

## CHAPTER 32 - GENERAL REQUIREMENTS

### SECTION:

- 32.01: Purpose
- 32.02: Dwelling Unit Restriction
- 32.03: Building Restriction
- 32.04: Height
- 32.05: Yards
- 32.06: Accessory Structures
- 32.07: Encroachment of Easements
- 32.08: Lighting and Glare
- 32.09: Liquid Storage, Emission, Noise, Odors, Particulate Matter and Waste
- 32.10: Outdoor Storage
- 32.11: Excavation and Land Reclamation
- 32.12: Elevation
- 32.13: Erosion and Drainage
- 32.14: Connection to Public Water and Sewer
- 32.15: Site Triangle
- 32.16: Landscaping and Screening
- 32.17: Off-street Parking and Loading
- 32.18: Residential Pools and Spas
- 32.19: Telecommunication Facilities
- 32.20: Fences

### **32.01: PURPOSE.**

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

### **32.02: DWELLING UNIT RESTRICTION.**

- A. No garage, tent, accessory building or motor home shall at any time be used as living quarters, temporarily or permanently unless situated in a permitted RV Park.
- B. Tents, play houses or similar structures may be used for play or recreational purposes, but shall not be independent living quarters.
- C. Mobile homes, buildings, tents or other structures temporarily maintained by an individual or company on the premises associated with a work project and used exclusively to house labor or other personnel occupied in such work project shall be exempt from the requirements of this Ordinance, upon approval of the Zoning Administrator. Such mobile homes, buildings, tents or other structures shall be removed within thirty (30) days from the completion of the work project.
- D. Number of occupants. Nothing in this chapter limits the applicability of any reasonable local, state or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling.

### **32.03: BUILDING RESTRICTION.**

- A. All buildings shall be so placed that they will not obstruct future streets or alleys that may be constructed by the City in conformity with existing streets and according to the system and standards employed by the City. The apparent front of the building shall face the front of the lot, as determined by the Zoning Administrator.

- B. Except in the case of Planned Unit Developments, not more than one (1) principal building shall be located on a lot. The words "principal building" shall be given their common, ordinary meaning; in case of doubt or on any question or interpretation, the decision of the Zoning Administrator shall be final, subject to the right of appeal to the Planning Commission and City Council.
- C. No dwelling shall hereafter be erected or altered unless it abuts a public street.
- D. Building Type and Construction.
1. All dwellings shall be placed on a complete, permanent perimeter foundation which complies with the Building Code as adopted by the City Council.
  2. Rooflines of all dwellings must have at least a three-twelfths (3:12) pitch.
  3. The minimum widths of all dwellings shall be at least twenty-four (24) feet, measured from the face of the exterior wall across the narrowest portion. This shall not include the projection of a porch, sunroom or similar room, which is constructed as a permanent part of the principal structure.
  4. All dwellings shall be constructed of conventional exterior dwelling type material. No steel or metallic roofing is allowed on dwelling units, except in conformance with the Building Code.
  5. All dwellings shall be built according to the Building Code as adopted by the City Council, and all manufactured dwellings shall be built and installed in accordance with Minnesota Statutes Chapters 327.31 to 327.35, as may be amended from time to time.
  6. Standards of Section 31.03, A, 1-5, above, shall have no application to manufactured dwellings placed in a licensed manufactured home park which was approved prior to the adoption of this Ordinance.
  7. No galvanized or unfinished steel, galvalum or unfinished aluminum buildings (walls or roofs), except those specifically intended to have a corrosive designed finish such as corten steel, shall be permitted in any residential zoning district except in association with farming operations. *(Approved August 11, 2009)*
  8. Exterior building finishes shall consist of durable finish-type materials of a high grade and quality. Commercial structures shall use commercial grade materials, unless specifically approved by the Building Official.
  9. Storm Shelter: In cases where residential dwelling units are constructed slab on-grade, provisions shall be made to provide for storm protection either internally to the unit or in a separate storm shelter structure. External storm shelters shall be considered accessory structures and shall be subject to the other provisions of this Ordinance.
  10. A. On dwellings, factory painted roll form steel with exposed matching fasteners will be allowed on roofs only, in all residential districts and is to be installed per manufacturer's specifications and code. No unpainted galvanized steel is allowed in any district. *(Approved August 2019)*  
  
B. On accessory structures, factory painted roll form steel with exposed matching fasteners must be placed vertically. This will be allowed on roofs and sides, if siding color and façade matches the dwelling. The accessory structure must have overhangs and soffits that match the dwelling in size, or be at least one foot, whichever is more. This applies in all residential districts and is to be installed per manufacturer's specifications and code. No unpainted galvanized steel is allowed in any district. *(Approved August 2019)*

**32.04: HEIGHT.**

Except for communication towers otherwise allowed by conditional use permit, the maximum height of all principal structures located in the zoning districts shall be as specified within each District. The following items may project ten (10) feet higher than the structure to which they are attached or fifty (50) feet, whichever is higher: belfries, chimneys or flues, church spires, cooling towers, cupolas and domes not containing useable space, elevator penthouses, flag poles, monuments, parapet walls, mechanical and electrical appurtenances.

- A. Applicants proposing structures constructed exclusively for or hosting telecommunications equipment shall provide written verification of approval from the Federal Communications Commission and the Federal Aviation Administration to the extent required by those agencies.
- B. The City shall require an applicant who proposes the construction of any structure with a height equal to or greater than two hundred (200) feet above ground level; or the alteration of any structure to a height which is equal to or greater than two hundred (200) feet above ground level to notify the Minnesota Department of Transportation Commissioner and the Federal Aviation Administration Commissioner of said proposal at least thirty (30) days prior to the City Council's consideration of said request, if notice is required by those agencies. Should notice be required by those agencies the applicant shall submit evidence to the City verifying the Minnesota Department of Transportation and the Federal Aviation Administration have been duly notified of said proposed structure prior to City Council approval.

**32.05: YARDS.**

- A. No lot, yard or other open space shall be reduced in area or dimension so as to make such lot, yard or open space less than the minimum required by this Ordinance, and if the existing yard or other open space as existing is less than the minimum required, it shall not be further reduced.

**32.06: ACCESSORY STRUCTURES.**

- A. 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 an accessory.
- B. In cases where an accessory building is attached to the principal structure, it shall be made structurally a part of the principal structure and shall comply in all respects with the requirements of this Ordinance applicable to the principal structure. An accessory building, unless attached to and made a part of the principal structure shall not be closer than five (5) feet to the principal structure.
- C. Accessory garages located in rear yards shall be setback a minimum of five (5) feet from the rear lot line, except that rear-loading garages shall be setback ten (10) feet from the rear lot line. Accessory Structures shall be setback ten (10) feet from the side lot line.  
*(Approved May 6, 2013 under Ordinance # 90)*
- D. No accessory building shall be constructed in the required front yard.
- E. Within the Residential Zoning Districts no detached accessory building shall exceed 1,200 square feet. Lots of greater than 43,560 sq. ft. (one acre) shall be exempt from this standard.
- F. No lot shall have more than two (2) detached accessory buildings. Lots of greater than 43,560 sq. ft. (one acre) shall be exempt from this standard.
- G. The same or similar exterior building color shall be used on the accessory building and the principal building, except for structures under 200 sq.ft. in size. Agricultural buildings shall not be allowed in the R-1, R-2, RM, C-1, C-2, C-3 or I-1 Districts.

- H. Accessory buildings other than garages shall be limited to fourteen (14) feet in height to the top of the structure in the R-1 and R-2 districts.
- I. Detached garage side walls shall not exceed ten (10) feet and the height of the roof shall not be greater than that of the principal structure on the lot and they shall feature a roof pitch which is similar to that of the principal structure. Detached structures over 1,200 sq.ft., where allowed, shall not exceed 25' from ground to peak in height, and may have sidewalls over 10' in height.
- J. A landing up to 24 sq.ft. in size, with steps no more than 4 feet wide, may be allowed with a permit, not meeting required structure setbacks. This is to allow for ingress and egress to structures currently not meeting or meeting setbacks requirements.
  - 1. Handicap Accessibility Standards. For structures requiring or providing exterior handicapped accessible access the following standards, or applicable state standards, whichever are the most restrictive, must be met:
    - a. Walkway or exterior ramp shall be at least four (4) feet wide with a slope no greater than one (1) foot vertical to twenty (20) feet horizontal.
    - b. Walkway surface shall be of a permanent, hard, slip-resistant material.
    - c. The walkway shall be a continuous route, as much as possible, and may be within required structure setbacks.

**32.07: ENCROACHMENT OF EASEMENTS.**

- A. The purpose of this section is to increase public safety by requiring that proposed structures, plantings, fences and similar items be set back from pipeline, drainage and utility easements.
- B. Applicability: This section applies to all developments or projects.
- C. Setback: Buildings and places of public assembly subject to this section shall not be constructed closer to the pipeline than the boundary of the pipeline easement. Structures shall not be placed or constructed in utility or drainage easements.

**32.08: LIGHTING AND GLARE.**

Any lighting used to illuminate an off-street parking area, sign or other structures shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky reflected glare, where from floodlights or from high temperature processes such as combustion or welding shall not be directed into any adjoining property. The sources of lights shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights which cast light on a public street shall not exceed one (1) foot candle (meter reading) as measured from the center line of said street. Any light or combination of lights which cast light on residential property shall not exceed four (4) foot candles (meter reading) as measured from said property.

**32.09: LIQUID STORAGE, EMISSIONS, NOISE, ODORS, PARTICULATE MATTER AND WASTE.**

- A. Bulk Liquid Storage: All uses associated with the bulk storage and transport of all gasoline, liquid fertilizer, chemical, flammable and similar liquids shall comply with requirements of the Minnesota State Fire Marshal's and Minnesota Department of Agriculture offices and have documents from those offices stating the use is in compliance.
- B. Emissions:
  - 1. Radiation Emission: All activities that emit radioactivity shall comply with the minimum requirements of the Minnesota Pollution Control Agency.

2. Electrical Emission: All activities which create electrical emissions shall comply with the minimum requirements of the Federal Communications Commission and Minnesota Public Utilities Commission.
- C. Noise: Noises emanated from any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation NPC, as amended.
  - D. Odors: The emission of odor by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC, as amended.
  - E. Smoke, Dust and Other Particulate Matter: The emission of smoke, dust, fly ash or other particulate matter by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 1015, as amended.
  - F. Waste:
    1. All waste generated shall be disposed in a manner consistent with all Minnesota Pollution Control Agency rules.
    2. Any accumulation of waste generated on any premises not stored in containers which comply with the City Code and Minnesota Pollution Control Agency rules, or any accumulation of mixed municipal solid waste generated on any premises which has remained thereof for more than one week, or any accumulation of infectious, nuclear, pathological, or hazardous waste which is not stored and disposed in a manner consistent with Minnesota Pollution Control Agency rules is a nuisance and may be abated and the cost of abatement may be assessed against the property where the nuisance is found.
    3. The accumulation, storage, processing, and disposal of waste on any premises, which is not generated on that premises is prohibited, except as specifically provided in this Ordinance.

### **32.10: OUTDOOR STORAGE.**

- A. Waste and Recycling Receptacles: In all districts, all waste and recycling materials shall be stored within an approved receptacle. All enclosures and receptacles shall be kept in a good state of repair and waste receptacles shall include secure tops or covers to properly contain the waste.
- B. Refuse: Any accumulation of refuse on any premises not stored in containers which comply with City Code, or any accumulation of refuse on any premises which has remained thereon for more than one (1) week is declared to be a nuisance and may be abated pursuant to the City's Nuisance Ordinance, as may be amended.
- C. Junked, Dismantled Vehicles: All unlicensed, unregistered or inoperable motor vehicles, household furnishings or appliances, or parts thereof, may not be stored on any property, public or private, unless housed within a lawfully erected building.  
*(Approved May 6, 2013 under Ordinance # 90)*
- D. Outdoor Storage or Parking of Semi-Tractor Trailers:
  1. Accessory Use: Outdoor storage and parking of land/sea containers and semi-tractor trailers shall be allowed only in districts where such use is listed as an accessory use. Any other outdoor storage of land/sea containers and semi-tractor trailers is prohibited.
  2. Exemption: The prohibition against outdoor storage of semi-tractor trailers provided in this Section does not apply to:

- a. Parking of semi-tractor trailers for a period of up to one hundred twenty (120) consecutive days per calendar year for the normal freight in transit; or
  - b. Temporary parking of construction trailers on a construction site during the period that the site is being developed.
1. Certification: All semi-tractor trailers with a Minnesota license plate shall be certified by the State and shall display a current inspection certification decal issued in accordance with Minnesota Statutes Section 169.781. All semi-tractor trailers with out-of-state license plates shall produce upon request proof that the vehicle complies with Federal motor vehicle inspection requirements for vehicles in interstate commerce as provided under 49 C.F.R. Section 396.17.
  2. Surface: All land/sea containers and semi-tractor trailers used for outdoor storage shall be parked on a surface covered with one of the following: concrete, bituminous, one hundred (100) percent class five crushed rock or crushed concrete.
  3. Location: Land/sea containers shall not be stored and semi-tractor trailers shall not be parked in the required front yard setback area or in a required side yard setback area abutting a residential district. Outdoor storage of land/sea containers and parking of semi-tractor trailers shall not be allowed on required parking spaces.
  4. All uses associated with the bulk storage and transport of all gasoline, liquid fertilizer, chemical, flammable and similar liquids shall not be stored or parked within 350 feet of a school, church, daycare, park or other similar public institution.

E. Exceptions:

1. Outdoor storage shall not be allowed except as provided in this Ordinance. The following shall not constitute outdoor storage:
  - a. Clothes line pole and wires.
  - b. Not more than four (4) recreational vehicles or equipment related to recreational vehicles in residential districts.  
*(Approved May 6, 2013 under Ordinance #90)*
  - c. Construction and landscaping material currently being used on the premises.
  - d. Off-street parking of licensed passenger vehicles and trucks not exceeding a gross weight of twelve thousand (12,000) pounds in residential districts.
  - e. Within the Industrial District, semi-tractor trailers used for normal freight and cartage in transit for up to one hundred twenty (120) consecutive days per calendar year.
2. Air conditioning cooling structure or condensers shall be located in rear or side yards in all zoning districts.

**32.11: EXCAVATION AND LAND RECLAMATION.**

No person shall within the City fill, excavate, dig or grade the surface of the earth nor open any pits or excavated areas in the earth nor do any other acts where it will raise or lower the average grade of any land by more than three (3) feet, except as provided for storm water ponds in conformance with the applicable Osakis City Code, as may be amended. All applications for land reclamation or mining shall require a conditional use permit.

**32.12: ELEVATION.**

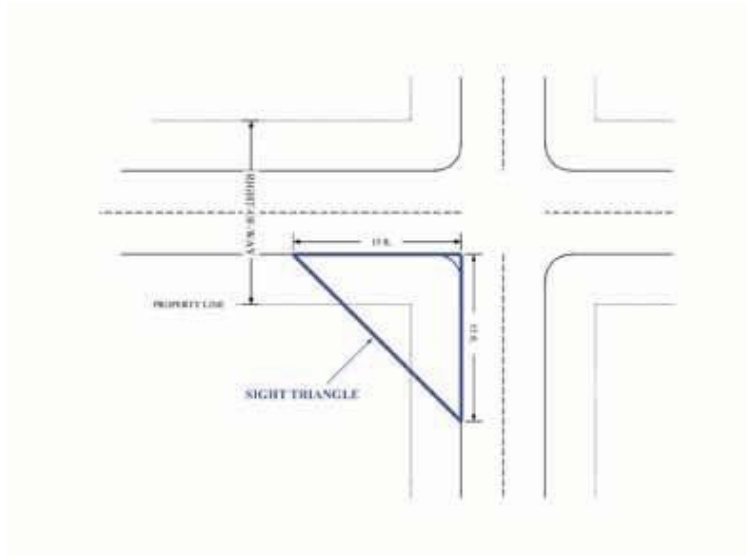
- A. Ground Water Elevation: Unless approved by the Building Official or City Engineer, the lowest floor, including basement floor, of all structures shall be at a level at least three (3) feet above the highest known ground water table elevation. If requested by the Building Inspector, the ground water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

**32.13: EROSION AND DRAINAGE.**

- A. No land shall be developed and no use shall be permitted that results in water runoff causing flooding, erosion, or deposit of sediment on adjacent properties. Such runoff shall be property channeled into a storm drain, watercourse, ponding area, or other public facilities subject to the review and approval of the City Engineer.
- B. In the case of all new multiple family lots, commercial, industrial and institutional developments, the drainage plans shall be submitted to the City Engineer and the final drainage plan shall be subject to his written approval. No modification in grade and drainage flow through fill, cuts, erection of retaining walls, or other such actions shall be permitted until such plans have been reviewed and received written approval from the City Engineer.
- C. Unless approved by the Building Official or City Engineer, the top of the foundation and garage floor of all structures shall be at least eighteen (18) inches above the grade of the crown of the street.
- D. Property and streets adjacent to the site of a land disturbance shall be protected from sediment deposition. This shall be accomplished by preserving a well-vegetated buffer strip around the lower perimeter of the land disturbance, by installing perimeter controls such as sediment barriers, filters, dikes, or sediment basins, by stockpiling sod in appropriate locations, or by a combination of such measures.
- E. All storm sewer inlets which are functioning during construction shall be protected so that sediment laden water will not enter the conveyance system without first being filtered or otherwise treated to remove sediment.
- F. All residential, commercial, industrial, and institutional developments satisfy the provisions of the Subdivision Ordinance in regard to storm water management.
- G. All on-site storm water conveyance channels shall be designed and constructed to withstand the design volume of storm water with appropriate stabilization to prevent scour and erosion. Erosion controls must be provided at the outlets of all storm sewer pipes.
- H. A permanent vegetative cover shall be established on denuded areas not otherwise permanently stabilized forthwith after land disturbing activity is complete.
- I. Whenever construction vehicles access public roads, provision shall be made to minimize the transport of sediment by runoff or vehicle tracking onto the paved surface. Where sediment is transported onto a public road surface, the roads shall be cleaned thoroughly at the end of each day. Sediment shall be removed from roads by shoveling or sweeping.
- J. All temporary and permanent erosion and sediment control practices shall be maintained and repaired to assure the continued performance of their intended function.
- K. All temporary erosion and sediment control measures shall be removed within thirty (30) days after final site stabilization is achieved or after the temporary measures are no longer needed.
- L. The City's Building Official may issue stop work orders for any violation of this Section.

**32.14: CONNECTION TO PUBLIC WATER AND SEWER.**

- A. At such time as a public sewer becomes available to a property serviced by a private waste water disposal system, a direct connection shall be made to the public sewer within one (1) year, subject to compliance with other City ordinances.
- B. All newly constructed principal structures must be connected to the City's public sewer and water services when:
  - 1. Said sewer/water facilities are within three hundred (300) feet from the proposed development; and/or,
  - 2. The proposed development is located within a area guided toward future urban development within the Comprehensive Plan; and/or,
- C. Where municipal sewers are not available all sewage facilities must be connected to approved septic tanks and disposal fields.



**32.15: SITE TRIANGLE.**

On corner lots in all districts, no structure or planting in excess of twenty-four (24) inches above the street centerline grade shall be permitted within a triangular area as defined in this Ordinance.

- A. Site Triangle: The triangular area of a corner lot formed by the street lines and a line connecting them at points 15 feet from the intersection of the street lines or in the case of a rounded corner from the intersection of the street property lines extended. On streets having an angle of intersection of 90 degrees or more, said line connecting the intersecting streets is moved one foot further from the intersection along each street for each 10 degrees by which the angle of the intersecting streets exceeds 90 degrees.

**32.16: LANDSCAPING AND SCREEING.**

- A. In all zoning districts, all usable open space as defined by this Ordinance shall be planted and maintained in grass, sodding, shrubs or other suitable vegetation or treatment as specified unless devoted to drives, sidewalks or patios, within six (6) months of the issuance of the certificate of occupancy or completion of the project.
- B. All screening required by the provisions of this Ordinance shall consist of either:
  - 1. A green belt planting strip consisting of vegetative cover of sufficient width and density to provide an effective screen; or
  - 2. A fence constructed of masonry, brick, wood or steel, which is compatible with surrounding structures and buildings.

**32.17: OFFSTREET PARKING AND LOADING.**



- A. Scope Of Regulations: The off-street parking requirements of this section shall apply within all zoning districts excepting commercial uses within the C-1 Downtown Commercial District, unless noted as a requirement of a conditional use permit.
- B. Computation: When in the process of determining the number of off-street parking spaces there occurs a fraction of a space, such fraction shall be deemed as a requirement for an additional whole space. The parking requirements for a use not specifically mentioned herein shall be the same as required for a use of similar nature as determined by the Zoning Administrator.
- C. General Provisions:
1. Added Floor Area. Whenever a use requiring off-street parking is increased in floor area, and such use is located in a building existing on or before the effective date of this Ordinance, additional parking space for the additional floor area shall be provided and maintained in amounts hereafter specified for that use.
  2. Floor Area Defined. For the purpose of this section, "Floor Area," in the case of offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used for services to the public as customers, patrons, clients or patients as tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise, less ten (10) percent.
  3. Change of Use or Occupancy of Buildings. Any change of use or occupancy of any building or buildings, including additions thereto, requiring more parking area shall not be permitted until there is furnished such additional parking spaces as required by this Section.
  4. Dwellings – same lot. Off-street parking facilities for dwellings shall be provided and located on the same lot or parcel of land as the building they are intended to serve.
  5. Enlargement into Parking Area. Nothing in this section shall prevent the extension of, or an addition to a building or structure into an existing parking area which is required for the original building or structure when the same amount of space taken by the extension or addition is provided by an enlargement of the existing parking area.
  6. Use of Garage Space. No person shall alter a garage to be used as living space in any district, unless other legal provisions are made to provide the required parking for the use on the lot. Garages intended to be used to meet off-street parking requirements shall not be used instead for the storage of goods and materials unless additional off-street parking spaces are provided on site in accordance with this Section.
  7. Access Distance. No curb cut access or driveway shall be located less than fifteen (15) feet from the intersection of two (2) or more street right-of-ways for residential uses, and thirty (30) feet for commercial and industrial areas. This distance shall be measured from the intersection of lot lines.
  8. Curb cut Setback. Curb cut or driveways shall be a minimum of five (5) feet from the side property lines.
  9. Number of Curb cuts. All properties shall be entitled to at least one (1) curb cut or driveway access. Single-family uses shall be limited to one (1) curb cut or driveway access per property. A second curb cut or driveway access may be permitted by the Zoning Administrator in a R-1 district if:
    - a. The second access is at least thirty (30) feet from the edge of the primary access;

- b. The setbacks for the driveway or curb cut access points are met;
  - c. Impervious surface lot coverage requirements are met;
  - d. The installation of the second curb cut or driveway access will not result in two access points from the lot onto a collector street, minor arterial or arterial street; and
  - e. It is determined the second curb cut or driveway access will not result in conflicts with traffic flow or endanger public safety.
  - f. On corner lots, both accesses or driveways shall be onto the same street right-of-way.
10. Surfacing. All driveways and all of the areas intended to be utilized for parking space for five (5) or more vehicles shall be surfaced with a bituminous paving on a suitable base, or reinforced concrete, decorative interlocking pavers or equivalent material approved by the City Engineer. Alternative surfaces may be permitted in parking lot areas in industrial districts, provided the parking lot area is not adjacent to the street right-of-way, is not located in the front yard, and is not intended for use by employee and customer parking. These "truck parking" areas are subject to Planning Commission and City Council approval.
11. Compliance. Parking lots existing on or before the date of adoption of this Ordinance do not have to be brought into compliance with these standards until such time as any of the following events occur:
- a. A new structure is constructed on the property served by the parking lot.
  - b. An addition is constructed to any existing structure located on the property served by the parking lot; or
  - c. A change in the use of the property served by the parking lot occurs which results in a remodeling of the structure requiring the issuance of a building permit.
12. Site plan. There shall be provided by the developer/owner off-street parking spaces as described on a parking plan, submitted in accordance with the parking requirements and approved by the City for all uses as hereinafter specified. All plans submitted for a building permit on residential developments exceeding R-2 density and all other developments requiring parking spaces shall include a site plan to be approved by the City Engineer. Such site plan shall be a part of the building permit and no certificate of occupancy shall be issued until all items shown on the site plan for parking facilities have been completed. The site plan should include at least the following:
- a. Zoning, setbacks, and statement of use.
  - b. North point and scale.
  - c. All adjacent streets and alleys.
  - d. Sidewalks, curbs, gutters, and boulevard trees.
  - e. Entire ownership of lot or parcel being developed.
  - f. Completely dimensioned parking spaces and driving lane(s), if applicable.
  - g. Owner's name and current address.
  - h. Description of surface.

- i. Drainage plan.
- D. Parking of commercial vehicles or equipment. No commercial vehicles, earth moving equipment or equipment exceeding 12,000 pounds gross weight shall be parked, stored, or otherwise continued in a residential district unless stored in a completely enclosed structure or unless they are being used in conjunction with a legitimate service being rendered for the benefit of the residential premises or unless the property has a preexisting use of the lot for commercial vehicle or equipment storage and the City Council has approved the continued use through the issuance of an interim use permit.
- E. Parking and storage of certain vehicles. Automotive vehicles or trailers of any type without current registration or in an inoperable condition shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.
- F. Front Yard Parking. There shall be no parking allowed on any residential front yard area, except for a paved or otherwise improved driveway. Parking of recreational vehicles shall be allowed on required side and rear yard areas; however, said parking shall not encroach on any required setback.
- G. Reduction and use of parking. Subject to the review and processing of an interim use permit of this Chapter, the Planning Commission may reduce the number of required off-street parking spaces when the applicant can demonstrate in documented form a need which is less than required. In such situations, the City shall require a site plan illustrating "Proof of Parking" availability. The plan shall illustrate where the additional parking will be located and how the traffic circulation will coordinate with the site plan and existing parking lot should use or needs change. The Planning Commission shall also consider:
  - 1. The on street parking available by the site.
  - 2. The expected usage of the site and parking demand.
  - 3. Surrounding land uses and zoning districts.
  - 4. The provisions of this Chapter affecting the parking lot or loading area.
  - 5. Any other associated aspect that the Planning Commission deems necessary to evaluate the request.
  - 6. The applicant shall install the additional required off-street parking within three (3) months of written notification by the Zoning Administrator.
- H. Screening and Landscaping. All open automobile parking areas for commercial, industrial or institutional uses containing five or more parking spaces shall be effectively screened on each side adjoining or fronting on any property situated in a residential district or any institutional premises by a wall, fence, densely-planted compact hedge, trees or other effective screen, not less than five (5) feet nor more than eight (8) feet in height, as determined by the Planning Commission. However, the Planning Commission and City Council may waive this requirement if the closest point of such parking area is at least seventy-five (75) feet from the nearest residential property line.
- I. Signs. Incidental, accessory signs shall be permitted on parking areas in accordance with the provisions specified under Chapter 30 (Signs).
- J. Area of parking spaces. Loading space and drive aisles shall not be construed as supplying off-street parking space.

K. Parking space minimum requirements.

1. Single-family residential: two (2) spaces per dwelling.
2. Two-family minimum: two (2) spaces per dwelling unit.
3. Senior housing: one (1) space per dwelling unit.
4. Multiple-family residential: two (2) spaces per dwelling unit.
5. Commercial uses: five (5) spaces per one thousand (1,000) square feet of retail sales floor area.
6. Automobile repair stations: three (3) spaces for each stall plus one (1) for each attendant on the major shift.
7. Auditorium, stadium, gymnasium, community center: one (1) space for each four (4) permanent seats in the largest assembly area, plus one (1) seat for each two-hundred (250) square feet of office area.
8. Office building, professional offices, banks: one (1) space for each two-hundred fifty (250) square feet of business area.
9. Drive-in restaurants: five (5) spaces for each one hundred (100) square feet of business area.
10. Hotel and Motel: one (1) space per dwelling unit.
11. Restaurants and other food dispensing establishment, except drive-in restaurant: one (1) space for each four (4) seats, plus one (1) space for each two (2) employees on the shift.
12. Furniture, automobile and boat sales, and appliance sales: one (1) space for each four hundred (400) square feet of gross floor area in the first twenty-five thousand (25,000) square feet, and one (1) space for each six hundred (600) square feet of gross floor area thereafter.
13. Hospitals, rest homes, nursing homes, and the like: one (1) space for each four (4) beds, plus one (1) space for each employee on the major shift.
14. Bowling alleys: five (5) spaces for each lane or alley.
15. Car wash: five (5) spaces, plus five (5) spaces for each wash lane.
16. Animal hospitals and kennels: six (6) spaces, plus one (1) space for each two hundred (200) square feet of gross floor area over ten thousand (10,000) square feet of gross floor area.
17. Manufacturing and research, experimental stations: one (1) space for each employee on the major shift or one (1) space for each three hundred (300) square feet, whichever is greater.
18. Warehousing and wholesale business establishments: one (1) space for each employee on the major shift, plus one (1) space for each company vehicle.
19. Skating rink or dance hall: one (1) space for each two hundred fifty (250) square feet of gross floor area.
20. Miniature golf course, archery range, golf, driving range: ten (10) spaces respectively.

21. Uses Not Specified or Precisely Identified: Calculated by the Zoning Administrator based upon, but not limited to, characteristics for similar uses and professional studies.

L. Parking Lot Standards. In all districts where off-street parking lots are permitted or required such off-street parking shall be constructed and maintained subject to the following regulations:

1. Adequate ingress and egress shall be provided.
2. Such parking lots shall be constructed and maintained in a useable condition, with a hard surface consisting of concrete, bituminous, pavement or paver stone designed to drain and dispose of surface water. Recycled bituminous or concrete shall be prohibited except as permitted in an industrial area by variance.
3. Whenever such parking lot boundary adjoins property zoned for residential use, a setback of ten (10) feet from said lot line shall be required, and maintained.
4. Necessary curbs or other protection against damages to adjoining properties, streets and sidewalks shall be provided and maintained.
5. Plans for the construction of any such parking lot must be approved by the Zoning Administrator and/or City Engineer before construction is started. No such land shall be used for parking until approved by the Zoning Administrator.
6. No sign shall be so located as to restrict the sight, orderly operation and traffic movement within any parking area. Only signs necessary for the orderly operation of traffic movement or parking regulation shall be permitted in any parking area. Such signs shall not be considered part of the permitted advertising space and shall be subject to signage regulations.
7. Except in the case of single-family, two-family, and townhouse developments, parking areas shall be designed so that circulation between parking aisles or driveways occurs within the designated parking lot and does not depend upon a public street or alley and such design does not require backing onto the public street.
8. Except in the cases of single-family, two-family and townhouses, parking lot areas shall comply with the following standards:

ANGLE OF PARKING (ALONG CURB)	STANDARD STALL WIDTH	HANDICAP STALL WIDTH	STANDARD STALL DEPTH	MINIMUM DRIVEWAY WIDTH
Zero degrees	9'	11'	21'	12'
30 degrees	9'	16'	18'	12'
45 degrees	9'	16'	20'	13'
60 degrees	9'	16'	21'	18'
90 degrees	9'	16'	18'	24'

M. Drainage and Surfacing. Driveways shall not exceed a grade of six (6) percent and all parking lots except those for less than five (5) vehicles shall be graded according to a drainage plan which has been approved by the City Engineer. Catch basins, sumps and underground storm sewers may be required.

N. Striping. All lots for five (5) or more vehicles shall have the organization of spaces painted on the surface according to the plan approved by the Zoning Administrator.

- O. Maintenance. It shall be the responsibility of the lessee and/or owner of the principal use, uses or building to maintain in a neat and adequate manner, the parking area, striping, landscaping and screening.
- P. Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance, and shall be in compliance with Chapter 22.
- Q. The standards outlined in Subd. U,V, W, X & Y shall not be applicable to parking provided for low density residential, public parks or other similar publicly owned property. Parking lot standards for industrial uses may be subject to variance or modification by the conditional use permit for the specific industrial use. In considering a request for variance or modification, the City shall consider the location of the property, size of the parking area, use of the parking area, adjacent property uses and the impact on the general wellbeing of the community. Alternative surfaces which may be permitted in an industrial area are limited to Class 2 crushed gravel which conforms to the requirements of MN/DOT specification 3138 with visual evidence of further consolidation.
- R. Joint parking. Joint parking areas for several uses in the same block or in the same vicinity may be permissible, if the number of stalls provided is equal to the sum total of the individual requirements and provided that it is found by the Planning Commission, upon application thereto, that the parking demand generated by the different uses including in any joint arrangement to provide parking stalls required herein occurs at distinctly different times, as in the case of a store generating different demand for parking during its daytime business hours and thereafter generating peak demand for parking after such daytime hours, and in similar cases. The Planning Commission may recommend to the City Council the reduction of the total number of parking stalls to be jointly provided. The joint use of parking facilities shall be protected by covenants that run with the lots housing all the joint users and the lot or lots on which the parking facility which satisfies the parking requirements of this Chapter is provided. Those covenants shall grant a perpetual easement for parking to the joint principal use lots. The form, manner of execution, and content of such covenants must be approved by the City Attorney and the document containing the covenants must be recorded at the County Recorder's Office.

**32.18: RESIDENTIAL POOLS AND SPAS.**

A. Definitions.

- 1. Residential swimming pools shall be defined as any constructed pool, permanent or portable, which is intended for non-commercial use as a swimming pool by the owner's family and their guests and which is over twenty-four (24) inches in depth and has a surface area exceeding two hundred (200) square feet.
- 2. Spa shall be defined as a unit primarily designed for therapeutic use which is not drained, cleaned or refilled for each individual. It may be included but not limited to hydro jet circulation, hot water, cold water mineral baths, air induction bubbles or any combination thereof. Industry terminology for a spa includes, but is not limited to, therapeutic pool, hydrotherapy pool, whirlpool, hot spa, etc.

B. Requirements.

- 1. Utility Lines. Pools and spas shall not be located beneath utility lines or over underground utility lines of any type.
- 2. Fencing. All permanent outdoor pools hereafter constructed shall be completely enclosed by a fence or wall of the non-climbing type so as to be impenetrable by toddlers and shall be equipped with self-closing and self-latching devices.

3. Covers/Ladders. All outdoor spas and semi-permanent pools shall have either a fence as described in B(2), be drained of water and/or have a cover. The cover shall be attached so as to be impenetrable by toddlers. When not in use temporary ladders shall be removed from pools.

### **32.19: ANTENNAS AND TELECOMMUNICATION FACILITIES.**

- A. The purpose of this section is to establish predicable and balanced regulations for the siting and screening of wireless telecommunication towers, equipment, including technology associated with amateur radio service, satellite dishes, personal wireless service, radio or television transmitting antennas, public safety communication, and public utility microwave equipment, in order to accommodate the growth of wireless communication systems within the City while protecting the public against any adverse impacts on the City's aesthetic resources and the public welfare. The provisions of this section are intended to maximize the use of existing towers, structures, buildings, and collocations to accommodate new wireless telecommunication antennas in order to minimize the number of towers needed to serve the community.
- B. General Standards and Requirements. The following standards and requirements shall apply to all cellular telephone, public utility, microwave, radio and television broadcast transmitting, radio and television receiving, satellite dish and shortwave radio transmitting and receiving antennas.
  1. All obsolete and unused antennas shall be removed by the property owner within twelve (12) months of cessation of operation at the site, unless an exemption is granted by the City.
  2. All antennas shall be in compliance with all City building and electrical code requirements and as applicable shall require related permits.
  3. Structural design, mounting and installation of the antenna shall be in compliance with manufacturer's specifications, and as may be necessary as determined by the City, shall be verified and approved by a structural engineer.
  4. When applicable, written authorization for antenna erection shall be provided by the property owner.
  5. No advertising message shall be affixed to the antenna structure or tower and the use of any portion of a tower for signs other than warning or equipment information signs is prohibited.
  6. Lights and Other Attachments. No antenna or tower shall have affixed or attached to it in any way, except during time of repair or installation, any lights, reflectors, flashers, or other illuminating device, except as required by the Federal Aviation Agency (FAA) or the Federal Communications Commission (FCC), nor shall any tower have constructed on, or attached to, in any way, any platform, catwalk, crow's nest, or like structure, except during periods of construction or repair.
  7. When applicable, proposals to erect new antennas shall be accompanied by any required federal, state, or local agency licenses or permits.
  8. Towers under two hundred (200) feet in height shall be painted a non-contrasting color consistent with the surrounding area such as: blue, gray, brown, or silver, or have a galvanized or oxidized finish to reduce visual impact.
  9. Accessory Utility Buildings. 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 zoning district in which the tower site is located. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

10. In addition to the information required elsewhere in this section, development applications for towers shall include the following supplemental information.

a. A letter of intent committing the tower owner and their 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.

b. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities when they are abandoned, unused or become hazardous shall be submitted to the City.

C. Co-location Requirements.

1. A proposal for a new commercial antenna shall not be approved unless it can be documented by the applicant, by a qualified and licensed engineer, that the antenna planned for the proposed tower cannot be accommodated on an existing or approved tower, commercial building or public structure within one (1) mile radius of the proposed tower site. The applicant must provide documentation or studies utilized to determine the necessary location and height of the antenna, including the following analysis:

a. Existing service area of the provider.

b. Service area of the provider including the area at the height limits for an antenna established by this section.

c. Location, height and ability to collocate on other existing antenna support structures owned by the applicant or other provider capable of providing service to all or a portion of the proposed service area.

d. The height of the antenna shall be the minimum necessary to function satisfactorily, as verified by an engineer or other qualified professional.

2. Any proposed commercial wireless telecommunication service tower shall be designed to accommodate both the applicant's antenna and comparable antenna for at least two (2) additional users, including, but not limited to, other cellular communication companies, local police, fire and ambulance companies. Towers must be designed to allow for future rearrangement of antenna upon the tower and to accept antenna mounted at varying heights.

D. Tower Design Requirements. Proposed or modified towers and antenna shall meet the following design requirements:

1. Towers and antenna shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities.

2. Commercial wireless telecommunication service towers shall be of a monopole design unless the City Council determines that an alternative design would better blend in to the surrounding environment. Towers must be self-supporting without the use of wires, cables, beams, or other means.

E. Construction Requirements.

1. All antenna, towers, and accessory structures shall comply with all applicable provisions of this ordinance.



2. A qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the Uniform Building Code and Electronics Industry Association shall certify towers.
  3. No part of any antenna or tower nor any lines, cable, equipment, 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 antenna shall be designed to conform to accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.
  5. All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
  6. A security fence to discourage climbing of the tower shall protect every tower affixed to the ground, unless waived by the City.
  7. Tower locations should provide the maximum amount of screening possible for off-site views of the facility. Existing on-site vegetation shall be preserved to the maximum extent practicable. The area around the base of the tower and any accessory structures shall be landscaped and/or screened.
- F. Setbacks. All towers shall comply with each of the minimum setback requirements below.
1. The setback of the tower shall be at a ratio of one (1) foot of setback for every two (2) feet of height of tower (i.e. a one hundred (100) foot tower would require a fifty (50) foot setback from all property lines and street right-of-way).
  2. In the event that any portion of the property is zoned residential, directly abuts a district zoned residential or Urban Reserve and is guided residential on the Future Land Use Map in the City's comprehensive plan the setback to the property line or residential district shall be at a ratio of one (1) foot for every one (1) foot of height of structure (i.e. a one hundred (100) foot tower would require a one hundred (100) foot setback from any property line which is residentially zoned).
- G. Locations, Height and Processing. Antennas located on a tower or structure are allowed in all districts. Towers not exceeding the maximum height requirement of the district may be erected after the issuance of a building permit. Towers less than two hundred (200) feet in height and exceeding the maximum height requirement of the district shall only be allowed by the issuance of a conditional use permit and shall be subject to the following requirements. No towers two hundred (200) feet in height or more shall be allowed.
1. Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary for transmitting, receiving and switching equipment, it shall be situated in the rear yard of the principal use and shall be screened from view by landscaping where appropriate.
  2. The conditional use permit provisions of chapter 7 of this ordinance are considered and determined to be satisfied.
  3. Antenna Mounted on Roofs, Walls, and Existing Towers and Structures. The placement of wireless telecommunication antenna on roofs, walls, and existing towers and structures may be approved by the City Council and issuance of a building permit, provided the antenna meet the requirements of this section and height requirements below.

- a. Antennas mounted on public structures shall not extend more than fifteen (15) feet above the structural height of the structure to which they are attached.
- b. Roof mounted antennas shall not extend more than ten (10) feet above the roof, and shall be set back at least the height of the antenna structure from the roof edge.
- c. Wall or facade mounted antennas may not exceed more than five (5) feet above the cornice line and must be constructed of a material or color which matches the exterior of the building. (Approved March 2, 2015 under Ordinance # 99)

**32.20: FENCES & RETAINING WALLS.**

- A. Permit Required: No person, except on a farm and related to farming, shall hereafter construct or cause to be constructed or erected within the City, any fence or retaining wall without first making an application for and securing a permit.
- B. Locations: Boundary Line Fences:
  - 1. Such a fence of wood, etc. which requires periodic maintenance shall be located no closer than three (3) feet from any side or rear yard lot line on the property of the person constructing or causing the construction of said fence.
  - 2. An exception to the above restriction involving an encroachment up to the side or rear property line shall be allowed by administrative permit provided that a fence agreement addressing construction, maintenance, and repair responsibilities, as well as trespass rights, is established between the adjoining property owners and said agreement is filed with the County Recorder against the titles of the respective properties.
  - 3. The Zoning Administrator or the Building Official may require the owner of the property upon which a fence now exists, or may require any applicant for a fence permit to establish the boundary lines of the property by a survey thereof to be made by any registered land surveyor.
- C. Construction and Maintenance: Every fence shall be constructed in a substantial, workmanlike manner and of substantial material reasonably suited for the purpose for which the fence is proposed to be used. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Any such fence which is, or has become dangerous to the public safety, health or welfare, is a public nuisance, and the Zoning Administrator shall commence proper proceedings for the abatement thereof. Like fences, wherever permitted shall be constructed in such a manner, that no barbed ends shall be at the top. Electric fences shall only be permitted in the Urban Reserve District when related to farming, and on farms in other districts when related to farming, but not as boundary fences. Barbed wire fences shall only be permitted on farms or in Industrial Districts except as hereinafter provided.
- D. Clear Vision Triangle: On corner lots in all districts, no fence, excepting chain link, in excess of twenty-four (24) inches above the street centerline grade shall be permitted within a triangular area as defined in this Ordinance.
- E. Site Distance: The triangular area of a corner lot formed by the street lines and a line connecting them at points 15 feet from the intersection of the street lines or in the case of a rounded corner from the intersection of the street property lines extended. On streets having an angle of intersection of 90 degrees or more, said line connecting the intersecting streets is moved one foot further from the intersection along each street for each 10 degrees by which the angle of the intersecting streets exceeds 90 degrees.
- F. Residential Fencing and Screening:

1. Except as provided herein, fences shall be at least five (5) percent open for passage of air, light, and drainage.
2. Except as provided herein, fences may not exceed six (6) feet in height. This is measured from natural grade. Fences on a slope may be higher in order to stair step the grade but shall not exceed 6' tall panels.
3. Fences extending across front yards shall not exceed forty-two (42) inches in height and shall be at least seventy-five (75) percent open space for passage of air and light.



G. Business and Industrial Fencing:

1. Business and industrial fences may be erected up to eight (8) feet in height. Fences in excess of eight (8) feet shall require a conditional use permit.
2. Business and industrial fences with barbed wire security arms shall be erected a minimum of six (6) feet in height (measured without the security arm). The security arm shall be angled in such a manner that it extends only over the property of the fence permit holder and does not endanger the public. Such security fencing shall be prohibited when located along a property line abutting a residential use.

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

I. Retaining Walls: Retaining walls which have a toe within fifteen (15) feet of a street and run essentially parallel to the street may have a maximum exposed height of five (5) feet at any point along the wall. An additional two (2) feet in height is permitted when the wall is faced with a decorative masonry or stone, subject to approval of the Zoning Administrator. A maximum of two (2) successive walls are permitted, provided that they are at least five (5) feet apart and have a slope between walls not to exceed 2:1 horizontal to vertical steepness.

J. Materials: All exposed retaining walls and crib walls which may be visible to surrounding properties or streets shall be constructed with stone, textured poured concrete, or textured decorative colored masonry block with colored grout where grout is used to blend with the color of the natural hillside.

**32.21: WIND ENERGY CONVERSION SYSTEMS (WECS).**

A. Purpose: The purpose of this Section is to establish standards and procedures by which the installation and operation of the WECS shall be governed within the City.

B. Application: Wind Energy Conversion Systems may be allowed as an accessory use, conditional use within any zoning district of the City, subject to the regulations and requirements of this Section, provided the property upon which the system is to be located is agricultural or industrial and meets all the required setbacks.

- C. Declaration of Conditions: The City Council may impose such conditions on the grants of WECS conditional use permit as may be necessary to carry out the purpose and provisions of this Section and to maintain compatibility.
- D. Site Plan Drawing: All applications for WECS conditional use permit shall be accompanied by a detailed site plan draw to scale and dimensioned, displaying the following information.
  - 1. Lot lines and dimensions
  - 2. Location and height of all buildings, structures, above ground utilities, and trees on the lot, including both existing and proposed structures and guy wires anchors.
  - 3. Locations and height of all adjacent buildings, structures, above ground utilities and trees located within three hundred fifty (350) feet of the exterior boundaries of the property in question.
  - 4. Existing and proposed setbacks of all structures located on the property in question.
  - 5. Sketch elevation of the premises accurately depicting the proposed WECS and its relationship to the structures on adjacent lots.
- E. 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 the engineering data and calculations to demonstrate compliance with the structural design provisions of the State Building Code especially with regards to wind and icing loads. Drawings and engineering calculations shall be certified by a registered engineer.
- F. 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.
- G. Liability: No building permit shall be issued for the construction of a WECS until and unless the applicant for the building permit deposits with the City Clerk a policy of liability insurance indemnifying applicant from liability for personal injury or property damage in the sum of at least \$500,000.00. The policy of insurance so deposited shall contain a clause obligating the company issuing the same to give at least thirty (30) days written notice to the City before cancellation thereof, the building permit to be automatically revoked upon the lapse or termination of said policy.
- H. Manufacturer Warranty: The 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 the City. The WECS shall be warranted against any system failures reasonable expected in severe weather operation conditions.
- I. Design Standards:
  - 1. Height: The permitted maximum height of a WECS shall be determined in one of two ways. In determining the height of the WECS, the total height of the system shall be included. System height shall be measured from the base of the tower to the highest possible extension of the rotor.
    - a. A ration of one (1) foot to one (1) foot between the distance of the distance of the closest property line to the base of WECS to the height of the system.
    - b. A maximum system height of one hundred fifty (150) feet.

The shortest height of the two above mentioned methods shall be used in determining the maximum allowable height of a WECS system. The height of a WECS must also comply with FAA Regulation Part 77 "Objects Affecting Navigable Air Space" and/or MN Dot Rule 14, MCAR 1.3015 "Criteria for Determining Obstruction to Air Navigation"

2. **Setbacks:** No part of a WECS (including guy wire anchors) shall be located within or above any required front, side or rear yard setback and no part of the system shall be within ten (10) feet of any property line, whichever is greater. WECS towers shall be setback from the closest property line one foot for every one foot of system height. WECS shall not be located within fifty (50) feet of an above ground utility.
3. **Rotor Size:** All WECS rotors shall not have rotor dimensions greater than twenty-six (26) feet.
4. **Rotor Clearance:** Blade-arcs created by the WECS shall have a minimum of thirty (30) feet of clearance over any structure or tree within a two hundred (200) foot radius.
5. **Rotor Design:** The blade design and materials are to be designed and constructed to ensure safe operation in a urban/rural area.
6. **Rotor Safety:** Each WECS shall be equipped with both a manual and automatic braking device capable of stopping WECS operation in high wind (40 MPH or greater) or in conditions of imbalance.
7. **Lightning Protection:** Each WECS shall be grounded to protect against natural lightning strikes in conformance with the National Electrical Code as adopted by the City.
8. **Component Compatibility:** The Wind turbine and wind turbine tower are to be designed and constructed to be compatible.
9. **Tower Access:** To prevent unauthorized climbing, WECS towers must comply with one of the following provisions:
  - a. Tower climbing apparatus shall not be located within twelve (12) feet of the ground.
  - b. A locked anti-climb device shall be installed on the tower.
  - c. Tower capable of being climbed shall be enclosed by a locked, protective fence at least eight (8) feet high.
10. **Signs:** WECS shall have one sign, not to exceed two (2) square feet at the base of the tower and said sign shall contain the following information:
  - a. Warning high voltage.
  - b. Manufacturer's name.
  - c. Emergency phone number.
  - d. Emergency shutdown procedures.
11. **Lighting:** WECS shall not have affixed or attached any lights, reflectors, flashers or any other illumination, except for illumination devices required by FAA Regulations Part 77 "Objectives Affecting Navigable Air Space and Lighting."

12. Electromagnetic Interference: WECS shall be designed and constructed so as not to cause radio and television interference.
  13. Noise Emissions: Noises emanating from the operation of WECS shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations NPC 1 and 2, as amended.
  14. Utility Company Interconnection: No WECS shall be interconnected with the local electrical utility company until the utility company and the City Engineer have commented upon such proposal. The interconnection of the WECS with the utility company shall adhere to the National Electrical Code as adopted by the City.
  15. Lighting: WECS
- J. Ornamental Wind Devices: Ornamental wind devices that are not a WECS shall be exempt from the provisions of this Section and shall conform to other applicable provisions of this Chapter and the City Code.
  - K. Building Permit Required: A building permit shall be required for the installation of a WECS in the City.
  - L. Inspection: The City hereby reserves the right upon issuing any WECS conditional use permit to inspect the premises on which the WECS is located. If a WECS is not maintained in operational condition and poses a potential safety hazard, the owner shall upon written notice from the City, take expeditious action to correct the situation.
  - M. Abandonment: Any WECS or tower which is not used for six (6) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner. (Approved July 22, 2008)

### **32.22: OUTDOOR WOOD BOILERS.**

- A. Purpose: The purpose of this ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the City of Osakis by regulating the air pollution and fire hazards of outdoor fire boilers.
  - B. Application: Outdoor Fire Boilers may be allowed as an accessory use, conditional use with the UR (Urban Reserve), R-1 (Low Density Residential), R-2 Medium Density Residential), C-2 (General Commerce), C-3 (Highway Commercial), and I-1 (General Industrial) districts of the City, subject to the regulations and requirements of this Section.
  - C. Declaration of Conditions: The City Council may impose such conditions on the granting of Outdoor Fire Boilers conditional use permit as may be necessary to carry out the purpose and provisions of this Section and to maintain compatibility.
  - D. Applicability: This ordinance applies to all outdoor fire boilers within the City of Osakis.
1. This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
  2. This ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.

3. This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.
4. This ordinance does not apply to campfires; a small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of waste wood or refuse.

E. Definitions:

1. **Construction and Demolition Debris:** Building waste material, including but not limited to waste shingles, insulation, tar paper, wall board, treated wood, painted wood, wiring, plastics, packaging, and rubber or other similar smoke producing materials that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure.
2. **Outdoor Fired Boiler:** A fired boiler, stove, or furnace that is not located within a building intended for habitation by humans or domestic animals.
3. **Refuse:** Any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.

F. Outdoor Fired Boilers: An outdoor fired boiler may be installed and used in the City of Osakis only in accordance with all of the following provisions:

1. The outdoor fired boiler shall be allowed in the following districts: UR (Urban Reserve), R-1 (Low Density Residential), R-2 Medium Density Residential), C-2 (General Commerce), C-3 (Highway Commercial), and I-1 (General Industrial).
2. The outdoor fired boiler shall not be used to burn refuse.
3. The outdoor fired boiler shall burn corn or clean wood; natural wood which has not been painted, varnished, or coated with a similar material, has not been pressure treated with preservatives, and does not contain resins or glues as in plywood or other composite wood products.
4. The outdoor fired boiler shall be located at least one hundred (100) feet from any structure which is not on the same property as the outdoor fired boiler and located in the rear yard.
5. The outdoor fired boiler shall have a chimney that extends at least fifteen (15) feet above the ground surface. Installation of the outdoor fire boiler shall be according to the manufacturer's safe operation recommendations.
6. No homemade boilers will be allowed.
7. All burnable material must be stacked neat and orderly or housed within a structure.

G. Materials That May Not Be Burned:

1. Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
2. Asphalt and products containing asphalt.
3. Treated or painted wood including but not limited to plywood, composite wood products, or other wood products that are painted, varnished or treated with preservatives.

4. Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane, foam, synthetic fabrics, plastic films and plastic containers.
  5. Rubber, including tires and synthetic rubber-like products.
- H. Severability: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.
  - I. Liability: A person utilizing or maintaining an outdoor fire boiler shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.
  - J. Penalty: Any person convicted or violating a provision of the ordinance is guilty of a misdemeanor and shall be punished by a fine of at least \$150.00 per occurrence plus the costs of prosecution in any case. (Approved July 22, 2008)