provided in this section.

(B) *Permit application.* The application for a permit shall include a site plan, a list of materials to be sold or displayed, and the duration of the sale.

(C) *Permit types.* A new permit shall be required for all sales located on sites where a permit has not been issued during the preceding 12-month period, and for all sales that include a different site plan, list of materials to be sold, or size and/or location of the sales area from the most recently approved permit. A renewal permit shall be required for a sale that is substantially similar to the most recently approved sale at the site, provided that the most recently approved permit was issued during the preceding 12-month period.

(D) *Permit fee.* The applicant shall pay the new or renewal permit fee as established annually by the City Council. The fee for new and renewal permits shall also include the cost of a sign permit. The permit fee shall be paid in full with the application.

(E) *Permit display.* The permit shall be displayed in a location visible to the public to insure the public that the temporary/seasonal outdoor or transient vending sales has been permitted by the City.

(F) *Duration.* Permits issued under this section shall be for a period not to exceed six months. Mobile food carts may be allowed 7 days per week. An antique/flea market, farmers market or transient merchant sale shall be limited to only two days per calendar week unless a greater period is authorized by the Zoning Administrator.

(G) *Temporary/seasonal outdoor* or transient vending sales may be either accessory to another use on a site or be conducted on a vacant site.

(H) *Exemptions.*

(1) This section shall not apply to schools, academies, universities, and libraries, places of worship, hospitals or similar institutions when the sale is conducted on their own property.

(2) This section shall not apply to promotional events such as sidewalk sales or shopping center carnivals accessory to the principal use of the property limited to no more than five consecutive days.

(I) Permit application. The applicant for the permit shall be the owner of the property. If the sale is operated by a person other than the property owner, the owner must notify the City of the operator. The property owner is responsible for the actions of the operator and the conditions of the permit.

(J) Performance standards. The Zoning Administrator shall issue a new or renewal permit if the applicant demonstrates that the following performance standards be met:

- (1) Off-street parking and loading areas are provided where required.
- (2) No public address system shall be used.
- (3) The number, area, bulk, height, location, frequency and duration of such uses are controlled.
- (4) The site shall be kept in a neat and orderly fashion, free from litter, refuse, debris, junk or other waste which results in offensive odors or unsightly conditions.
- (5) Display of items shall be arranged in as compact a manner as reasonably practical with particular reference to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe.
- (6) No uses or displays shall be permitted in required parking areas, required green/landscape areas, parking setback areas, any right-of-way or other public property, fire lanes, drive aisles or within 100 feet of any roadway intersection or 50 feet of any driveway entrances except in the B-1, Downtown Business District with the approval of the Zoning Administrator.
- (7) Signage shall be limited to one sign not to exceed 32 square feet. The sign may be a banner, shall have a professional appearance, and shall be mounted or erected in an appropriate location. This limitation applies to all signs associated with the sale, including those affixed to vehicles. The sign may be illuminated but must comply with all requirements of § 156.073.
- (8) All lighting shall comply with the lighting standards of § 156.073.
- (9) The sale and associated parking shall not obstruct parking spaces needed by any permanent business established on the site except that when a sale is held only during the time when all permanent businesses on the site are closed, parking spaces may be obstructed except in the B-1, Downtown Business District with the approval of the Zoning Administrator.
- (10) No portion of the use or event shall take place within 100 feet of any residence.
- (11) An antique/flea market, farmer's market or transient vending sale shall provide one parking stall per 100 square feet of vendor display area plus one parking stall per vendor in addition to any required by the principal use, if one exists. If any or all permanent businesses on the site are closed, those parking spaces may be counted toward this requirement. All parking

shall be on site or an adjacent parcel when approved as part of the initial review except in the B-1, Downtown Business District with the approval of the Zoning Administrator.

(K) Denial of renewal permit. No renewal permit shall be issued if the operator failed to comply with any performance standards during the term of a previously issued new or renewal permit, except upon the approval of the City Council.

(L) Denial for noncompliance. If the City denies a permit, it shall notify the applicant in writing, stating the ways in which the proposed use does not comply with the standards required by this section.

(M) Permittee. A temporary/seasonal outdoor/transient sales permit shall be issued for a particular use and to the property owner making application for such permit. Such permit shall not be transferred or assigned for use by another without the written consent of the Zoning Administrator.

(N) Revocation. Failure to comply with any performance standard or any other violation of this chapter shall be a misdemeanor and shall also constitute sufficient cause of the termination of the permit by the City Council following a public hearing.

§ 156.088 EXTERIOR BUILDING WALL AND ROOF FINISHES

(A) Purpose and intent. All commercial and industrial buildings shall be designed to accomplish the goals and policies of the Comprehensive Plan. Building materials shall be attractive in appearance, durable with a permanent finish, and of a quality that is both compatible with adjacent structures and consistent with the City's standards for the zoning district in which the building is located. All buildings shall be of good aesthetic and architectural quality, as demonstrated by the inclusion of elements such as accent materials, entrance and window treatments, contrasting colors, irregular building shapes, or other architectural features in the overall architectural concept.

(B) Major exterior wall surface materials.

(1) *Commercial buildings.*

(a) Major exterior surfaces on all walls shall be face brick, rock face block, cementitious siding, stone, finished precast panels, glass, stucco, or synthetic stucco, or their aesthetic equivalent.

(b) Finished log wood siding is acceptable if it is incorporated into the overall design of the building or as an accent material.

(c) Under no circumstances shall sheet plywood, sheet metal, corrugated metal, metal/steal or aluminum, asbestos, iron, or plain concrete block (whether painted or color-integrated or not) be deemed acceptable as exterior wall materials on buildings.

(2) *Industrial buildings.*

(a) Major exterior surfaces on all walls shall be face brick, rock face block, cementitious siding, stone, finished precast panels, glass, stucco, synthetic stucco or cast in place and/or precast panels.

(b) Under no circumstances shall sheet plywood, sheet metal, corrugated metal, metal/steel or aluminum, asbestos, iron, or plain concrete block (whether painted or color-integrated or not) be deemed acceptable as exterior wall materials on buildings.

(C) *Minimum percentage of major exterior surface materials.*

(1) *Commercial buildings.*

(a) In commercial areas, at least 75% of the exterior surface must be covered with the major exterior surface materials required in subpart (B)(1) above.

(b) The remainder of the exterior surfaces may be engineered wood siding (i.e. LP SmartSide), architectural concrete, cast in place or precast panels or decorative block when they are incorporated into an overall design of the building that is determined by the City to be appropriate with the use of the building, and is compatible with adjacent structures. All decorative concrete block shall be colored only by means of a pigment impregnated throughout the entire block.

(2) *Industrial buildings.*

(a) In industrial areas, the exterior surface must be covered with the major exterior surface materials required in subpart (B)(2) above as follows:

1. I-1, Low Impact Business - Industrial District 65% coverage
2. I-2, Light Industrial District 50% coverage
3. I-3, General Industrial District 25% coverage

(b) The remainder of the exterior surfaces may be architectural concrete, or decorative block when they are incorporated into an overall design of the building that is determined by the City to be appropriate with the use of the building, and is compatible with adjacent structures. All decorative concrete block shall be colored only by means of a pigment impregnated throughout the entire block.

(D) *Accent materials.* Wood and metal may be used as accent materials, provided that they are appropriately integrated into the overall building design and not situated in areas that will be subject to physical or environmental damage. Accent materials shall not comprise more than 25%

of a building exterior.

(E) *Exceptions.* The following exceptions are permitted:

(1) Exterior walls that are built within six inches of and parallel to an existing wall of an adjacent building shall be exempt from the requirements of subparts (B) and (C) above.

(2) The Zoning Administrator may approve other new materials that are equal to or better than the materials listed in this section. Materials not specifically identified herein, whether or not they are better than or equal to the materials listed in this section may be required to receive a variance from the Planning Commission and City Council for final approval.

(F) *Roofs.* Roofs that are exposed or an integral part of the building aesthetics shall be constructed only of commercial grade asphalt shingles, wood shingles, standing seam metal, slate, tile, or copper. Flat roofs which are generally parallel with the first floor elevations are not subject to these material limitations.

(G) *Additions and alterations.* All subsequent additions and exterior alterations constructed after the erection of an original building or buildings shall be of the same materials as those used in the original building and shall be designed in a manner conforming to the original architectural concept and general appearance. The intent of this paragraph is for those buildings that have a historical significance in the downtown area and were originally built with brick or other historical features. Buildings that do not have significant historical features (i.e. plain or painted concrete block or metal) shall upgrade to the approved materials listed herein if undergoing an alteration or improvement.

Existing non-conforming buildings may remain as-is and any subsequent addition may continue the non-conforming material (i.e. an existing metal building may continue the metal siding with a new addition). However, if the project entails an entire reface of the existing building, then only approved materials shall be allowed.

§ 156.089 ADULT ESTABLISHMENTS

(A) *Purpose and intent.*

(1) *Purpose.* It is the purpose of this section and Chapter 118 to regulate Adult Establishments to promote the health, safety, morals, and general welfare of the citizens of the City and to establish reasonable and uniform regulations to:

(a) Prevent additional criminal activity within the City;

(b) Prevent deterioration of neighborhoods and its consequent adverse effect on real estate values of properties within the neighborhood;

(c) To locate adult establishments away from residential areas, schools, churches, libraries, parks, and playgrounds;

(d) Prevent concentration of adult establishments within certain areas of the city.

(2) *Intent.* The provisions of this section and Chapter 118 have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult oriented materials. Similarly, it is not the intent nor effect of this chapter to restrict or deny access by adults to adult oriented materials protected by the First Amendment or to deny access by distributors and exhibitors of adult oriented entertainment to their intended market.

(B) *Location.*

(1) *Permitted use.* Adult establishments as defined in Chapter 118, are permitted uses in the I-2, Light Industrial District and I-3, General Industrial District.

(2) *Restrictions.*

(a) An adult establishment must be located at least 250 radial feet, as measured in a straight line from the closest point of the proposed adult establishment structure to the property line of any: residential property; school; church or place of worship; City-owned facility; park or recreational property; child daycare facility; adult establishment.

(b) If the proposed adult establishment is located in a multi-tenant building, the measurement described in (B)(2)(a) shall be taken from the nearest point of the portion of the building where the adult establishment is located.

(c) The owner and operator of an adult establishment must demonstrate to the city that the location requirements in this subsection have been met.

§ 156.090 AUTO-ORIENTED USES

(A) *Application.*

(1) The provisions of this section shall apply to all auto-oriented businesses. Auto-oriented uses are uses which involve vehicles and vehicular traffic, such as auto convenience stations, auto and machinery sales, auto service establishments, drive-in establishments, parking areas and ramps, auto washes and the like. All parking, loading, driving and paved areas shall meet the landscaping requirements for parking lots and loading areas in §§ 156.060 and 156.061, except where more restrictive standards may be required by this section.

(2) All other applicable provisions of this chapter shall be met, including but not limited to requirements for signs, outdoor merchandise display, outdoor storage, lighting, landscaping/screening, parking, noise, and the like. Any more restrictive standards required by this section shall prevail.

(3) No public address system shall be audible from a Protected Residential Area as defined herein.

(4) No display, parking or storage of vehicles shall be permitted within any public right-of-way or drainage & utility easement.

(5) No test driving shall be permitted on local residential streets.

(6) No motor vehicle transport or unloading shall be permitted on any local residential street except for emergency towing situations.

(7) A lighting plan shall be prepared and approved. Lighting shall be hooded and so directed that the light source is not visible from the right-of-way or abutting Protected Residential Areas. All illuminated signs shall also be included with the lighting plan. All lighting shall comply with § 156.073.

(8) The entire site other than that taken up by a building, sidewalk, other structure or plantings/landscaping shall be hard surfaced in conformance with City standards for parking lots. Interior curbs conforming with city standards shall be constructed to separate driving surfaces from sidewalks, landscaped areas, and streets. Truck and machinery sales uses may be exempt from this requirement provided all the entire site other than that taken up by a building, sidewalk, other structure or plantings/landscaping shall be surfaced with a material to control dust and drainage, which is subject to approval of the City Engineer.

(9) All vehicles shall be parked on a paved surface. Vehicles for truck and machinery sales uses may be exempt from this requirement provided they are parked on an area surfaced with a material to control dust and drainage, which is subject to approval of the City Engineer. All vehicles associated with the business on site must either be parked indoors or comply with § 156.060 Off-Street Parking Requirements.

(10) Access shall be from a collector or arterial roadway as defined herein and shall minimize conflict with through traffic movements.

(11) Automotive Parts Retail establishments shall meet all other applicable requirements within City Code and State Statute.

(B) *Auto convenience stations.*

(1) A minimum lot area of 20,000 square feet and minimum lot widths of 150 feet shall be provided.

(2) No buildings or structures, permanent or temporary, driveway surfaces, parking areas, advertising devices, or other similar site improvements except driveways traversing a public road or boulevard, shall be located within 75 feet of a Protected Residential Area.

(3) Pump islands shall be set back not less than 15 feet from any street right-of-way line and not less than 25 feet from other property lines, except as provided in (B)(2).

(4) Mechanical hoists, pits, and all lubrication, greasing, washing, repair and diagnostic equipment shall be used only within an enclosed building.

(5) Any canopy and canopy support systems shall be constructed using architectural design and materials which are compatible with the principal structure.

(6) Sale of products or services other than those mentioned in the definition of Auto Convenience Station in § 156.007 shall be subject to a conditional use permit.

(7) Where the installation of tires, batteries, minor accessories, or other activities associated with minor auto repairs and service are conducted as part of an auto convenience station, no vehicle shall be parked or be waiting service outdoors longer than 15 days.

(C) *Automobile sales, truck and machinery sales.*

(1) No non-operable vehicles shall be stored outdoors on the premises, except through the issuance of an interim use permit.

(2) All sales and rental lots shall be operated in conjunction with a building or buildings.

(3) The building and sales or rental lot shall be on one contiguous site.

(4) All customer and employee parking shall be clearly designated and signed.

(5) The minimum lot width shall be 100 feet measured at the minimum required front yard setback.

(6) Where vehicle preparation or repair work conducted is conducted as accessory use, no vehicle shall be parked or be awaiting service outdoors longer than 15 days.

(7) No automotive sales dealer may operate on a parcel sized less than 1 Acre.

(D) *Auto repair and service, major and minor.*

(1) All repair, assembly, disassembly and maintenance of vehicles shall be conducted within an enclosed building except tire changes/repair/inflation, changing wipers or adding oil. (Ord. 787, 06-17-2024)

(2) The building housing the use shall be located a minimum of 75 feet from a Protected Residential Area.

(3) No vehicle shall be parked or be waiting service outdoors longer than 15 days.

(E) *Drive-in establishments.* Drive through lanes shall meet the requirements for stacking spaces required by § 156.060.

(F) *Public parking areas.*

(1) Parking ramps.

(a) The minimum yard requirement for any parking ramp located within 200 feet of any Protected Residential Area shall be 50 feet.

(b) All lighting shall comply with § 156.073.

(2) Surface parking areas as a principal use. Shall be surfaced, constructed and maintained in accordance with City standards.

(G) *Automobile wash/automatic.*

(1) Shall not be permitted adjacent to a Protected Residential Area except by conditional use permit.

(2) Shall not allow water from the washed vehicles to enter a public street causing an icing hazard.

(3) Shall be equipped with a water collection system.

(4) Shall utilize recycled water from the wash operation.

(5) Shall meet vehicle stacking and parking requirements as specified in § 156.060.

§ 156.091 VETERINARY CLINICS

(A) *Veterinary Clinics*

(1) Overnight boarding of animals is prohibited, except as such activities are part of a necessary course of treatment of an animal as determined by a licensed veterinarian OR in an otherwise approved commercial kennel.

(2) All veterinary clinic activities must be conducted within the principal structure housed in the clinic facility; freestanding, attached or accessory structures such as animal kennels or animal runs are prohibited except as allowed within this Code.

(3) Soundproofing and odor control must be provided and approved by the City's Building Inspector and is subject to Minnesota State Building Codes.

(4) Licensed Veterinary Clinics are exempt from the requirements listed in part B of this Section of the Code except as required above.

(B) Commercial Kennels

(1) Prior to commencing operations, a Commercial Kennel operator must present proof of an approved State License, if applicable.

(2) No Commercial Kennel may operate in a multi-tenant building.

(3) Breeding of animals is prohibited.

(4) All animals kept must have received any applicable vaccinations. All animals owned by owners within City Limits must be properly licensed/registered. Records of vaccines, ownership information, stay length, and reason for stay must be kept on site and be made available upon request.

(5) Animal enclosures shall be of sufficient size to allow each animal to turn around fully and stand, sit, and lie in a comfortable, normal position. The floors of the enclosure shall be constructed so as to prevent injury.

(6) Animal enclosures and outdoor/indoor exercise runs are to be kept in a clean, dry, and sanitary condition.

(7) All Commercial Kennels shall be maintained in a clean, healthful, sanitary, and safe condition so as not to create a health hazard or public nuisance. Commercial Kennels shall be operated in a humane manner.

(8) Commercial Kennels must have natural light, running potable water, and a working floor drain.

(9) Commercial Kennels must have ample ventilation and be serviced by heat and air conditioning subject to State Building Codes and to the satisfaction of the City's Building Inspector.

(10) Commercial Kennel noise shall be mitigated so as to not create a public nuisance for neighboring properties including noise from exercise or training while outdoors. Commercial Kennels shall comply with all local noise regulations.

(11) All Commercial Kennels shall meet all applicable State regulations and Codes including, but not limited to, Minnesota Statutes, section 347 pertaining to licensing, and Minnesota State Building and Mechanical Codes pertaining to plumbing and ventilation.

(12) No Dogs deemed dangerous or aggressive may be housed at Commercial Kennels within City Limits.

(13) Any noticeably sick or injured animals must be inspected by a licensed veterinarian. Proof of treatment must be kept on file and provided upon request.

(14) All Commercial Kennels must have an outdoor run sized equal to or greater than 100 square feet per adult dog minimum. The run must be fully covered with either grass or artificial turf and have sufficient lighting if used at night.

(15) The premises may be inspected by the City's Building Inspector or Zoning Administrator at any reasonable time. An inspection of the premises prior to the issuance of the Interim Use Permit period shall be required and subject to periodic inspections for the duration of the Interim Use Permit.

(16) A site plan must be approved showing the location, size, and type of all structures for animal enclosures, fencing, and outdoor runs for dogs. Outdoor runs for dogs shall be a minimum of 50 feet from any neighboring dwelling and a minimum of ten feet from any property line.

§ 156.092 PLACES OF WORSHIP

(A) Places of Worship shall be considered a commercial use for the purposes of exterior materials allowed and must adhere to the commercial exterior materials as provided in Section 156.088.

(B) Signage provided for a place of worship must adhere to the specific zoning district sign regulations in which the place of worship is located.

(C) Lot Coverage and impervious surface coverage must adhere to the specific zoning district in which the place of worship is located.

(D) Height of the structures must conform to the specific zoning district in which the place of worship is located. Steeples may exceed the height limitation and will be reviewed by the city's Zoning Administrator and Building Official to determine acceptability. The Planning Commission and City Council may review and make a determination if the height is not determined acceptable by the Zoning Administrator and Building Official.

(E) Accessory structures/uses are allowed for places of worship. Lot coverage, impervious surface coverage, exterior materials, height, and any other building code and/or zoning codes must be met. The number of structures is not necessarily limited but will be determined by lot coverage and/or impervious surface coverage.

(F) Temporary overnight shelters may be allowed in places of worship as an accessory use

provided the following conditions are met:

- (1)** No more than six families, with a maximum of 24 persons, may be housed at any one time.
- (2)** Any given place of worship shall be able to provide shelter for families with children experiencing homelessness for up to eight weeks a year. These weeks may run consecutive for up to four weeks.
- (3)** The shelter shall operate only between the hours of 5:00 p.m. and 9:00 a.m. daily.
- (4)** Shelter guests shall be provided with an enclosed waiting area one hour prior to opening evening.

(5) Shelters shall meet state building codes and fire codes.

(G) Sacred Communities as defined in Minnesota Statute 327.30 are subject to the following regulations:

- (1)** All sacred Communities must have a Conditional Use Permit approved by the City of Cambridge prior to commencement of use.
- (2)** Appropriate insurance coverage for the religious institution must be provided.
- (3)** Between one-third and 40% of the micro units are occupied by volunteers.
- (4)** All units must be connected to electric service.
- (5)** All units must be less than 400 square feet and be built on a permanent chassis and anchored to pin foundations with engineered fasteners.
- (6)** A plan provided to the city outlining disposal of water and sewage if units are not plumbed, parking and emergency vehicle access, and severe weather protocols.
- (7)** Units must be built in accordance with the ANSI Code 119.5 which includes standards for heating, electrical systems, and fire and life safety.
- (8)** Compliance with all City of Cambridge setback requirements consistent with manufactured homes per §156.064 and must be placed in the least conspicuous feasible location as determined by the Zoning Administrator, including not being placed in easements, sight triangles, or in parking spaces otherwise required for the site.
- (9)** Sacred Communities must be placed on the primary site of the church which operates them.
- (10)** Annual certification that residents of the micro units meet the eligibility requirements as a designated volunteer, chronically homeless individual, or individual with extremely low income.
- (11)** No Sacred Community occupant, unit, or site may constitute a nuisance of any type as outlined in City Code, including §156.073-075.
- (12)** All units must either be connected to City services and provide the following services in-unit; or have 24-hour access to shared facilities connected to City services- to include kitchens, laundry, toilet, and bathing facilities. Shared facilities must be within 100 feet door to door of all units. The required number of these facilities shall be regulated by

Minnesota Rules, part 1305.2902. No individual unit or shared facility may be connected to a septic system or holding tank.

- (13)** Placement of Sacred Community units may not cause the site to become noncompliant with any City Code, including but not limited to Landscaping (§156.065), lot coverage (§156.040), and parking (§156.061).
 - (14)** For the safety of occupants, volunteers, and visitors, all access paths to units, entrances to units, and common facilities shall be well lit at all times.
 - (15)** All units must be clad in a material which is compliant with residential exterior material codes of the City (§156.088)
 - (16)** One (1) parking space per volunteer unit shall be provided on site (May not count on-street parking) and may not make the remainder of the site non-compliant with parking requirements of this Code.
- (Ord. 776, 11-20-2023)

§ 156.093 MOBILE FOOD VENDORS

(A) *Purpose of mobile food vendors.* This section applies to mobile food vendors operating a mobile food unit, seasonal permanent food stand, or a seasonal temporary food stand.

(B) *License required.* No person shall conduct mobile food vending without first having received a license as provided in this section.

(C) *Application.* Application for a city license to conduct business as a mobile food vendor shall be made at least 14 regular business days before the applicant desires to begin conducting business. Application for a license shall be made on a form provided by the city. All applications shall be signed by the applicant. All applications shall include the following information:

(1) Applicant shall provide the necessary information to complete the background check as required in Section 33.05 Background Checks of the City Code, including but not limited to, applicant's full legal name, address of permanent residence, home phone, work phone, and cell phone (if applicable).

(2) A copy of the applicant's driver's license and Minnesota Tax ID Number.

(3) Requested length of time for the license.

(4) Plans and specifications for the mobile food unit, seasonal temporary food stand, or seasonal permanent food stand, including the proposed site plan of the property showing location of the mobile unit/stand and description of the type of business.

(5) Address location of business.

(6) Hours and days of operation.

(7) Any other names or information for people associated with the applicant in the business.

(8) A list of other communities where the applicant has been a mobile food vendor.

(9) Written permission of the property owner or the property owner's agent where the mobile food vendor will be conducting business.

(10) Valid copies of all necessary licenses or permits required by the state or county.

(11) A signed statement that the licensee shall hold harmless the city, its officers and employees, and shall indemnify the city, and its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the license. Licensee shall furnish and maintain such public liability, food products liability, and property damage insurance as will protect permittee, property owners, and the city from all claims for damage to property or bodily injury, including death, which may arise from operations under the license or in connection therewith. Such insurance shall provide coverage of not less than one million dollars (\$1,000,000.00) per occurrence. The policy shall further provide that it may not be cancelled except upon thirty (30) days' written notice filed with the city. No license issued pursuant to the provisions of this section shall be valid at any time the insurance required herein is not maintained and evidence of its continuance filed with the city.

(12) At the time of filing the application for such a license, the applicant shall pay to the city a sum as established in the License Fee Schedule.

(D) *Regulations.*

(1) The mobile food vendor shall not set-up in a manner so as to create a traffic hazard, block required parking, and must follow police orders.

(2) Hours of operation shall be no longer than 9:00 am to 10:00 pm.

(3) No mobile food vendor shall block any public sidewalk.

(4) No mobile food vendor shall set-up within one hundred (100) feet (measured from property line to property line) of any established restaurant unless written consent is submitted from the proprietor of the restaurant. If the mobile food vendor is asked to be part of a city approved special event that is being held by the city or an event that the city participates in, then no written approval is needed from the established restaurant. (Ord. No. 784, 4/1/24)

(5) No mobile food vendor shall set-up their business on a residentially zoned property. Mobile food vendors may be allowed in the BT zoning district if the use of the existing property is other than residential in nature.

(6) Mobile food vendors may be allowed to operate with a valid license in all zoning

districts for special events provided the existing property is owned by a public institution, place of worship, or is a multiple-family dwelling containing three (3) or more units.

(7) Pedestrian walkways of no less than six (6) feet must be maintained on the service side of the vehicle or stand.

(8) Ingress and egress to private property shall be through existing driveway openings only.

(9) The license shall not be transferrable from person to person or from place to place without the approval of the city.

(10) The license is valid for one vehicle or stand only. The license must be displayed in plain view on the vehicle/stand.

(11) No mobile food vendor shall use or maintain any outside sound amplifying equipment, televisions, or similar visual entertainment devices, or noisemakers, such as bells, horns, or whistles. Lighting shall be downcast, concealing light source from view, and must not spill onto adjacent properties and right-of-ways.

(12) All waste, liquids, garbage, litter and refuse shall be kept in leak proof, nonabsorbent containers which shall be kept covered with tight-fitting lids and properly disposed of. No waste liquids, garbage, litter or refuse shall be dumped or drained into sidewalks, streets, gutters, drains, or public trash receptacles. The licensee shall be responsible for all litter and garbage left by customers.

(13) The vehicle or stand may not have a drive-through. Exterior seating is allowed within reason (i.e. picnic table) so long as it does not interfere with traffic flow and effect required parking spaces for the property in which the vehicle/stand is located.

(14) No mobile food vendor shall use external signage (unless the property is issued a temporary sign permit), flags, feathers, banners, bollards, or any other equipment not contained on or within the vehicle or stand.

(15) Any power required for the vehicle or stand shall be self-contained, screened from view, and shall not use utilities drawn from the public right-of-way. Mobile food vendors on private property may use electrical power from an adjacent property only when the owner provides written consent. No power, cable or equipment shall be extended at grade across any city street, alley, or sidewalk. When using a generator, the noise shall not carry over to neighboring properties.

(16) Mobile food vendors shall maintain their immediate sales location in a clean and hazard free condition.

(17) No mobile food vendor shall sell alcoholic beverages, unless authorized by the city as part of a special event that is being held by the city or an event that the city participates in. The

mobile food vendor shall apply for a liquor license from the city. The mobile food vendor must have liquor liability insurance of a least \$1,000,000 per occurrence with the city named as an additional insured including language that the vendor defends and indemnifies the city for claims against the city arising from alcohol sales. (Ord. No. 784, 4/1/24)

(18) Mobile food vendors cooking food shall maintain a fire extinguisher at all times.

(E) *Standards.* Any mobile food vendor intended to have a seasonal (6 months) license must have their vehicle or stand approved for aesthetics by the city. The vehicle or stand must not have rust, peeling paint, dents, and must be maintained at all times in a professional manner.

(F) *License adverse action.* An application or approved license may be denied, revoked, suspended, or not renewed, after notice for any of the following reasons:

(1) The application contains omissions or false, fraudulent, or deceptive statements.

(2) The mobile food vendor is operating in such a manner as constituting a public nuisance.

(3) The proposed operation is in violation of any federal, state, or local laws including, but not limited to City Code, and laws related to food, fire prevention, health, or safety.

(G) *Exemption.* Mobile Food Vendors that have an existing restaurant within the City of Cambridge corporate boundary limits and a state-issued mobile food unit, temporary food stand, seasonal permanent food stand, or catering license do not need to obtain a separate license to run their vehicle/stand on privately owned property. The regulations under City Code §156.093 (D) must still be followed.

NONCONFORMING USES AND STRUCTURES

§ 156.095 NONCONFORMING STRUCTURES

The lawful use of any land or structure existing at the time of the adoption of this chapter may be continued, even if the use does not conform to the regulations of this chapter, except as provided in this chapter.

(A) *Purpose.* It is the purpose of this section to provide for the regulation of legal non-conforming structures and uses and to specify those requirements, circumstances and conditions under which legal nonconforming structures and uses will be operated and maintained. The Zoning Ordinance establishes separate districts, each of which is an appropriate area for the location of uses which are permitted in that district. It is necessary and consistent with the establishment of these districts that nonconforming buildings, structures and uses not be permitted to continue without restriction

(B) A non-conformity may be continued, including through repair, replacement, restoration,

maintenance, or improvement but not expansion unless:

- (1) The non-conformity or occupancy is discontinued for period of more than one year.
- (2) The non-conformity is destroyed by fire or other peril to the extent of 50% or more of its estimated market value as indicated in the records of the County Assessor, and no building permit has been applied for within 180 days of when the damage occurred.
- (3) Notwithstanding subpart (B)(2) above, if the property is in a shoreland district, and the non-conformity involves a structure with less than 50% of the required setback, the structure setback may be increased if practicable.

(C) *Enlargement.* A nonconforming structure shall not be added to or enlarged in any manner unless the additions or enlargements are made so as to bring the building or structure into conformity with the regulations of this subchapter.

§ 156.096 NONCONFORMING USE OF STRUCTURE OR LAND

(A) *Continuance.* The lawful use of any land or building structure existing (at the time of the adoption of this subchapter) may be continued, even if the use does not conform to the regulations of this subchapter, except as provided in this subchapter and Minnesota Statutes, section 462.357 subd. 1e-Nonconformities.

(B) *Conversion.* Any nonconforming use may be changed to another lawful nonconforming use provided that the City, by making findings in the specific case, shall find that the proposed use is equally or more appropriate to the district than the existing nonconforming use. In permitting such change, the City may require appropriate conditions and safeguards in accordance with the provisions of this section.

(C) *Expansion.*

(1) A nonconforming use of a structure may be extended throughout the existing structure, provided no structural alterations are made therein except as required by other City codes or ordinances.

(2) A nonconforming use of land shall not be expanded or enlarged in size, volume, quantity, or intensity of use.

(D) *Relocation.* A nonconforming use shall not be moved to any other part of the parcel of land upon which the same was conducted at the time of passage of this subchapter.

(E) *Interpretation.* This Code shall be interpreted according to the most current version of Minnesota Statute 462.357 subd. 1e- Nonconformities.

§ 156.097 EXCEPTIONS

(A) Lots of record in the County Recorder's office prior December 14, 1972 (The original adoption date of Ordinance No. 167, the Zoning Ordinance.) which are substandard due to size or dimension requirements may be allowed as building sites, provided the use is permitted in the zoning district; the lot is in separate ownership from abutting lands; and all sanitary disposal requirements of the City are complied with. However, any lot which is not at least 60% of the required minimum width or area as stated in this subchapter shall not be considered a building site.

(B) No dwelling existing on the effective date of this section shall be deemed a nonconforming use by reason of its location on a lot which does not meet the requirements of this section with respect to lot size, dimensions or setbacks.

ADMINISTRATION AND ENFORCEMENT

§ 156.110 ADMINISTRATION

(A) *Summary of authority.* The City offices and bodies listed herein, without limitation upon such authority as each may possess by law, have responsibility for implementing and administering this chapter in the manner so described.

(B) *Authority.* The following City offices and bodies have responsibility for implementing and administering this chapter:

- (1) Zoning Administrator;
- (2) Planning Commission; and
- (3) City Council.

(C) *Zoning Administrator.* The position of Zoning Administrator shall have the following responsibilities:

- (1) Administer this chapter and maintain permanent and current records of all associated maps, amendments, conditional uses, variances and appeals;
- (2) Maintain a record of all conditional use and variance applications, all nonconforming uses and all notices of violation, discontinuance or removal in order to insure compliance with the provisions of this subchapter and, on request, provide such information for public inspection;
- (3) Forward any application for appeal of any administrative order or final decision made in the administration of this chapter to the Planning Commission;

(4) Receive and process any application for an amendment, conditional use, planned development and variance and forward it to the Planning Commission for its recommendation to the City Council;

(5) Make a determination of compliance with this chapter on all applications for a building permit and a certificate of occupancy;

(6) Authorize minor adjustments to approved development site plans;

(7) Render interpretations of the provisions of this chapter; and

(8) Enforce this chapter (the Zoning Code).

(D) *Planning Commission.* The Planning Commission shall have the following responsibilities:

(1) Hear and make recommendations to the City Council regarding all applications for a conditional use permit and amendments to conditional use permits;

(2) Hear and make recommendations to the City Council regarding all applications for a planned unit development;

(3) Hear and make recommendations to the City Council regarding all applications for a variance;

(4) Hear and make recommendations to the City Council for appeal of any administrative order or final decision made in the administration of this chapter;

(5) Hear and make recommendations to the City Council regarding all applications for an amendment to this chapter;

(6) Review, hold public hearings and prepare recommendations on any proposed change to the city's comprehensive planning policies and plans, including this chapter;

(7) Review this chapter from time to time and make recommendations to the City Council for such changes to this chapter as the Planning Commission may deem appropriate;

(8) Hear and make recommendations on any other matter referred to it by the City Council;

(9) Maintain a record of its proceedings, including the minutes of the meetings, its findings and the action taken on each matter heard by it. The record shall be maintained in the City Clerk's office;

(10) The Planning Commission shall have any such other powers given to it by state law.

(E) *City Council.* The City Council shall have the following responsibilities:

(1) Approve, approve with conditions or deny any application for a planned unit development;

(2) Approve, approve with conditions or deny any application for a conditional use permit;

(3) Approve or deny any application for an amendment to this chapter;

(4) Approve, approve with conditions or deny variance requests; and

(5) Hear appeals of any administrative order or final decision.

(6) Take such other actions not delegated to other bodies that may be desirable and necessary to implement the provisions of this chapter.

§ 156.111 CONDITIONAL USE PERMIT

(A) *Authority.* The City Council, in accordance with the procedures and standards set out in this section, may grant conditional use permits authorizing the development of uses listed as conditional uses in the regulations applicable to the zoning district in which the specific property is located. The City Council also reserves the right to review, modify or terminate the approval of any conditional use permit.

(B) *Purpose.* The principal objective of this section is to provide for an orderly arrangement of compatible building and land uses and for the proper locations of all types of uses required by the City. To accomplish this objective, each type and kind of use is classified as permitted in one or more of the various districts established by this chapter. However, in addition to those uses specifically classified and permitted in each district, there are certain additional uses which may be allowed because of their unusual characteristics or the service they provide the public. These conditional uses require particular considerations as to their proper location in relation to adjacent established or intended use and the planned development of the community; therefore, each application will be reviewed on a case-by-case basis and will be subject to a public hearing process.

(C) *Persons entitled to seek conditional use permits.* An application for a conditional use permit may be made by any governmental office, department, board or commission or by any person having a contractual interest in the subject property. If the applicant is not the owner of the property, the owner shall also sign the application.

(D) *Procedure.* The following procedures shall govern application for conditional use permits:

(1) *Application.* An application for a conditional use permit shall be filed with the Zoning Administrator on the form provided and shall contain at least the following information:

(a) The applicant's name, address and proof of interest in the property;

- (b) The owner's name and address, if different than the applicant, and the owner's signed consent to the filing of the application;
- (c) The names and addresses of all professional consultants advising the applicant with respect to the proposed development;
- (d) The street address and legal description of the property;
- (e) The zoning classification and present use of the subject property;
- (f) A general description of the proposed conditional use;
- (g) A statement indicating whether the applicant will require a variance in connection with the proposed conditional use;
- (h) A site plan conforming to the requirements of this chapter; and
- (i) Such other information or documentation as the Zoning Administrator may deem to be necessary or appropriate for a full and proper consideration and disposition of the application.

(2) *Action of Zoning Administrator.* Upon receipt of a properly completed application for a conditional use and accompanying site plan, the Zoning Administrator shall transmit to the Planning Commission the application, together with all other documents made part thereof.

(3) *Public hearing.* Upon receipt of a properly completed application for a conditional use, the Planning Commission shall set a date for a public hearing.

(4) *Notice.* Notice of the public hearing shall be given by the Zoning Administrator by one publication in one or more newspapers of general circulation. Notice shall be published a minimum of ten days prior to the hearing date and a maximum of 30 days prior to the hearing. Notice shall also be given by first class mail to all owners of property within 350 feet from the proposed location of the conditional use. The notice shall describe the particular conditional use and shall contain a brief description thereof. County assessment records and street addresses shall be deemed sufficient for the location or certification of ownership for notification purposes.

(5) *Action of the Planning Commission.* Upon conclusion of the public hearing, the Planning Commission shall transmit its recommendation to the City Council. The Planning Commission shall either recommend the granting of the conditional use permit, granting of the conditional use permit subject to conditions or denying the conditional use.

(6) *Action of the City Council.* After receipt of the Planning Commission's recommendation, the City Council may either deny the conditional use permit or grant the conditional use permit with or without conditions.

(E) *Standards.* The Planning Commission shall only recommend the granting of the conditional use permit, granting the conditional use permit subject to conditions or denying the conditional use based on written findings of fact with regard to each of the standards set forth below and, where applicable, any additional standards for specific uses set forth in the provisions of a specific zoning district or in this chapter.

- (1) It is one of the conditional uses listed in the particular district.
- (2) It is in keeping with the City's Comprehensive Plan and comprehensive planning policies of the City and this chapter, as amended from time to time.
- (3) It does not adversely affect, interfere with or diminish the use of property in the immediate vicinity.
- (4) It can be adequately served by public facilities and services.
- (5) It does not cause undue traffic concerns or congestion.
- (6) It preserves significant historical and architectural resources.
- (7) It preserves significant natural and environmental features.
- (8) It will not cause a negative cumulative effect, when considered in conjunction with the cumulative effect of various conditional uses of all types on the immediate neighborhood and the effect of the proposed type of conditional use upon the City as a whole.
- (9) It complies with all other applicable regulations of the zoning district in which it is located and other applicable ordinances, except to the extent such regulations have been modified through the planned development process or the granting of a variance.
- (10) It will not adversely affect the public's health, safety or general welfare.

(F) *Sequence of approval of applications for both a conditional use and a variance.* Whenever the applicant indicates that a variance will be necessary in connection with a proposed conditional use (other than a planned development), the applicant shall at the time of filing for a conditional use file an application for a variance with the Planning Commission. The applications shall be processed at the same time and reviewed by the Planning Commission at the same meeting. However, the Planning Commission shall not take any action on the application for a variance until the Planning Commission shall first act to recommend the granting of the conditional use permit, granting the conditional use permit subject to conditions or denying the conditional use.

(G) *Conditions of conditional uses.*

- (1) The City Council, upon recommendation of the Planning Commission, may impose

such conditions and limitations concerning the use, construction, character, location, landscaping, screening, parking and other matters relating to the purpose and objectives of this chapter upon the premises benefited by a conditional use. In addition, the City Council may require a performance guarantee to be submitted to the City in order to ensure compliance with the terms of approval.

(2) The conditions and limitations of approval may be more restrictive than standards outlined in this chapter but shall not be less restrictive. The conditions and limitations may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the proposed property or on public facilities. The conditions shall be expressly set forth in the resolution granting the conditional use permit. Violation of any such condition or limitation shall be a violation of this chapter and shall constitute grounds for revocation of the conditional use permit pursuant to § 156.114.

(H) *No presumption of approval.* The listing of a conditional use within each zoning district does not constitute an assurance or presumption that such conditional use will be approved. Rather, each proposed conditional use shall be evaluated on an individual basis in order to determine whether approval of the conditional use is appropriate at the particular location and in the particular manner proposed.

(I) *Effect of approval.* The approval of a proposed conditional use by the City Council shall not authorize the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for the permits or approvals as may be required by the regulation of the City, including but not limited to a building permit and a certificate of occupancy.

(J) *Limitations on conditional uses.* Except when otherwise provided in the resolution approving a conditional use, a conditional use shall be deemed to relate to, and be for the benefit of, the use and lot in question, rather than the owner or operator of such lot. Subject to an extension of time granted by the City Council, no conditional use permit shall be valid for a period longer than 12 months unless a building permit is issued and unless a certificate of occupancy is issued and a use commenced within that period of time.

(K) *Revocation of a Conditional Use Permit.* A conditional use permit may be revoked if the use lapses or discontinues for more than one year. Revocation of the conditional use permit shall require a public hearing before the Planning Commission and approval of the City Council.

(L) *Fee.* An applicant for a conditional use permit shall pay a nonrefundable filing fee in connection with the submittal of the application in accordance with a fee schedule as established, from time to time, by the City Council.

§ 156.112 VARIANCES

(A) *Authority.* In accordance with the procedures and standards set forth in this section, the City Council shall have the authority to grant variances from the provisions of this chapter in

instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property.

(B) Purpose. The variance procedure is intended to provide a narrowly circumscribed means by which relief may be granted from unforeseen particular applications of this chapter that create practical difficulties.

(C) Parties entitled to seek variances. Applications for variances may be filed by the owner of, or any person having contractual interest in the property. If the applicant is not the owner of the property, the owner shall also sign the application.

(D) Procedure. An application for a variance shall be processed in accordance with the following procedures.

(1) **Application.** An application for a variance shall be filed with the Zoning Administrator and shall include at least the following information:

- (a) The applicant's name, address and proof of interest in the property;
- (b) The owner's name and address, if different than the applicant, and the owner's signed consent to the filing of the application;
- (c) The names and addresses of all professional consultants advising the applicant with respect to the proposed use;
- (d) The street address and legal description of the property;
- (e) The present use of the subject property;
- (f) A professionally prepared site plan showing existing lot lines and dimensions as well as lot area, all easements, all public streets and private right of ways bordering and adjacent to the site, the use and location of all adjacent property;
- (g) The specific feature or features of the proposed use, construction or development that require a variance;
- (h) The specific provisions of this chapter from which a variance is sought and the precise variance there from being sought; and
- (i) Statement of the characteristics of the property that prevent compliance with the provisions of this chapter.

(2) **Action of Zoning Administrator.** Upon receipt of a properly completed application for an appeal, the Zoning Administrator shall forthwith transmit to the Planning Commission the application together with all papers and plans attached thereto.

(3) *Public hearing.* Upon receipt of a properly completed application for a variance, the Zoning Administrator shall set a date for a public hearing.

(4) *Notice.* Notice of the public hearing shall be given by the Zoning Administrator by one publication in one or more newspapers of general circulation. Notice shall be published a minimum of ten days prior to the hearing date and a maximum of 30 days to the hearing. Notice shall also be given by first class mail to all owners of property within 350 feet from the proposed location of the variance. The notice shall describe the particular variance sought and shall contain a brief description thereof. County assessment records and street addresses shall be deemed sufficient for the location or certification of ownership for notification purposes.

(5) *Action of Planning Commission.* Upon the conclusion of the public hearing, the Planning Commission shall transmit its recommendation to the City Council. The Planning Commission shall either recommend the granting of the variance, granting of the variance subject to conditions or denying the variance.

(6) *Action of the City Council.* After receipt of the Planning Commission's recommendation or its failure to act within 30 days, the City Council shall either deny the variance or grant the variance with or without conditions.

(E) Standards. In considering an application for a variance, the Planning Commission shall recommend the approval of the variance only upon the finding that the application complies with the standards set forth below.

(1) *General standard.* No variance shall be granted unless the applicant shall establish that conforming to the strict letter of the provisions of this chapter would create practical difficulties.

(2) "Practical difficulties", as used in conjunction with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the area.

(3) *Harmony.* Variances shall only be permitted if they are in harmony with the general purposes and intent of the Zoning Ordinance and Comprehensive Plan.

(4) *Economic Considerations.* Economic considerations alone shall not constitute a practical difficulty; The alleged hardship shall not include the inability of the property owner to realize a greater profit than if the variance were not granted.

(5) *No other remedy.* There are no less intrusive means other than the requested variance by which the alleged hardship can be avoided or remedied to a degree sufficient to permit a reasonable use of the lot.

(6) *Variance less than requested.* A variance less than or different from that requested may be granted when the record supports the applicant's right to some relief but not to the relief requested.

(7) *Essential character of the area.* In considering whether a proposed variance will have an effect on the essential character of the area, the following factors shall be considered:

(a) Would the variance be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development or value of property or improvements permitted in the vicinity;

(b) Would the variance materially impair an adequate supply of light and air to the properties and improvements in the vicinity;

(c) Would the variance substantially increase congestion in the public streets due to traffic or parking;

(d) Would the variance unduly increase the danger of flood or fire;

(e) Would the variance unduly tax public utilities and facilities in the area; and

(f) Would the variance endanger the public health or safety.

(F) *Conditions on variances.* The City Council, upon recommendation of the Planning Commission, may impose specific conditions and limitations upon the granting of a variance as are necessary to achieve the purpose and objectives of this chapter. The conditions and limitations may include but are not limited to those concerning the use, construction, character, location, landscaping, screening, parking and other matters relating to the purpose and objectives of this chapter and shall be expressly set forth in the resolution granting the variance. Violation of any such condition or limitation shall be a violation of this chapter and shall constitute grounds for revocation of the variance pursuant to § 156.114.

(G) *Effect of grant of variance.* The approval of a proposed variance by the City Council shall not authorize the development, construction, reconstruction, alteration or moving of any building or structure but shall merely authorize the preparation, filing and processing of applications for such permits or approvals as may be required by the regulation of the City, including but not limited to a building permit and a certificate of occupancy.

(H) *Limitations on variance.* Subject to an extension of time granted by the City Council, no variance shall be valid for a period longer than 12 months unless a building permit is issued or unless a certificate of occupancy is issued and a use commenced within that period of time.

(I) *Prohibited variances.* Notwithstanding any other provision in this section, no variance shall be granted to establish a use not permitted in the zoning district where the property subject to the

application is located.

(J) *Fee.* An applicant for a variance shall pay a nonrefundable filing fee in connection with the submittal of the application in accordance with a fee schedule as established, from time to time, by the City Council.

§ 156.113 CERTIFICATE OF OCCUPANCY AND BUILDING PERMITS

(5/6/2024, Ord. 786)

(A) *Authority.* The Building Official shall have the authority to review applications for certificates of occupancy and building permits in order to determine compliance with this chapter.

(B) *Purpose.* For the purposes of this chapter, the certificate of occupancy, in part, provides a procedure for the inspection of completed premises to ensure their compliance with this chapter, approved plans and pertinent building codes prior to commencement of the use or occupancy of such premises. The certificate also serves as evidence of compliance with other provisions of other codes or ordinances of the City. For the purposes of this chapter, the building permit authorizes the development on a lot in conformance with applicable sections of the City Code and special approval conditions.

(C) *Certificate required.* Unless a certificate of occupancy shall have first been obtained certifying compliance with the provisions of this chapter, no structure, or addition thereto, constructed, remodeled, altered or moved shall be used for any purpose, and no vacant land shall be used or occupied for any purpose. Except for changes involving substitution of occupants in existing dwelling units, no use or occupancy of any land or structure shall be changed to any other use or occupancy without first obtaining a certificate of occupancy.

(D) *Procedure.* The following procedures shall govern application for certificates of occupancy and building permits.

(1) *Application.* Applications for a certificate of occupancy and building permits shall be made to the Building Official. For the purpose of this chapter, applications for a building permit shall include a site plan which conforms with the requirements of this chapter.

(2) *Action on application.* Within ten days after the receipt of a completed application, the Building Official shall forward the application to the Zoning Administrator who shall review the application and inspect the subject structure or premises and shall take the following actions based on the inspection:

(a) If all construction has been completed and the structure and premises are in compliance, or the building permit application is complete and the accompanying plans depict a development that conforms with all the applicable provisions of this chapter and special approval conditions, the Zoning Administrator shall approve the application for a certificate of occupancy or building permit.

(b) If, however, all work is not in compliance with all applicable requirements of this chapter or the building permit application is incomplete and the accompanying plans depict a development that would not conform with all the applicable provisions of this chapter, the Zoning Administrator shall deny the application and shall inform the applicant in writing of the specific deficiencies on which such denial is based, citing the particular provisions of this chapter, the particular items in the applicant's plans or the applicable special approval conditions with respect to which compliance is lacking. If compliance with this chapter has not been completed at the time a certificate of occupancy is requested, the city may require an escrow.

(3) *Escrow.* If site improvements including landscaping, as-built surveys, sidewalks, front steps, or driveways cannot be completed due to time of year and weather permitting, an escrow will be required. The city may, upon its discretion, include other site improvements for the escrow in accordance with this chapter as it deems necessary. An escrow form must be completed, including an agreed upon date to complete the improvements, and the escrow fee must be obtained. The city shall pursue any means necessary to recoup the fees if payment received has an insufficient funding source. No certificate of occupancy will be issued until an escrow is in place for unfinished improvements. An inspection fee, as determined by the City Council's fee schedule, will be deducted from the escrow balance for each inspection conducted by the city. The City reserves the right to expend such escrow funds as necessary to ensure completion of the improvements if they are not completed by the agreed upon date. The escrow fees shall be established on a form provided by the city. For commercial properties, and in some cases residential properties, a bid from the landscape/construction company to complete the remaining work must be provided to the city, and two bids may be required as determined by the Zoning Administrator. The escrow amount when bids are received shall be 150% of the total or the average bid amount.

(4) *Contents of certificate.* Every certificate of occupancy shall, at a minimum, state the specific use of the property for which it is issued, shall identify the specific plans, if any, pursuant to which it is issued and shall set forth any conditions imposed in connection with any approval granted pursuant to this chapter.

(5) *Filing of certificates.* Every certificate of occupancy issued pursuant to this section shall be kept on file in the Community Development Department and shall be considered a public record and shall be open for public inspection upon request.

(6) *Additional inspection cost.* The Building Official may, where necessary, require the services of a qualified testing laboratory to determine anticipated compliance with performance standards prior to issuance of a building permit or certificate of occupancy. The cost of employing the testing laboratory shall be paid by the applicant. To this end, the City may require the applicant to establish an escrow to fund the costs.

(E) *Temporary certificate of occupancy.* Pending the issuance of a certificate of occupancy, the Building Official may approve a temporary certificate of occupancy for a period not exceeding six months, pending the completion of the development, including the erection or alteration of a structure. The temporary certificate shall state its temporary nature, and it shall not be construed

as in any way altering the respective rights, duties or obligations of the owners or of the City relating to the use or occupancy of the premises or any other matter except under such restrictions and provisions as will adequately ensure the safety of the occupants and abutting properties. The Zoning Administrator or Building Official may require the property owner to submit a performance guarantee to the Building Official. The performance guarantee shall be held by the Building Official for the duration of the temporary certificate of occupancy. The amount of the performance guarantee shall be equal to 125% of the amount deemed necessary to cause the completion of the development, including the erection or alteration of a structure. The performance guarantee shall only be returned to the property owner upon the issuance of a certificate of occupancy. If the temporary certificate of occupancy expires and the development is not completed per the approved site plan, conditions of approval and approved building plans, the City reserves the right to use the performance guarantee to cause the completion of the development, including the erection or alteration of a structure.

(F) *Certificate of compliance for existing uses.* The Building Official may approve a certificate of compliance certifying the lawful existence and use of any existing structure or use, provided it is issued in the same manner and subject to the same requirements as described in this section. The certificate shall evidence only that which is contained in the certificate with respect to any structure or use as of the date of its issue and shall remain effective only for that purpose for so long as neither the use or structure nor the applicable provisions of this chapter are changed.

(G) *Certificate of compliance for legal nonconforming uses.* The Building Official may approve a certificate of compliance certifying the lawful existence and use of any nonconforming use, structure, lot, sign or fence, provided it is issued in the same manner and subject to the same requirements as described in this section.

(H) *Void certificates of occupancy and building permit.* Any certificate of occupancy, certificate of compliance, or building permit issued in violation of the provisions of this chapter, whether intentionally, negligently or innocently, shall be void immediately upon issue and shall give rise to no rights whatsoever.

§ 156.114 ENFORCEMENT

The Zoning Administrator is authorized and directed to enforce all the provisions of this chapter and shall perform the following duties.

(A) *Inspections.* The Zoning Administrator shall have the authority to periodically inspect buildings, structures and uses of land to determine compliance with the provisions of this chapter, of any permit or approval granted pursuant to this chapter or of any condition imposed pursuant to this chapter on any such permit or approval. In regard to performance standards, the Zoning Administrator may require the services of a testing laboratory to determine compliance. The cost of the laboratory services shall be paid for by the person responsible for the violation if one is so determined.

(B) *Procedure upon discovery of violation.* Upon finding the existence of any violation of this

chapter, the Zoning Administrator may take any or all of the following procedures in addition to other adopted policy and procedures of the City.

(1) *Stop and cease and desist orders.* Upon finding the existence of any violation of this chapter, the Zoning Administrator shall notify, in writing, the person responsible for such violation, indicating the violation and ordering the action necessary to correct it; specifically, the Zoning Administrator shall order the discontinuance of any illegal use of land or structures, the removal of illegal structures, additions or alterations and the discontinuance of illegal work being done.

(2) *Legal action.* In the enforcement of this chapter, the Zoning Administrator shall exercise all the powers authorized by the statutes of the State of Minnesota and City codes and ordinances to ensure compliance with or to prevent or abate any violation of the provisions of this chapter, and in particular, when necessary or appropriate, shall cause the City Attorney to initiate any and all actions, legal or equitable, including appeals, that may be required for the enforcement of this chapter.

(3) *Revocation of permits.* The violation of any provision of this chapter, of any permit or approval granted pursuant to this chapter or of any condition imposed pursuant to this chapter on any such permit or approval shall be grounds for the revocation of any permit, variance or approval granted pursuant to this chapter. If the Zoning Administrator determines any such violation exists, the Zoning Administrator shall forward a report to the City Council regarding the violation. The City Council shall hold a public hearing regarding the violation, after which the Council shall either revoke the permit or approval, modify the original conditions of the permit or approval or affirm the compliance with the permit or approval.

(4) *Fines and penalties.* In the enforcement of this chapter, the Zoning Administrator shall, when necessary and appropriate, order the issuance and enforcement of citations to recover fines and penalties for the violation of this chapter as authorized by state law and this chapter.

§ 156.115 ADMINISTRATIVE INTERPRETATIONS

(A) *Authority.* The Zoning Administrator, subject to the procedures, standards and limitations herein, may, in written form, render interpretations, including use interpretations, of the provisions of this chapter and of any rule or regulations issued pursuant to it.

(B) *Purpose.* The interpretation authority established by this section is intended to recognize that the provisions of this chapter, though detailed and extensive, cannot, as a practical matter, address every specific situation to which they may have it be applied. Many such situations can be readily addressed by interpretation of the specific provisions of this chapter in light of the general and specific purpose for which those provisions have been enacted. Because the interpretation authority established is administrative rather than legislative, it is not intended to add or change the essential content of this chapter but is intended only to allow authoritative applications of that content to specific cases.

(C) *Parties entitled to seek interpretations.* Requests for interpretations may be filed by any

person having a legal or equitable interest in property that gives rise to the need for an interpretation. Requests shall not be accepted when based solely on hypothetical circumstances or where the interpretation would have no effect other than as an advisory opinion. When the requestor is not the owner of the property, the owner shall also sign the request.

(D) Procedure. The following procedure shall govern requests for administrative interpretations.

(1) *Requests.* Requests for interpretations of this chapter shall be filed with the Zoning Administrator and shall contain at least the following information:

(a) The property owner's name and address and the owner's signed consent to the filing of the application;

(b) The applicant's name and address, if different than the owner, and the applicant's interest in the subject property;

(c) The specific provision or provisions of this chapter for which an interpretation is sought;

(d) The facts of the specific situation given rise to the request for an interpretation;

(e) The precise interpretation claimed by the applicant to be correct;

(f) In cases of use interpretations, the use permitted in the particular zoning classification that is claimed to be included, or be most similar to, the proposed use sought;

(g) In cases of a use interpretation, documents, statements and other evidence demonstrating that the proposed use will comply with all use limitations established for the district in which it is proposed to be located.

(2) *Action on.* Within 30 days following the receipt of a properly filed request, the Zoning Administrator shall inform the applicant in writing of the interpretation, stating the reasons for the determination therein.

(3) *Records.* A permanent record of all requests for interpretations shall be kept on file in the office of the Zoning Administrator.

(4) *Appeals.* Appeals from interpretations rendered by the Zoning Administrator may be made to the Planning Commission for a recommendation to the City Council. See § 156.117 for appeals procedures.

(E) Standards for use interpretations. The following standards shall govern the Zoning Administrator, and the Planning Commission when on appeal, in issuing use interpretations:

(1) Any use defined in this chapter shall be interpreted as therein defined or defined elsewhere within this chapter;

(2) No use interpretation shall permit any use in a particular district unless evidence shall be presented that demonstrates that it will comply with the general district regulations established for that particular district;

(3) No use interpretation shall permit any use in a particular district unless such use is substantially similar to other uses permitted in that district and is more similar to such other uses permitted or conditionally permitted in a more restrictive district;

(4) If the proposed use is most similar to a use permitted only as a conditional use in the district in which it is proposed to be located, then any use interpretation permitting such use shall be conditioned on the issuance of a conditional use permit for such use pursuant to § 156.111;

(5) No use interpretation shall permit the establishment of any use that would not be consistent with the statement of purpose of the district in question.

(F) *Effect of favorable use interpretations.* No use interpretation finding a particular use to be permitted or conditionally permitted in a particular district shall authorize the establishment of such use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits and approvals that may be required by the codes or ordinances of the City, including but not limited to a building permit, a certificate of occupancy, subdivision approval and site plan approval.

(G) *Limitations on favorable use interpretations.* Subject to a possible extension of time granted by the Zoning Administrator, no use interpretation finding a use to be permitted or conditionally permitted in a particular district shall be valid for a period longer than one year from date of issuance unless action has been taken by the applicant in the form of the use being established or a building permit and construction or a certificate of occupancy is obtained.

§ 156.116 AMENDMENTS

(A) *Authority.* The text of this chapter and the Zoning Map may be amended from time to time by the passage of any ordinance duly adopted by the City Council in accordance with the procedures set forth herein.

(B) *Purpose.* The purpose of this section is to provide standards and procedures for making amendments to the text of this chapter and the Zoning Map that are of general significance or application. The amendment process is not intended to relieve particular hardships nor to confer special privileges or rights on any person but only to make adjustments necessary in light of changed conditions or changes in public policy.

(C) *Parties entitled to initiate amendments.* Amendments to the text of this chapter and the Zoning Map may be initiated by written petition of any affected property owner, the City Council or the Planning Commission, provided the petition meets the requirements set forth in this section.

(D) *Requirements for amendment petitions.* Petitions for amendments to this chapter shall be in such form and accompanied by at least the following information:

(1) The petitioner's name, address and interest in the petition and the name, address and interest of every person, firm, corporation or government agency represented by the petitioner in the petition;

(2) The precise wording of the proposed amendment, together with concise explanation of its presumed effect;

(3) A statement containing all the circumstances, factors and arguments that the petitioner offers in support of the proposed amendment;

(4) In the event that the proposed amendment would result in the rezoning of any property, the following shall be supplied:

(a) A statement specifying the names of the owners of the land proposed to be rezoned;

(b) A statement identifying the majority of owners of the land proposed to be rezoned and being parties to the petition;

(c) The street address and legal description of the land proposed to be rezoned;

(d) The present zoning classification and use of the land proposed to be rezoned;

(e) A preliminary plat if the property is not currently subdivided into lots and blocks in conformance with this code;

(f) A concept development plan for the property if the property is vacant or is intended to be redeveloped; and

(g) A statement of purpose explaining the reasons for the rezoning.

(E) *Standards for amendments.* In making their determination, the City Council shall consider the following:

(1) Whether the proposed amendment is consistent with the goals, objectives and

policies of the Comprehensive Land Use Plan, as adopted and amended from time to time by the City Council;

(2) Whether the proposed amendment is compatible with the overall character of existing development in the immediate vicinity of the affected property;

(3) Whether the proposed amendment will have an adverse effect on the value of adjacent properties; and

(4) The adequacy of public facilities and services.

(5) Whether the proposed amendment is consistent with the public interest, and the general health, safety and welfare of City residents.

(F) *Procedure for review and decision of proposed amendments.* A petition to amend the text of this chapter and the Zoning Map shall be processed in accordance with the following procedures.

(1) *Public hearing.* After the filing of a petition for an amendment in the proper form, the Zoning Administrator shall set a date for a public hearing.

(2) *Notice.* Notice of the public hearing shall be given by the Zoning Administrator by one publication in one or more newspapers of general circulation. Notice shall be published a minimum of ten days prior to the hearing date and a maximum of 30 days to the hearing. Notice shall also be given by first class mail to all owners of property within 350 feet of the area proposed to be rezoned or as otherwise provided by state law. County assessment records and street addresses shall be deemed sufficient for the location or certification of ownership for notification purposes.

(3) *Planning Commission action.* Upon receipt of the petition, including a copy of the proposed text or map changes, the Planning Commission shall hold a public hearing. The Planning Commission shall recommend the approval or denial of the proposed amendment, or the approval of the amendment with modifications, and shall then submit its written recommendation, together with the petition for the text or map change, to the City Council.

(4) *City Council action.* The City Council shall either adopt or reject the recommendation of the Planning Commission or adopt some modification of the recommendation of the Planning Commission. No amendment shall be adopted for a change from a residential to commercial or industrial zoning district except by the affirmative vote of two thirds of all members of the City Council. All other amendments in zoning classifications or text shall require a simple majority vote of the City Council.

(G) *Fees.* An applicant for an amendment shall pay a nonrefundable filing fee in connection with the submittal of the application in accordance with a fee schedule as established, from time to time, by the City Council.

§ 156.117 APPEALS

(A) *Authority.* The Planning Commission shall hear and decide appeals from any order or final decision of the Zoning Administrator by any person aggrieved by such order or final decision. The Planning Commission shall make a recommendation to the City Council relative to the appeal.

(B) *Purpose.* The appeal process is provided as a safeguard against arbitrary, ill-considered or erroneous administrative decisions. It is intended to avoid the need for legal action by establishing local procedures to review and correct administrative errors. It is not, however, intended as a means to subvert the clear purposes, meanings or intent of this chapter or the rightful authority of the Zoning Administrator to enforce the requirements of this chapter. To these ends, the reviewing body should give all proper deference to the spirit and intent embodied in the language of this chapter and to the reasonable interpretations of that language by those charged with the administration of this chapter.

(C) *Stay of proceedings.* The filing of an appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Planning Commission after the notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order that may be granted by the Planning Commission or by a court of record.

(D) *Procedures.* An application for an appeal shall be processed in accordance with the following procedures.

(1) *Application.* An application for an appeal to the Planning Commission shall be filed with the Zoning Administrator no later than 45 days after the action or decision being appealed.

(2) *Action of Zoning Administrator.* Upon receipt of properly completed application for an appeal, the Zoning Administrator shall forthwith transmit to the Planning Commission the application, together with all papers constituting the record upon which the action appealed from was taken and set a date for a public hearing.

(3) *Notice.* Notice of the public hearing shall be given by the Planning Commission by one publication in one or more newspapers of general circulation. Notice shall be published a minimum of ten days prior to the hearing date and a maximum of 30 days to the hearing.

(4) *Planning Commission action.* The Planning Commission may recommend to the City Council that the order or decision be reversed or affirmed, wholly or partly, or may recommend modification of the order or final decision as in its opinion ought to be made in the premises and to that end has all the powers of the officer from whom the appeal is taken.

(5) *City Council Action.* The City Council shall act on the recommendation of the Planning Commission and make a full determination on the appeal.

(E) *Right to grant variances in deciding appeals.* In any case where the application is accompanied by an application for a variance in accordance with § 156.112, the City Council shall have the authority to recommend to the City Council, as part of the relief, a variance, provided it is done so in strict compliance with the provisions of this chapter.

(F) *Conditions and limitations on rights granted by appeal.* In any case where this chapter imposes conditions and limitations upon any right, any such right granted by the Planning Commission on appeal shall be subject to such conditions and limitations in the same manner and to the same extent as if secured without the necessity of an appeal.

(G) *Fees.* An applicant, for an appeal, shall pay a nonrefundable filing fee in connection with the submittal of the application in accordance with a fee schedule as established from time to time by the City Council.

§ 156.118 INTERIM USE PERMITS

(A) *Purpose.* The purpose and intent of allowing interim uses is:

(1) To allow a use within any zoning district for a limited period of time that reasonably utilizes the property where it is not reasonable to utilize it in the manner provided in the Comprehensive Plan;

(2) To allow a use that is presently acceptable but that, with anticipated development or other changes, will not be acceptable in the future.

(B) *Application and procedures.* The application, public hearing, public notice and procedure requirements for interim use permits shall be the same as those for rezoning amendments as provided in § 156.116.

(C) *Standards.* The Planning Commission shall recommend an interim use permit and the Council shall issue such interim use permit only if it finds that such use at the proposed location:

(1) Meets the standards of a conditional use permit set forth in § 156.111;

(2) Will terminate upon a date or event that can be identified with certainty;

(3) Will not impose, by agreement, additional costs on the public if it is necessary for the public to take the property in the future;

(4) Will be subjected to, by agreement with the owner, any conditions that the City Council has deemed appropriate for permission of the use, including a condition that the owner will provide an appropriate financial surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use permit.

(D) *Termination.* An interim use permit shall terminate upon the occurrence of any of the following events; whichever occurs first:

- (1) The date or event stated in the permit; or
- (2) A violation of conditions under which the permit was issued; or
- (3) A change in the city's zoning regulations which renders the use non-conforming; or
- (4) The use has been discontinued for six months.

§ 156.119 SITE PLAN REVIEW

(A) *Purpose.* The intent of these regulations is to promote the safe and efficient use of land, to contribute to an orderly and harmonious appearance in the City and to ensure compliance with the City Code. The site plan review process is intended to help ensure that newly developed properties and redeveloped properties are compatible with adjacent development and that traffic, public safety, overcrowding and environmental problems are minimized to the greatest extent possible.

(B) *Authority.*

(1) Site plan review shall be required before building permits or certificates of occupancy may be issued. The Zoning Administrator and Community Development Director shall have the authority to approve site plans upon consideration of all comments received from city departments and may waive the requirements for site plan review for additions to existing buildings, structures or uses, if, in the Zoning Administrator's or Community Development Director's opinion, the addition does not substantially affect the proposed development of adjacent properties.

(2) The Zoning Administrator shall be assisted in conducting site plan reviews by the Cambridge Review Committee (CRC) which shall consist of a designated representative from each of the City departments or divisions as appointed by the City Administrator. The Zoning Administrator shall serve as the Secretary of the Site Plan Review Committee and shall coordinate its review of proposals.

(3) Site plan review shall include but not be limited to the following aspects of development:

(a) A project's compatibility with its environment and with other existing land uses and buildings in the surrounding area;

(b) The quantity, quality, utility, size and type of a project's required open space and proposed landscaping improvements;

- (c) The ability of a project's traffic circulation system to provide for the convenient and safe internal and external movement of vehicles and pedestrians;
 - (d) The quantity, quality, utility, size and type of a projects required community facilities;
 - (e) The location and adequacy of a project's provision for drainage and utilities;
- and
- (f) Security, fire protection and life/safety issues.

(C) Scope of application.

(1) *Principal uses.* Site plan review approval shall be required as a condition to receiving a building permit for all permitted uses and conditional uses. Site plan review and approval shall not be required for one- and two-family dwellings, unless the establishment of the dwelling is subject to a conditional use, variance, environmental review or a planned unit development.

(2) *Accessory uses.* Site plan review shall also be required for accessory uses and structures, but such uses may be reviewed in conjunction with the review of principal structures which such accessory structures are shown on the site plan.

(3) *Additional parking.* Where a change of use or an increase in density of an existing structure requires additional parking, a site plan and landscape plan shall be submitted for review to ensure that the change of use can be accomplished within the requirements of this chapter.

(D) Site plan content. The applicant shall submit four copies of a site plan drawn at a scale of 1:20, 1:30, 1:40, 1:50, 1:60 or 1:00. An 11 inch x 17 inch reduction shall also be submitted. The site plan shall contain the following information, unless determined not applicable by the Zoning Administrator.

- (1) *General information.*
 - (a) The applicant's name, address, telephone number and interest in the property.
 - (b) The owner's name, address and telephone number if different than the applicant and the owner's signed consent to the filing of the application.
 - (c) The street address and legal description of the property.
 - (d) The zoning classification, zoning district boundaries and present use of the property.

(e) The proposed title of the project and the names, addresses and telephone numbers of the architect, landscape architect, planner or engineer on the project.

(2) *Preliminary development site plan.*

(a) The location, dimensions, total impervious surface and total area of the site.

(b) Buildings, easements, foliage, topography and vehicle access and egress within 150 feet beyond the outer boundaries of the property in question.

(c) The location, dimensions, floor area, type of construction and use of each proposed building or structure.

(d) Floor plan showing specific uses within the building.

(e) The number, the size and type of dwelling units in each building and the overall dwelling unit density (if applicable).

(f) The proposed treatment of open spaces and the exterior surfaces of all structures, with sketches of proposed landscaping and structures, including typical elevations.

(g) Architectural graphics, including typical floor plans and elevation profiles and cross sections.

(h) The number, location and dimensions of parking spaces, including striping and handicap stalls, loading docks, with means of ingress and egress and lighting standards.

(i) The proposed traffic circulation pattern within the area of the development, including the location and description of public improvements to be installed, including any streets and access easements.

(j) The location of all fire hydrants on the property and the location of all fire hydrants within 150 feet of the property.

(k) The location and dimensions of all accesses for fire and emergency vehicles.

(l) Statement of whether or not the building will be sprinkled and fire flow availability for the sprinkler system and fire hydrants.

(m) The location and intensity of safety and security lighting.

(n) The location and purpose of any existing or proposed dedication or easement.

(o) The general drainage plan for the development tract, including drainage

calculations based on a 1, 10 and 100 year storm events.

(p) The location and dimensions of adjacent properties, abutting public rights-of-way and easements and utilities serving the site.

(q) Significant topographical or physical features of the site, including existing trees.

(r) Wetland delineations for all wetlands present on the site.

(s) The location and proposed treatment of any historical structure or other historical design element or feature.

(t) The location of any ground signs, including but not limited to any advertising or traffic control signage.

(3) *Boundary survey.* A plat of survey of the piece or parcel of land, lot(s), block(s) or parts or portions thereof, drawn to scale, showing the actual dimensions of the piece or parcel of land according to a registered or recorded plat of such land.

(4) *Preliminary plat of subdivision, if required.* A preliminary plat of subdivision depicting the development parcel is required if the development parcel is not currently a lot of record that is subdivided in accordance with the City's Subdivision Ordinance. A preliminary plat shall also be required for any development which will involve a resubdivision of an existing lot or parcel.

(5) *Additional information.* The site plan shall also contain the following information and be accompanied by the following submissions, as well as such additional information, drawings, plans or documentation as may be requested by the Planning Director or Zoning Administrator, if determined necessary or appropriate for a full and proper consideration and disposition of the application:

(a) A certificate of disclosure of ownership interest.

(b) When a proposed planned unit development includes provisions for common open space or recreational facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by an entity other than a government authority, copies of the proposed articles of incorporation and bylaws of the entity shall be submitted.

(c) Copies of any restrictive covenants that are to be recorded with respect to property in a proposed planned development or subdivision.

(d) When the development is to be constructed in stages, a schedule for the

development of such stages shall be submitted stating the approximate beginning and completion time for each stage. When the development provides for common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire development as the stages completed or under development bear to the entire development.

(e) A traffic study showing the impact of the development on public streets which serve the development. The study shall be undertaken by a registered traffic engineer.

(f) Environmental assessment as may be required by Minnesota State Statute.

(E) *Scope of modifications authorized.* The site plan review process shall ensure that the proposed site development shall conform to all applicable requirements of this chapter and other applicable ordinances and regulations of the City. Modifications to a proposed site development shall take into consideration the following objectives:

(1) *Traffic and parking.*

(a) Minimizing dangerous traffic movements.

(b) Promoting the smooth and efficient flow of traffic in accordance with standards in the Institute of Traffic Engineers' Transportation and Traffic Engineering Handbook and other local sources of authority as adopted by resolution.

(c) Optimizing the efficient use of property access and parking facilities through provision and requirement for adequate interior circulation, off-street parking stalls and turning lanes on the public right of way necessary to serve the development and mass transit access.

(2) *Site layout.*

(a) Promoting compatibility with adjacent and nearby properties.

(b) Preserving and protecting valuable natural features and amenities to the greatest extent practical.

(c) Promoting the efficient provision of public services.

(3) *Environmental protection.*

(a) Preserving existing healthy and long-lived trees whenever possible.

(b) Designing drainage facilities to promote the use and conservation of natural watercourse and patterns of drainage.

(c) Minimizing alterations to existing topography in environmentally sensitive

areas.

(4) *Landscaping.*

(a) Promoting the use of plant material compatible with the climate of the region and micro climate conditions on the site.

(b) Ensuring that plant material can be maintained for long term health and continued growth.

(c) Ensuring that the arrangement of required landscaping produces the desired visual effect.

(5) *Signage.*

(a) Ensuring that the location, size and orientation of signage does not impair the visibility of or distract motorists.

(b) Ensuring that the location, size and orientation of signage minimize obstructions and hazards to pedestrians.

(6) *Public safety.*

(a) Ensuring that adequate and unrestricted access is provided for fire and emergency vehicles.

(b) Ensuring that adequate fire hydrants are provided on the premises and that access to the fire hydrants is not restricted.

(c) Ensuring that adequate safety and security lighting is provided.

(d) Ensuring that life safety issues have been adequately addressed.

(F) *Effect of approval of site plan.*

(1) The approval of a site plan by the Zoning Administrator and/or Community Development Director shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits of approvals that may be required by the regulations of the city, including but not limited to a building permit, certificate of occupancy, subdivision approval and special use approval.

(2) The approval of a site plan by the Zoning Administrator and/or Community Development Director shall be valid for one year, provided further that the approval is valid only in terms of the safety, fire, building and other city codes in effect at the time of review.

(G) *Appeals.* Appeals shall follow the procedure outlined in § 156.117.

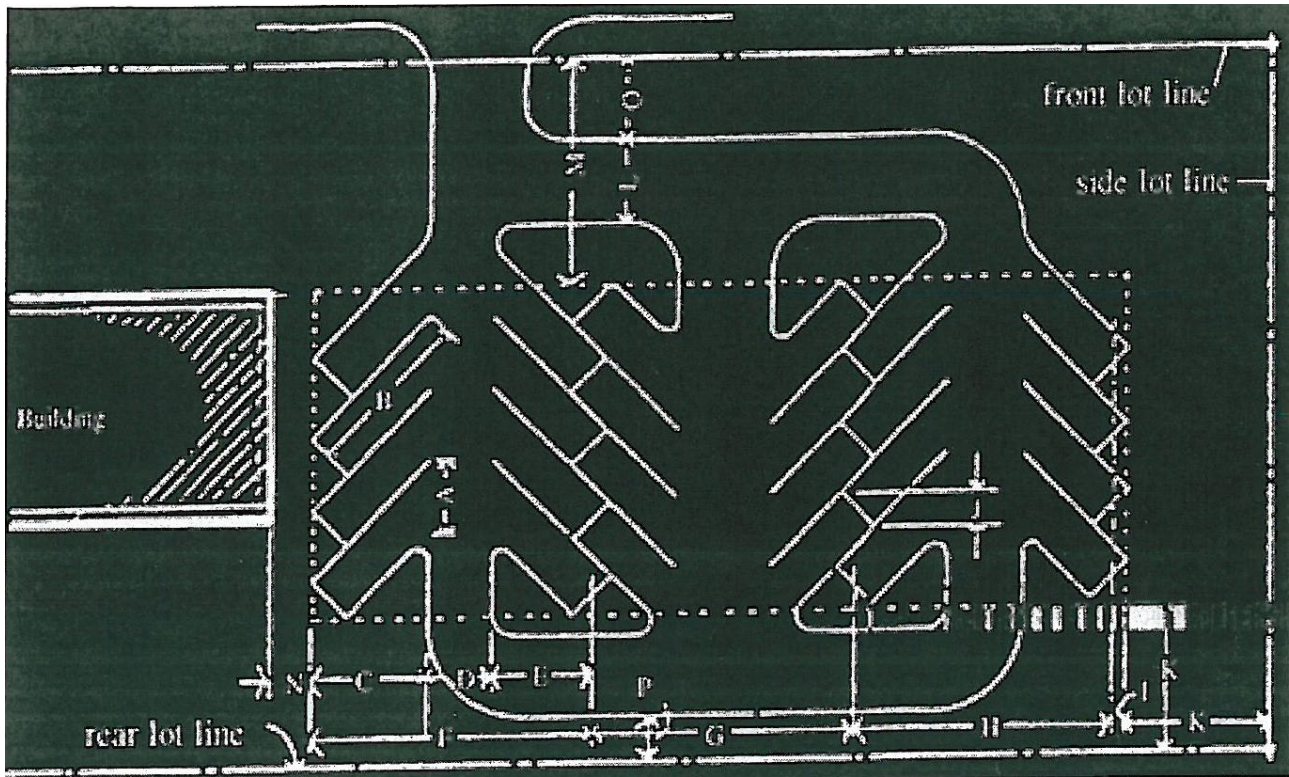
(H) *Fees.* An applicant submitting a site plan shall pay a nonrefundable fee in connection with the submittal in accordance with a fee schedule as established, from time to time, by the City Council.

**APPENDIX A: PARKING LAYOUT REQUIRED MINIMUM
DIMENSIONS (IN FEET) FOR 9-FT STALLS AT VARIOUS ANGLES**

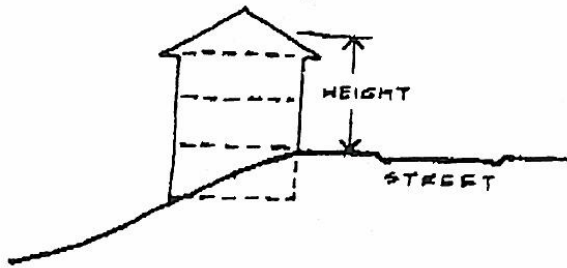
<i>Dimension</i>	<i>On Diagram</i>	<i>Parking Angle</i>			
		<i>45E</i>	<i>60E</i>	<i>75E</i>	<i>90E</i>
Stall width, parallel to aisle	A	12.7	10.4	9.3	9.0
Stall length of line	B	25.0	22.0	20.0	18.5
Stall depth	C	17.5	19.0	19.5	18.5
Aisle width between stall lines	D	12.0	16.0	23.0	26.0
Stall depth, interlock	E	15.3	17.5	18.8	18.5
Module, edge of pavement to interlock	F	44.8	52.5	61.3	63.0
Module, interlocking	G	42.6	51.0	61.0	63.0
Module, interlock to curb face	H	42.8	50.2	58.8	60.5
Bumper overhang (typical)	I	2.0	2.3	2.5	2.5
Offset	J	6.3	2.7	0.5	0.0
Side and rear yard setback (landscape area)	K		five feet ¹		
Cross aisle, one-way	L	14.0	14.0	14.0	14.0
Cross aisle, two-way		24.0	24.0	24.0	24
Curb cut width		Residential and growth area districts: 28 feet maximum. All nonresidential and non-growth area districts: 40 feet maximum			
Front yard setback	M	Residential and growth areas districts: As required for buildings. Multi-Family: 10 feet All nonresidential and non-growth areas districts except B-1: 10 feet, but 20' if adjacent to a PRA. B-1: no setback required, except 5 feet for Automobile Sales Lots.			
Setback from principal building	N	Residential and growth areas districts: 10 feet. All nonresidential and non-growth areas districts except B-1: 5 feet. B-1: No setback required.			
Front lot line to drive (landscape area)	O	All districts except B-1: 10 feet. B-1: No setback required			
Side and rear lot line to drive	P	All districts: five feet ¹			

(landscaped area)

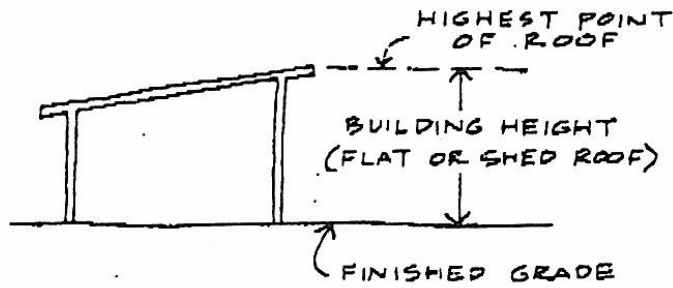
¹10 feet adjoining any PRA; none in B-1 District, except 5 feet adjoining any PRA.



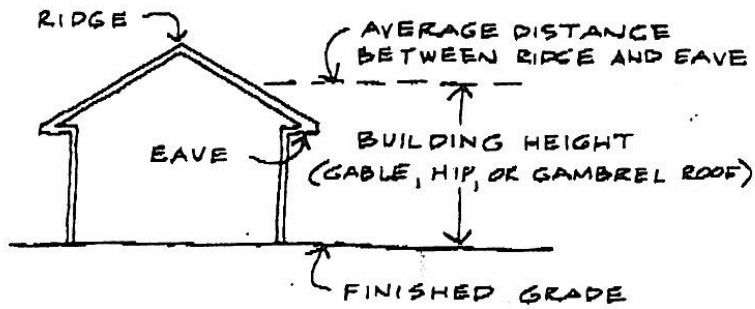
APPENDIX B: BUILDING HEIGHT DIAGRAMS



Building Height Measurement



Flat or Shed Roof

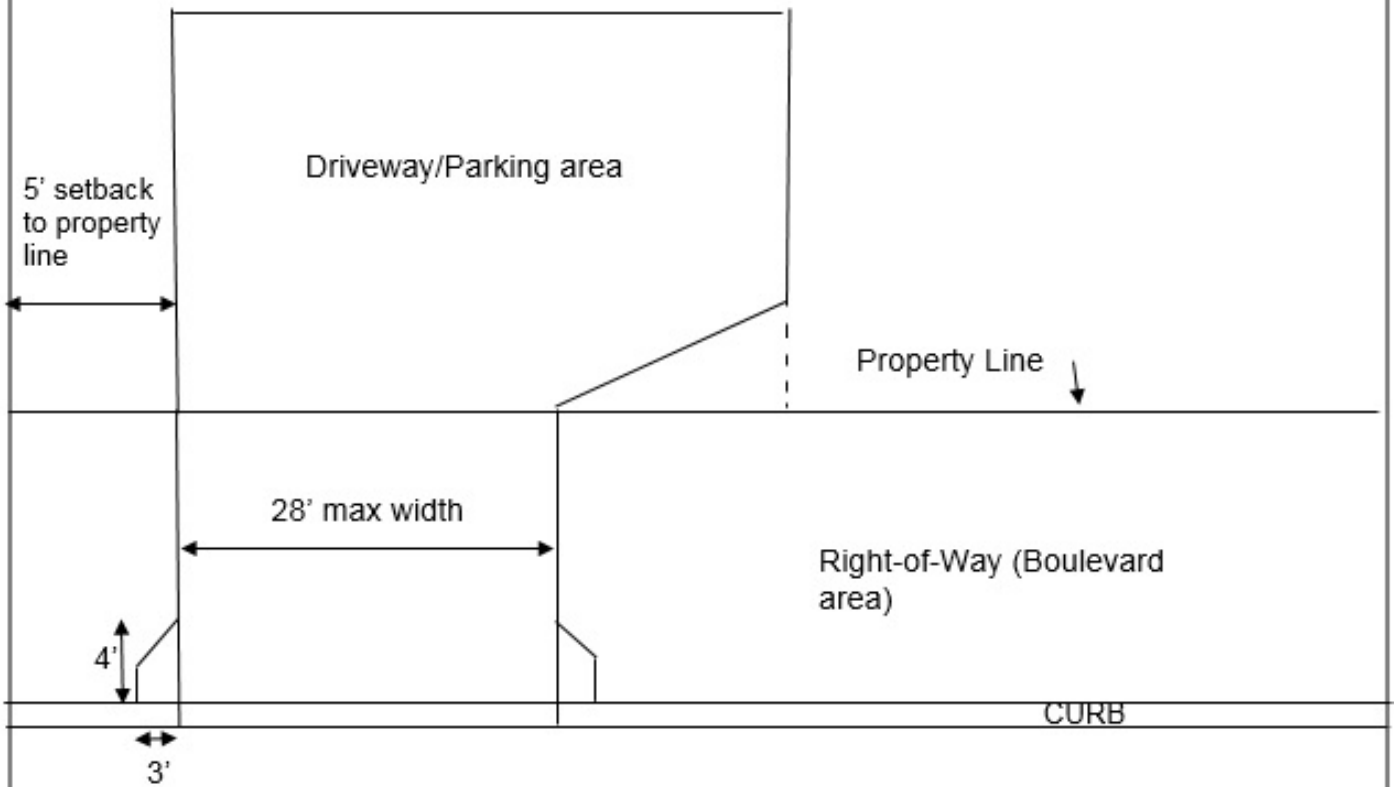


Gable, Hip or Gambrel Roof

Appendix C

Residential Driveway Detail

NOTE: A 2% slope is required from top of curb to property line. A maximum 8% slope is allowed from property line to structure.



Tapers can be used at the curb. Tapers can be 3' wide at the curb and 4' in from the curb.

PUBLIC STREET