

2G. Consideration of adopting Ordinance 855 amending the Monticello City Code, Title XV: Land Usage, Chapter 153: Zoning Ordinance, Section § 153.012 Definitions, § 153.027 Common Review Procedures and Requirements, § 153.028 Specific Review Procedures and Requirements, § 153.090 Use Table, § 153.040 General Provisions, § 153.042 Common District Requirements, § 153.067 Off-Street Parking, § 153.070 Building Materials, § 153.060 Landscaping and Screening, § 153.064 Signs, and § 153.092 Accessory Use Standards. Applicant: City of Monticello

<p>Prepared by: Community Development Director</p>	<p>Meeting Date: 8/25/2025</p>	<p><input checked="" type="checkbox"/> Consent Agenda Item <input type="checkbox"/> Regular Agenda Item</p>
<p>Reviewed by: Consulting City Planner, Chief Building & Zoning Official, Community & Economic Development Coordinator</p>	<p>Approved by: City Administrator</p>	

ACTION REQUESTED

Planning Commission recommends approval of the ordinance amendments.

Motion to adopt Ordinance 855 amending the Monticello City Code, Title XV: Land Usage, Chapter 153: Zoning Ordinance, various sections, based on findings in PC-Resolution 2025-32.

REFERENCE AND BACKGROUND

- Property:** City of Monticello
- Planning Case Number:** 2025-37
- Request(s):** Amendments to clarify or address changing conditions affecting the Zoning Ordinance and support the goals and objectives of the 2040 Plan
- Project Description:** City staff is requesting consideration of various ordinance amendments which are intended to clarify language within the ordinance to support consistent application of the code and reduce errors in interpretation.

ANALYSIS:

As City staff apply the Monticello Zoning Ordinance to changes in land use, land use applications, and to address public inquiries, identified clarifications to the ordinance are tracked for potential amendment. Potential amendments to better clarify various sections of

ordinance were gathered over the first six months of 2025 and a draft ordinance amendment was prepared for consideration.

The following is a summary of the amendments proposed with a brief description of the rationale for amendment.

Definitions - § 153.012

- Add a definition for *Driveway*. No definition currently exists. The definition is recommended as a reference point for current ordinances regulating use and permitting.
- Amend the definition for *Swimming Pool* to regulate gallons in addition to depth; this is a common code standard established for safety and safety requirements.
- Amend the definitions to strike *Utilities-Major*. The current definition poses a number of issues as written. Public infrastructure uses such as wastewater and water treatment plants are encompassed within the definition of *Public Buildings or Uses*. Striking their inclusion in this definition eliminates confusion on which definition applies and where such facilities may be located. In addition, commercial wind energy systems are only allowed as accessory uses on properties and the inclusion of this use within the definition could similarly create confusion over where a wind energy system is allowed. The remaining use identified, substations, would be better addressed through other definition adjustments.
 - Along with the definition amendment, a corresponding amendment to strike *Utilities-Major* from Use Table 5-1 is proposed.
 - As a note on where public infrastructure such as wastewater and water treatment are allowed, *Public Buildings or Uses* are conditional uses in all residential and commercial zoning districts, requiring a CUP review for public water, wastewater treatment or other public facilities. Such uses are permitted uses only in the I-1 and I-2 Districts.
- Add a definition for *Utilities - Electric Generating Facilities* to establish and clearly define electric generating uses such as the Monticello Nuclear Generating Plant. The code does not currently provide a clear definition for this type of use, including within the noted *Utilities- Major* definition. A corresponding amendment to Use Table 5-1 proposes to allow the use as conditional in the I-2 District. This ordinance does not include wind energy or solar systems. As a reminder, any power generation facility over 50 megawatts also requires a separate state review and permit process.

Common Review Procedures and Requirements - § 153.027

Amend the existing language to add the Alternative Urban Areawide Review, which is an alternative process to the EAW or EIS process per Minnesota Rules requirements and allowances. It also includes language that provides for the cost recovery of expenses for environmental review preparation.

Specific Review Procedures and Requirements - § 153.028

- Amend the ordinance to clarify permit requirements for driveways. Recent permit applications and reviews have yielded the need to address when a permit is required and correct the confusing grammatical structure of the current language.
- Amend the ordinance to strike the Certificate of Occupancy requirement. “Certificate of Occupancy” is a Building Code term, not a zoning term or requirement. The majority of this section is redundant to the requirements of the Building Code, which was adopted by the City and is applicable and enforceable without inclusion in the Zoning Ordinance. Inclusion in the zoning code also presents opportunity for conflict as the Building Code may be amended. Section §152.005 of the Zoning Code provides the necessary regulation for changes in use as it requires compliance with the zoning ordinance for any change in use or new use.

General Provisions - § 153.040

Amend the ordinance to more clearly reference the zoning map as adopted for verification of zoning boundaries. The amendment also adds further distinction to applicable regulations for newly annexed land.

Common District Requirements - § 153.042

Amend the ordinance to exclude public buildings or uses from the provision requiring a PUD when multiple buildings occur on a single lot. It is common for public buildings or uses to include multiple principal buildings. For example, the City’s reservoir site includes both the animal control facility and water reservoir (and the site is proposed to include the future water treatment plant); the public works site includes two principal use buildings, the office building and larger facility garage. Requiring rezoning to PUD for these types of essential public service facilities and operations is not consistent with the intention or purpose of the use of PUD.

Landscaping and Screening - § 153.060

Amend the current language for rooftop screening to restrict screening requirements to directly abutting or adjacent properties. The clarification avoids unnecessary requirements for screening beyond those areas most directly impacted and helps to avoid possible inconsistent interpretation.

Signs - § 153.064

Amend the ordinance to reduce the setback for free-standing signage to 6 feet (from 15 feet), except where a drainage and utility easement is in place, where the sign must be setback out of the easement. This amendment was previously directed by the Planning Commission as part of the variance approval granted to the Fairfield hotel sign. The amendment also matches the numerical format for setback within the section.

Off-Street Parking - § 153.067

Amend the ordinance to provide more flexibility in screening treatments for parking areas adjacent to residential uses. The proposal would allow screening through berming, landscaping, walls or fences, or combination thereof. The current code requires a half-berm and landscaping design. This design can be overly restrictive and impractical in tighter development areas; the amendment retains the screening with more flexibility.

Building Materials - § 153.070

Amend the ordinance to clarify that metal roofing in residential applications must be specially designed and sold for residential homes. This clause again is intended to assist in clear interpretation.

Accessory Use Standards - § 153.092

- Amend the ordinance to allow either fencing or screening of outdoor storage in both the I-1 and I-2 Districts and clarify that the opacity level will be applicable from comparable grades. The amendment also strikes the requirement that both screening or fencing and landscaping be used for outdoor storage. While this requirement removes the landscaping requirement along a fence if installed, general site landscaping per code requirements is still required and may be enhanced if conditions warrant in any required CUP process.
 - Amend the ordinance to address security and safety requirements for swimming pools. The increased use of temporary pool structures has created a need to address the zoning requirements for pools. The proposed language clarifies requirements for all pools. The existing language did not distinguish security requirements between above and in-ground pools. The Building Code, which was recently amended, does not address pools and as such, zoning provisions provide the necessary tool for safety review.
- I. **Budget Impact:** Limited to publication and notice costs, covered by the Planning & Zoning budget.
 - II. **Staff Workload Impact:** City staff prepared the report and ordinance, estimated at 8 hours of preparation.

- III. Comprehensive Plan Impact:** The proposed ordinance amendments are intended to support the goals and policies identified in the Monticello 2040 Plan. The 2040 Plan’s Implementation Chapter notes that amendments may address various fundamentals, including definitions and design standards, in order to achieve the Plan’s specific objectives.

PLANNING COMMISSION REVIEW AND RECOMMENDATION

The Planning Commission reviewed this item and held a public hearing on the proposed amendments on August 5, 2025.

There was no public present to address the Commission on the item.

The Commission inquired as to when driveway permits are required. Staff explained the permitting process allows for verification to setback and width requirements. They also clarified that the proposed amendments for pools are in the majority a replacement of existing text. Staff confirmed, noting the gaps in the current provisions for certain heights and types of pools, which the proposed ordinance addresses.

The Planning Commission recommended approval of the ordinance amendments unanimously.

STAFF RECOMMENDED ACTION

City staff recommend approval of the proposed amendments. The ordinance revisions are intended to provide additional clarity where needed, to create flexibility where staff believe it to be consistent with the intent of the zoning district and 2040 Plan goals, to correct grammatical errors, and to address changing trends in development and land use.

SUPPORTING DATA

- A. Ordinance 855
- B. Summary Ordinance 855A
- C. Resolution PC-2025-32
- D. Proposed Ordinance Amendments, Plain Text Format
- E. Monticello Zoning Ordinance, Excerpt
- F. MN State Building Code, Certificate of Occupancy Excerpt

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CITY OF MONTICELLO
WRIGHT COUNTY, MINNESOTA

AN ORDINANCE AMENDING TITLE XV OF THE MONTICELLO CITY CODE,
TITLE XV: LAND USAGE, CHAPTER 153: ZONING INCLUDING VARIOUS SECTIONS

THE CITY COUNCIL OF THE CITY OF MONTICELLO HEREBY ORDAINS:

Section 1. Section § 153.012 DEFINITIONS, is hereby amended as follows:

DRIVEWAY. *A paved or otherwise improved private road providing access for vehicles from a public street to a property.*

SWIMMING POOL. A structure, whether above or below grade level, designed to hold water of 5,000 gallons or more and/or more than 24 inches deep to be used for recreational purposes.

~~UTILITIES – MAJOR.~~ Major utilities shall include the following:

- ~~— (1) Public infrastructure services providing regional or community wide service that have regular employees on site during common working hours, and entail the construction of new buildings or structures such as waste treatment plants, potable water treatment plants, and solid waste facilities.~~
- ~~— (2) Commercial wind energy conversion systems (public or private).~~
- ~~— (3) Electrical substations.~~

UTILITIES – ELECTRIC GENERATING FACILITY. *Publicly regulated utilities generating at least 100 megawatts of power and which are the principal land use of property. Such uses may include accessory or appurtenant uses to the principal use, electrical substations, and do not include principal use solar energy systems or wind energy systems, which are prohibited by this ordinance.*

Section 2. Section § 153.027 COMMON REVIEW PROCEDURES AND REQUIREMENTS, is hereby amended as follows:

(M) *Environmental review.*

(1) No development project shall be approved prior to review by the Community Development Department to determine the necessity for completion of an Environmental Assessment worksheet (EAW), Alternative Urban Areawide Review (AUAR), or Environmental Impact Statement (EIS). Procedures for EAWs, AUARs and EISs are set forth in the Minnesota Environmental Quality Review Board (EQB) regulations for the Environmental Review Program authorized by M.S. §§ 116D.04 and 116D.045, as they may be amended from time to time, and specified in Minn. Rules Parts 4410.0200 to 44410.7800.

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(2) Environmental reviews (EAWs, AUARs and EISs) shall be conducted as early as practical in the processing of a development project. No decision on granting of a permit or other approval required may be issued until the EAW/EIS process is completed.

(3) An EAW, AUAR, or EIS, together with the completed data portions of the environmental document, shall be accompanied by a fee and cash escrow as set forth in ordinance. Costs of city time and materials expended in reviewing and processing the application shall be charged against the cash escrow account and credited to the city.

Section 3. Section § 153.028 SPECIFIC REVIEW PROCEDURES AND REQUIREMENTS, is hereby amended as follows:

(N)(3)(a) A driveway permit shall be required for the installation, ~~repair~~, expansion, reconfiguration, or resurfacing of any driveway or any parking lot ~~intended for use by more than three vehicles.~~ Restriping compliant with accessibility codes and resealing of driveway areas are exempt from this requirement.

~~(I) Certificates of occupancy.~~

~~(1) Purpose. This section establishes the requirement for city approval prior to the use or occupation of new buildings or structures, or prior to a change in use within an existing structure. Issuance of a certificate of occupancy signifies that the building or structure complies with all code requirements.~~



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~~(2) Required.~~

~~(a) No building or structure hereafter erected or moved, or that portion of an existing structure or building erected or moved, shall be occupied or used in whole or in part for any purpose whatsoever until a certificate of occupancy shall have been issued by the Community Development~~

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Department stating that the building or structure complies with all provisions of this chapter.

- ~~— (b) No change in use of an existing building or structure shall occur until a certificate of occupancy shall have been issued by the Community Development Department stating that the building or structure complies with all provisions of this chapter.~~
- ~~— (3) Application. A certificate of occupancy shall be applied for coincident with an application for a building permit or prior to a proposed change in use.~~
- ~~— (4) Issuance. A certificate of occupancy will be issued within ten days after the Community Development Department shall have completed a final inspection and found the building or structure conforming to all code requirements.~~

Section 4. Section § 153.040 GENERAL PROVISIONS, is hereby amended as follows:

- (A) *Adoption of zoning map.* ~~The map entitled City of Monticello Zoning Map, January 24, 2011, hereinafter referred to as the “zoning map,” and all explanatory matters thereon, are hereby adopted and made a part of this chapter. Questions concerning a zoning designation or boundaries of a zoning district shown on the zoning map shall be resolved by referring back to the previously adopted ordinances delimiting the districts and boundaries.~~ The location and boundaries of the districts established by this text are hereby set forth on the official “City of Monticello Zoning Map” and its appendices as adopted. Said map shall be on file with the Zoning Administrator, and hereinafter referred to as the “zoning map.” Said map and all the notations, references, and other information shown thereon shall have the same force and effect as if fully set forth herein and thereby made a part of this chapter by reference.
- (D) *Zoning classifications for newly annexed property.* ~~Any land annexed to the city in the future shall initially be placed in the A-O Agricultural Open District.~~ Any land hereafter annexed to the city which is not shown on the zoning map shall automatically, upon annexation, be classified within the Agricultural-Open Space District and shall be subject to all regulations, notations, references, and conditions as are applicable to said district until such time that a determination may be made as to the proper district classification for such territory and an amendment can be made to that effect, unless placed in another district by action of the City Council after recommendation of the Planning Commission.

Section 5. Section § 153.042 COMMON DISTRICT REQUIREMENTS, is hereby amended as follows:

The following regulations shall apply in all base zoning districts.

- (A) Building within public easements prohibited. No building or structure shall be placed within an easement dedicated for a public purpose unless expressly

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- authorized by a variance issued in accordance with § 153.028(C) or a license or encroachment agreement issued by the Community Development Department.
- (B) Outlots. No building permit or grading permit can be issued for a parcel of land designated in a plat as an outlot unless specifically authorized by the City Council.
- (C) Principal buildings. Except as may be permitted by an approved planned unit development or for public buildings or uses as defined by this ordinance, not more than one principal building shall be located on a lot.

Section 6. Section § 153.060 LANDSCAPING AND SCREENING, is hereby amended as follows:

(l)(5)(a) *General roof penetrations.* All roof vents, pipes and/or other roof penetrations (except chimneys), shall be fully screened, located on the rear elevations, or be otherwise configured to the maximum extent practicable to have a minimal visual impact as seen from a public street.

(b) *Exceptions.* Rooftop screening standards shall not apply to I-1 or I-2 zoned properties.

(c) *Roof-based mechanical equipment.*

1. Parapet walls or other techniques included as an integral part of the building design shall be used to totally screen any roof-based mechanical equipment from directly abutting public rights-of-way or directly adjacent lands.

2. In cases where roof-based mechanical equipment are too tall to be screened by a parapet wall, or if changes in the surrounding grade make rooftops with parapets visible from public rights-of-way or directly adjacent lands, a rooftop screening system shall be used for screening (see Figure 4-4).

Section 7. Section § 153.064 SIGNS, is hereby amended as follows:

(H) *General provisions.*

(1) *Accessory structures.* Except as provided for by § [153.064\(D\)\(9\)](#), all signs shall be considered accessory structures.

(2) *Setbacks.* All freestanding signs shall be set back ~~15-6~~ feet from any property line abutting a public right-of-way and ~~five~~5 feet from any side or rear property line- except that n~~No~~ sign may be located within a drainage and utility easement. A certificate of survey may be required to verify sign setback in accordance with this chapter.

Section 8. Section § 153.067 OFF-STREET PARKING, is hereby amended as follows:

(E) *Standards applicable to all uses.*

(1) *Location of required parking.*

(g) For single, two-family and townhome dwellings, Driveways located within a front yard where the surfacing leads directly to the attached garage may also be used for off-street parking.

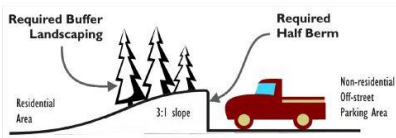
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- (G) *Standards applicable to commercial, industrial and civic/institutional uses.*
- (1) *Location of required parking for commercial, industrial and civic/institutional use*

(c) *Perimeter vehicular use buffer.*

1. Open, non-residential off-street parking areas shall be designed to fully screen headlights from abutting residential districts ~~through the use of a half berm design. Said design shall be required~~ and in all instances where headlights are directed at surrounding or abutting residential properties or uses. ~~A half berm is required in addition to any buffer yard landscaping requirements with a design as illustrated in Figure 4-12.~~ Such screening may be accomplished through berming, landscaping, fencing, or combination thereof.

Figure 4-12



(Strike image)

Section 9. § 153.070 BUILDING MATERIALS, is hereby amended as follows:

(C) *Residential district requirements.*

(5) *Roofing materials.* Roofing materials in residential districts, including for principal and accessory buildings, shall consist of shingles made of asphalt, fiberglass, durable rot-resistant wood (such as cedar), stone (such as slate) or architectural metal (including steel and copper). Heavy gauge steel or copper manufactured and commonly used for residential roofing applications may be used for standing-seam roofing. Steel may be used only when designed to resemble traditional residential architectural roofing materials.

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Section 10. Section § 153.090 USE TABLE, is hereby amended to strike the following:

TABLE 5-1: USES BY DISTRICT																		
Use Types "P" = Permitted "C" = Conditionally Permitted "I" = Interim Permitted	Base Zoning Districts															Additional Requirements		
	AO	RA	R1	R2	TN	R3	R4	MH	B1	B2	B3	B4	CCD	PCD	IBC	I1	I2	
Civic and Institutional Uses																		
Active park facilities (private)	P	P	P	P	P	P	P											§ 153.091(D)(1)
Assisted living facilities				C		P	C		C	P								§ 153.091(D)(2)
Cemeteries	C	C	C	C	C	C	C											§ 153.091(D)(3)
Clinics/medical services									C	P		P			C			None
Essential services	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	None
Hospitals									C	P		P			C			§ 153.091(D)(4)
Nursing/ convalescent home	C	C	C	C	C	C	C	C	C	C		P						§ 153.091(D)(5)
Passenger terminal										C	C	C			C			None
Passive parks and open space	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	
Place of public assembly			C	C	C	C	C			P	C							§ 153.091(D)(6)
Public buildings or uses	C	C	C	C	C	C	C	P	C	C	P	P			C	P	P	§ 153.091(D)(7)
Public warehousing temporary											I					I	I	§ 153.091(D)(8)
Schools, K-12			C	C	C	C	C								C	I	I	§ 153.091(D)(9)
Schools, higher education															C			
Utilities (major)										C						C	C	§ 153.091(D)(10)

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Section 11. Section § 153.092 ACCESSORY USE STANDARDS, is hereby amended as follows:

(27) *Outdoor Storage*

(a)

7. The area is fenced and screened from view of neighboring uses and from the public right-of-way in compliance with this section.

a. In the I-1 district, screening shall consist of masonry walls or fencing constructed of wood or vinyl or equivalent evergreen landscaping, and shall provide for 100% opacity when viewed at comparable grade. Such fences or walls shall meet all other requirements of § [153.062](#).

b. In the I-2 District, metal fences may be permitted when the materials have been recycled and reprocessed to resemble new building materials and are designed for use as a fencing material, and when such materials are designed to resemble allowed materials as listed in § [153.062](#)(J)(1).

~~_____ c. Additional landscaping of one evergreen tree per six feet of linear fenceline is required to be planted along the exterior of outdoor storage area in conformance with § [153.060](#). Trees may be staggered along fenceline.~~

d. Fences and walls shall not exceed 15 feet in height as measured from the existing grade to the top of the fence panel.

e. Height of storage may not exceed the screening wall or fence, or the height of required landscaping.

(34) *Swimming pools.*

~~(a) All swimming pools, hot tubs, spas, and other water tanks exceeding 24 inches in depth must be fenced in accordance with the provisions of § [153.092](#)(D)(34)(b) below.~~

~~_____ (b) Residential swimming pools fences shall be constructed as follows:~~

~~(1) In-ground permanent pools are required to submit a certificate of survey to verify compliance with accessory use setbacks of this code.~~

~~(2) Above-ground pools are exempt from Certificate of Survey requirements, but are required to submit a scaled site plan, with the following information:~~

~~i. Scale of drawing, north arrow, and a legal description of the property.~~

~~ii. Dimensions of all lot lines, and all easements of record.~~

~~iii. Names of all abutting streets.~~

~~iv. Location and dimensions of all existing and proposed buildings, accessory structures, and an existing or proposed future garages and deck locations on the lot.~~

~~v. Outside dimensions of the proposed accessory structure.~~

~~vi. If necessary, should the proposed structure be set close to an apparent lot line, and the Building Official and / or Zoning Administrator is not able to determine the setback, the applicant is responsible (via property corners or a registered land surveyor) to prove the exact location of the existing lot line, and that the structure will not encroach within the required setback area. Or the structure~~

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must be moved to a location that is clearly outside the required setback area.

(3) All swimming pools, except above-ground pools with a removable ladder, shall be completely enclosed and/or fenced with a permanent fence.

- i. A permanent fence must be a minimum of 4 feet high and at a distance not less than 4 feet from the pool.
- ii. Fences must include a working, self-closing and self-latching, lockable gate placed at a sufficient height so as to be inaccessible to children.
- iii. Fence spacing between the bottom of the fence and the ground shall not exceed 2 inches. And the spacing between the pickets shall not exceed four (4) inches. Chain link fences shall be permitted if the mesh for the fence does not exceed a 2.25-inch square.
- iv. Fencing must be installed prior to final inspection and filling the pool with water.

(4) All swimming pools, except above-ground pools with a removable ladder, shall be completely enclosed and/or fenced with a permanent fence.

(5) Drainage from temporary, prefabricated pools must be within the property boundary in a manner that does not cause harm to another property, natural environment or City infrastructure.

~~1. Residential swimming pool fences must be at least 48 inches in height. The fence must not permit the passage of a four-inch sphere through openings in the fence. Fences must be constructed of durable, corrosion- and decay- resistive materials. Openings below the fence to grade must not exceed four inches.~~

~~2. Where an above-ground pool structure has walls that are at least four feet in height, the pool wall may serve to meet the fencing requirements; however, the access to the pool must provide equivalent protection to prevent unauthorized entry.~~

~~3. Fences for swimming pools must include a self-closing, self-latching device on all gates. Latches must be installed at least three feet six inches above grade. Gates must not exceed four feet in width and must meet the same construction requirements as fences. You must provide temporary fencing during installation if your yard is not fenced. Building permits are required for fences exceeding six feet in height.~~

~~(c) Commercial swimming pool fences shall be not less than five feet in height and constructed as required by the Minnesota Department of Health.~~

~~(d) In addition to the requirements above, all swimming pools shall adhere to the City Code requirements for swimming pools outlined in City Code.~~

Section 12. The City Clerk is hereby directed to make the changes required by this Ordinance as part of the Official Monticello City Code, Title XV, Zoning Ordinance, and to renumber the tables and chapters accordingly as necessary to provide the intended effect of this Ordinance. The City Clerk is further directed to make necessary corrections to any internal citations that result from said renumbering process, provided that such changes retain the purpose and intent of the Zoning Ordinance as has been adopted.

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Section 13. This Ordinance shall take effect and be in full force from and after its passage and publication. The ordinance in its entirety and map shall be posted on the City website after publication. Copies of the complete Ordinance and map are available online and at Monticello City Hall for examination upon request.

ADOPTED BY the Monticello City Council this 25th day of August, 2025.

Lloyd Hilgart, Mayor

ATTEST:

Jennifer Schreiber, City Clerk

AYES:

NAYS:

SUMMARY ORDINANCE NO. 855A

**CITY OF MONTICELLO
WRIGHT COUNTY, MINNESOTA**

**A SUMMARY ORDINANCE AMENDING MONTICELLO CITY CODE TITLE IV, LAND USAGE,
CHAPTER 153: ZONING INCLUDING VARIOUS SECTIONS**

NOTICE IS HEREBY GIVEN that, on August 25, 2025, Ordinance 855 was adopted by the City Council of the City of Monticello, Minnesota. Due to its lengthy nature the following Summary Ordinance 855A was prepared for publication as authorized by state law.

The ordinance adopted by the Council amends the Monticello City Code, Title IV, Chapter 153: Zoning by amending the following sections:

Chapter 153: Zoning

- §153.012 Definitions
- §153.027 Common Review Procedures and Requirements
- §153.028 Specific Review Procedures and Requirements
- §153.040 General Provisions
- §153.042 Common District Requirements
- §153.060 Landscaping and Screening
- §153.064 Signs
- §153.067 Off-Street Parking
- §153.070 Building Materials
- §153.090 Use Table
- §153.092 Accessory Use Standards

A printed copy of the whole ordinance is available for inspection by any person during the City's regular office hours. The complete ordinance will be posted on the City's website following publication.

APPROVED FOR PUBLICATION by the City Council of the City of Monticello, Minnesota, this 25th day of August, 2025.

CITY OF MONTICELLO

ATTEST:

Lloyd Hilgart, Mayor

Jennifer Schreiber, City Clerk

VOTING IN FAVOR:

SUMMARY ORDINANCE NO. 855A

VOTING IN OPPOSITION:

DRAFT

**CITY OF MONTICELLO
WRIGHT COUNTY, MINNESOTA
PLANNING COMMISSION
RESOLUTION NO. PC-2025-032**

**RECOMMENDING AMENDMENTS TO MONTICELLO CITY CODE, TITLE XV: LAND USAGE,
CHAPTER 153: ZONING ORDINANCE RELATED TO MISCELLANEOUS SECTIONS**

WHEREAS, the Zoning Ordinance serves as the primary implementation tool of the City's Comprehensive Plan goals and objectives; and

WHEREAS, various portions of the Zoning Ordinance have been identified as benefitting from amendment to increase clarity and usefulness; and

WHEREAS, the Planning Commission held a public hearing on August 5, 2025 on the application and members of the public were provided the opportunity to present information to the Planning Commission; and

WHEREAS, the Planning Commission has considered all of the comments and the staff report, which are incorporated by reference into the resolution; and

WHEREAS, the Planning Commission has identified ordinance amendments to clarify various chapters and sections with changes to the following:

- § 153.012 Definitions
- § 153.027 Common Review Procedures and Requirements
- § 153.028 Specific Review Procedures and Requirements
- § 153.040 General Provisions
- § 153.042 Common District Requirements
- § 153.060 Landscaping and Screening
- § 153.064 Signs
- § 153.067 Off-Street Parking
- § 153.070 Building Materials
- § 153.090 Use Table
- § 153.092 Accessory Use Standards

WHEREAS, the Planning Commission of the City of Monticello makes the following Findings of Fact in relation to the recommendation of approval:

1. The proposed amendments address needs arising from a changing condition, trend, or fact, or correct specific language within the ordinance.
2. The proposed amendments improve the ability of the Planning Commission and City Council to direct land use and land use policy in the City.

CITY OF MONTICELLO
WRIGHT COUNTY, MINNESOTA
PLANNING COMMISSION
RESOLUTION NO. PC-2025-032

3. The proposed amendments are consistent with the language and intent of the Monticello 2040 Vision + Plan (Comprehensive Plan).

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Monticello, Minnesota, that the Commission recommends that the City Council adopts the proposed amendments as presented and approved.

ADOPTED this 5th day of August, 2025 by the Planning Commission of the City of Monticello, Minnesota.

MONTICELLO PLANNING COMMISSION

By: 
Andrew Tapper, Chair

ATTEST:


Angela Schumann, Community Development Director

2025 PROPOSED ZONING AMENDMENTS

Planning Commission Public Hearing: August 5, 2025

City Council Consideration: August 28, 2025

1. § 153.012 DEFINITIONS.

DRIVEWAY: *A paved or otherwise improved private road providing access for vehicles from a public street to a property.*

SWIMMING POOL. A structure, whether above or below grade level, designed to hold water *of 5,000 gallons or more and/or* more than 24 inches deep to be used for recreational purposes.

~~***UTILITIES – MAJOR.*** *Major utilities shall include the following:*~~

~~—(1) *Public infrastructure services providing regional or community-wide service that have regular employees on site during common working hours, and entail the construction of new buildings or structures such as waste treatment plants, potable water treatment plants, and solid waste facilities.*~~

~~—(2) *Commercial wind energy conversion systems (public or private).*~~

~~—(3) *Electrical substations.*~~

UTILITIES – ELECTRIC GENERATING FACILITY: *Publicly regulated utilities or infrastructure generating at least 100 megawatts of power and which are the principal land use of property. Such uses may include accessory or appurtenant uses to the principal use, electrical substations, and transmission infrastructure. Such uses do not include principal use solar or wind energy systems, which are prohibited by this ordinance.*

2. § 153.027 COMMON REVIEW PROCEDURES AND REQUIREMENTS.

(M) *Environmental review.*

(1) No development project shall be approved prior to review by the Community Development Department to determine the necessity for completion of an Environmental Assessment worksheet (EAW), *Alternative Urban Areawide Review (AUAR)*, or Environmental Impact Statement (EIS). Procedures for EAWs, *AUARs* and

EISs are set forth in the Minnesota Environmental Quality Review Board (EQB) regulations for the Environmental Review Program authorized by M.S. §§ 116D.04 and 116D.045, as they may be amended from time to time, and specified in Minn. Rules Parts 4410.0200 to 44410.7800.

(2) Environmental reviews (EAWs, AUARs and EISs) shall be conducted as early as practical in the processing of a development project. No decision on granting of a permit or other approval required may be issued until the EAW/EIS process is completed.

(3) An EAW, AUAR, or EIS application, together with the completed data portions of the environmental document, shall be accompanied by a fee and cash escrow as set forth in ordinance. Costs of city time and materials expended in reviewing and processing the application shall be charged against the cash escrow account and credited to the city.

3. § 153.028 SPECIFIC REVIEW PROCEDURES AND REQUIREMENTS.

(N) *Driveway permits.*

(1) *Purpose.* This section establishes when a driveway permit is required, how it will be reviewed, information required with the application, and how unauthorized work will be handled. Requiring a driveway permit enables the city to inspect work done within the right-of-way, protect the public by setting and enforcing construction standards and ensure proper pavement construction.

(2) *Initiation of proceedings.* A request for a driveway permit shall be initiated by application of the property owner or other person having authority to file an application pursuant to § [153.027\(B\)](#), Authority to File Applications.

(3) *In general.*

(a) A driveway permit shall be required for the installation, ~~repair~~, expansion, reconfiguration, or resurfacing of any driveway or any parking lot ~~intended for use by more than three vehicles.~~ Restriping compliant with accessibility codes and resealing of driveway areas are exempt from this requirement.

(b) A driveway permit shall only be issued after the Community Development Department determines the proposed plan sets adhere to the city's adopted engineering standards.

~~(I) *Certificates of occupancy.*~~

~~—(1) *Purpose.* This section establishes the requirement for city approval prior to the use or occupation of new buildings or structures, or prior to a change in use within an existing structure. Issuance of a certificate of occupancy signifies that the building or structure complies with all code requirements.~~

~~—(2) Required.~~

~~—(a) No building or structure hereafter erected or moved, or that portion of an existing structure or building erected or moved, shall be occupied or used in whole or in part for any purpose whatsoever until a certificate of occupancy shall have been issued by the Community Development Department stating that the building or structure complies with all provisions of this chapter.~~

~~—(b) No change in use of an existing building or structure shall occur until a certificate of occupancy shall have been issued by the Community Development Department stating that the building or structure complies with all provisions of this chapter.~~

~~—(3) Application. A certificate of occupancy shall be applied for coincident with an application for a building permit or prior to a proposed change in use.~~

~~—(4) Issuance. A certificate of occupancy will be issued within ten days after the Community Development Department shall have completed a final inspection and found the building or structure conforming to all code requirements.~~

4. § 153.040 GENERAL PROVISIONS.

(A) *Adoption of zoning map.* The map entitled City of Monticello Zoning Map, January 24, 2011, hereinafter referred to as the “zoning map,” and all explanatory matters thereon, are hereby adopted and made a part of this chapter. Questions concerning a zoning designation or boundaries of a zoning district shown on the zoning map shall be resolved by referring back to the previously adopted ordinances delimiting the districts and boundaries. The location and boundaries of the districts established by this text are hereby set forth on the official “City of Monticello Zoning Map” and its appendices as adopted. Said map shall be on file with the Zoning Administrator, and hereinafter referred to as the “zoning map.” Said map and all the notations, references, and other information shown thereon shall have the same force and effect as if fully set forth herein and thereby made a part of this chapter by reference.

(D) *Zoning classifications for newly annexed property.* Any land annexed to the city in the future shall initially be placed in the A-O Agricultural Open District, Any land hereafter annexed to the city which is not shown on the zoning map shall automatically, upon annexation, be classified within the Agricultural-Open Space District and shall be subject to all regulations, notations, references, and conditions as are applicable to said district until such time that a determination may be made as to the proper district classification for such territory and an amendment can be made to that effect, unless placed in another district by action of the City Council after recommendation of the Planning Commission.

5. § 153.042 COMMON DISTRICT REQUIREMENTS.

The following regulations shall apply in all base zoning districts.

(A) *Building within public easements prohibited.* No building or structure shall be placed within an easement dedicated for a public purpose unless expressly authorized by a variance issued in accordance with § 153.028(C) or a license or encroachment agreement issued by the Community Development Department.

(B) *Outlots.* No building permit or grading permit can be issued for a parcel of land designated in a plat as an outlot unless specifically authorized by the City Council.

(C) *Principal buildings.* Except as may be permitted by an approved planned unit development or for public buildings or uses as defined by this ordinance, not more than one principal building shall be located on a lot.

6. § 153.060 LANDSCAPING AND SCREENING.

(5) *Rooftop screening.*

(a) *General roof penetrations.* All roof vents, pipes and/or other roof penetrations (except chimneys), shall be fully screened, located on the rear elevations, or be otherwise configured to the maximum extent practicable to have a minimal visual impact as seen from a public street.

(b) *Exceptions.* Rooftop screening standards shall not apply to I-1 or I-2 zoned properties.

(c) *Roof-based mechanical equipment.*

1. Parapet walls or other techniques included as an integral part of the building design shall be used to totally screen any roof-based mechanical equipment from directly abutting public rights-of-way or directly adjacent lands.

2. In cases where roof-based mechanical equipment are too tall to be screened by a parapet wall, or if changes in the surrounding grade make rooftops with parapets visible from directly abutting public rights-of-way or directly adjacent lands, a rooftop screening system shall be used for screening (see Figure 4-4).

6. § 153.064 SIGNS.

(H) *General provisions.*

(1) *Accessory structures.* Except as provided for by § 153.064(D)(9), all signs shall be considered accessory structures.

(2) *Setbacks.* All freestanding signs shall be set back ~~15~~ 6 feet from any property line abutting a public right-of-way and ~~five~~ 5 feet from any side or rear property line.

except that nNo sign may be located within a drainage and utility easement. A certificate of survey may be required to verify sign setback in accordance with this chapter.

7. § 153.067 OFF-STREET PARKING.

(E) Standards applicable to all uses.

(1) Location of required parking

(g) For single, two-family and townhouse dwellings, Driveways located within a front yard where the surfacing leads directly to the attached garage may also be used for off-street parking.

(G) Standards applicable to commercial, industrial and civic/institutional uses.

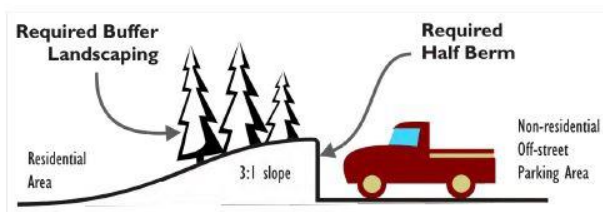
(1) Location of required parking for commercial, industrial and civic/institutional uses.

(c) Perimeter vehicular use buffer.

1. Open, non-residential off-street parking areas shall be designed to fully screen headlights from abutting residential districts ~~through the use of a half-berm design. Said design shall be required~~ and in all instances where headlights are directed at surrounding or abutting residential properties or uses. ~~A half-berm is required in addition to any buffer yard landscaping requirements with a design as illustrated in Figure 4-12.~~ Such screening may be accomplished through berming, landscaping, fencing, or combination thereof.

Strike image

Figure 4-12



8. § 153.070 BUILDING MATERIALS.

(C) *Residential district requirements.*

(5) *Roofing materials.* Roofing materials in residential districts, including for principal and accessory buildings, shall consist of shingles made of asphalt, fiberglass, durable rot-resistant wood (such as cedar), stone (such as slate) or architectural metal (including steel and copper). Heavy gauge steel or copper *manufactured and commonly used for residential roofing applications* may be used for standing-seam roofing. Steel may be used only when designed to resemble traditional residential architectural roofing materials.

9. § 153.090 USE TABLE

Strike Utilities-Major as it occurs within the table.

10. § 153.092 ACCESSORY USE STANDARDS.

(27) *Outdoor storage.*

7. The area is fenced and screened from view of neighboring uses and from the public right-of-way in compliance with this section.

a. In the I-1 district, screening shall consist of masonry walls or fencing constructed of wood or vinyl *or equivalent evergreen landscaping*, which shall provide for 100% opacity *when viewed at comparable grade*. Such fences or walls shall meet all other requirements of § 153.062.

b. In the I-2 District, metal fences may be permitted when the materials have been recycled and reprocessed to resemble new building materials and are designed for use as a fencing material, and when such materials are designed to resemble allowed materials as listed in § 153.062(J)(1).

~~c. Additional landscaping of one evergreen tree per six feet of linear fenceline is required to be planted along the exterior of outdoor storage area in conformance with § 153.060. Trees may be staggered along fenceline.~~

d. Fences and walls shall not exceed 15 feet in height as measured from the existing grade to the top of the fence panel.

e. Height of storage may not exceed the screening wall or fence, or the height of required landscaping.

(34) *Swimming pools.*

~~(a) All swimming pools, hot tubs, spas, and other water tanks exceeding 24 inches in depth, must be fenced in accordance with the provisions of~~

~~§ 153.092(D)(34)(b) below, except for those above-ground pools not exceeding 48” in height and with a removable ladder.~~

~~—(b) Residential swimming pool fences shall be constructed as follows:~~

~~—1. Residential swimming pool fences must be at least 48 inches in height. The fence must not permit the passage of a four-inch sphere through openings in the fence. Fences must be constructed of durable, corrosion- and decay- resistive materials. Openings below the fence to grade must not exceed four inches.~~

~~—2. Where an above-ground pool structure has walls that are at least four feet in height, the pool wall may serve to meet the fencing requirements; however, the access to the pool must provide equivalent protection to prevent unauthorized entry:~~

~~—3. Fences for swimming pools must include a self-closing, self-latching device on all gates. Latches must be installed at least three feet six inches above grade. Gates must not exceed four feet in width and must meet the same construction requirements as fences. You must provide temporary fencing during installation if your yard is not fenced. Building permits are required for fences exceeding six feet in height.~~

In-ground permanent pools are required to submit a certificate of survey to verify compliance with accessory use setbacks of this code.

(b) Above-ground pools are exempt from Certificate of Survey requirements, but are required to submit a scaled site plan, with the following information:

- i. Scale of drawing, north arrow, and a legal description of the property.
- ii. Dimensions of all lot lines, and all easements of record.
- iii. Names of all abutting streets.
- iv. Location and dimensions of all existing and proposed buildings, accessory structures, and an existing or proposed future garages and deck locations on the lot.
- v. Outside dimensions of the proposed accessory structure.
- vi. If necessary, should the proposed structure be set close to an apparent lot line, and the Building Official and / or Zoning Administrator is not able to determine the setback, the applicant is responsible (via property corners or a registered land surveyor) to prove the exact location of the existing lot line, and that the structure will not encroach within the required setback area. Or the structure must be moved to a location that is clearly outside the required setback area.

(c) All swimming pools, except above-ground pools with a removable ladder, shall be completely enclosed and/or fenced with a permanent fence.

- i. A permanent fence must be a minimum of 4 feet high and at a distance not less than 4 feet from the pool.
- ii. Fences must include a working, self-closing and self-latching, lockable gate placed at a sufficient height so as to be inaccessible to children.
- iii. Fence spacing between the bottom of the fence and the ground shall not exceed 2 inches. And the spacing between the pickets shall not exceed four (4) inches. Chain link fences shall be permitted if the mesh for the fence does not exceed a 2.25-inch square.
- iv. Fencing must be installed prior to final inspection and filling the pool with water.

(d) Above ground pools shall have a removable ladder. Removable ladders must be removed from the pool when not in use and securely stored as to prevent unauthorized use.

(e) Drainage from temporary, prefabricated pools must be within the property boundary in a manner that does not cause harm to another property, natural environment or City infrastructure.

§ 153.012 DEFINITIONS.

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

ACCESSORY. A use, activity, structure, or part of a structure that is subordinate and incidental to the main activity or structure on the site.

ACCESSORY BUILDING - MAJOR. A building which is accessory to a principal structure and is required to be constructed with a building permit per Minn. Rule 1300.0120.

ACCESSORY BUILDING - MINOR. A building which is accessory to a principal structure and exempt from a building permit per Minn. Rule 1300.0120.

ADULT USES. Adult uses include adult bookstores, adult motion picture theatres, adult mini-motion picture theatres, adult massage parlors, adult steamroom/bathhouse/sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, businesses, or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction, or description of "specified sexual activities" or "specified anatomical areas" which are capable of being seen by members of the public. Activities classified as obscene as defined by Minnesota Statutes, are not included.

SPECIFIED ANATOMICAL AREAS.

(a) Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola; and

(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES.

(a) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of sexual relationship, and any of the following sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty.

(b) Clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence.

(c) Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation.

(d) Fondling or touching of nude human genitals, pubic region, buttocks, or female breast.

(e) Situations involving a person or persons, any of whom are nude, clad in undergarments, or in sexually revealing costumes; and who are engaged in activities involving the flagellation, torture, fettering, binding, or other physical restraint of any such persons.

(f) Erotic or lewd touching, fondling, or other sexually oriented contact with an animal by a human being.

(g) Human excretion, urination, menstruation, vaginal, or anal irrigation.

ADULT USE/ACCESSORY. The offering of goods and/or services which are classified as adult uses on a limited scale and which are incidental to the primary activity and goods and/or services offered by the establishment. Examples of such items include adult magazines, adult movies, adult novelties, and the like.

ADULT USE/PRINCIPAL. The offering of goods and/or services which are classified as adult uses as a primary or sole activity of a business or establishment and include, but are not limited to, the following:

ADULT USE BODY PAINTING STUDIO. An establishment or business which provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a patron when such body is wholly or partially nude in terms of "specified anatomical areas."

ADULT USE BOOKSTORE. A building or portion of a building used for the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, or motion picture film if such building or portion of a building is not open to the public generally but only to one or more classes of the public excluding any minor by reason of age, or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas."

ADULT USE CABARET. A building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building excludes minors by virtue of age, or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction, or description of "specified sexual activities" or "specified anatomical areas."

ADULT USE COMPANIONSHIP ESTABLISHMENT. A companionship establishment which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk, or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual

activities" or "specified anatomical areas."

ADULT USE CONVERSATION/RAP PARLOR. A conversation/rap parlor which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk, or discussion, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

ADULT USE HEALTH/SPORT CLUB. A health/sport club which excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

ADULT USE HOTEL/MOTEL. Adult hotel/motel means a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas."

ADULT USE MASSAGE PARLOR/HEALTH CLUB. A massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

ADULT USE MINI-MOTION PICTURE THEATRE. A building or portion of a building with a capacity for less than 50 persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

ADULT USE MODELING STUDIO. An establishment whose major business is the provision to customers of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in "specified sexual activities" or display "specified anatomical areas" while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.

ADULT USE MOTION PICTURE ARCADE. Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically, or mechanically controlled or operated still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."

ADULT USE MOTION PICTURE THEATRE. A building or portion of a building with a capacity of 50 or more persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

ADULT USE NOVELTY BUSINESS. A business which has, as a principal activity, the sale of devices which stimulate human genitals or devices which are designed for sexual stimulation.

ADULT SAUNA. A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing; utilizing steam or hot air as a cleaning, relaxing, or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

ADULT STEAM ROOM/BATHHOUSE FACILITY. A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing; utilizing steam or hot air as a cleaning, relaxing, or reducing agent, if such building or portion of a building restricts minors by reason of age or if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

AGRICULTURAL BUILDING. A structure on agricultural zoned land designed, constructed, and used to house farm implements or agricultural produce or products used by the owner, lessee, or sub-lessee or their immediate families, their employees, and persons engaged in the pick up or delivery of agricultural produce or products grown or raised on the premises. The term "agricultural building" shall not include dwellings.

AGRICULTURAL SALES. The retail sale of fresh fruits, vegetables, flowers, herbs, trees, or other agricultural, floricultural, or horticultural products. The operation may be indoors or outdoors, include pick-your-own or cut-your-own opportunities, and may involve the ancillary sale of items considered accessory to the agricultural products being sold or accessory sales of unprocessed foodstuffs; home processed food products such as jams, jellies, pickles, sauces; or baked goods and home-made handicrafts. The floor area devoted to the sale of accessory items shall not exceed 25% of the total floor area. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold as accessory items. No activities other than the sale of goods as outlined above shall be allowed as part of the agricultural sales business.

AGRICULTURE. Those commonly associated with the growing of produce on farms. These include: field crop farming; pasture for hay; fruit growing; tree, plant, shrub, or flower nursery without building; truck gardening and livestock raising and feeding, but not including fur farms, commercial animal feed lots, and kennels.

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

ANIMAL KENNEL/BOARDING (COMMERCIAL). A facility or service where dogs, cats and/or other small household pets as permitted by city code are kept or maintained (day or overnight), for the care, training, exercising and/or socializing by a

person other than the owner of the animals for a fee. Animal boarding may include incidental grooming, dog walkers or training services. Animal boarding does not include facilities that provide breeding of animals, selling of animals, or facilities whose primary source of revenue is licensed veterinarian services.

ANTENNA, COMMERCIAL TRANSMISSION AND RECEPTION. Shall mean commercial and industrial communications equipment accessory to business operations of one meter in width or greater, but not personal wireless telecommunications service equipment.

ANTENNA, PRIVATE AMATEUR RADIO. Shall mean equipment, including antennae, antennae support structures, and other related material, necessary to conduct Ham and Short Wave Radio reception and transmissions, only for use by those persons properly licensed by the Federal Communications Commission for such reception and transmissions, and who are in full compliance with all licensing requirements.

ANTENNA, PRIVATE RECEIVING. Television and other electronic reception antennae for private use.

ANTENNA, TELECOMMUNICATION. A device used for the transmission and/or reception of wireless communications, usually arranged on an antenna support structure or building, and consisting of a wire, a set of wires, or electromagnetically reflective or conductive rods, elements, arrays, or surfaces, inclusive of the following: private amateur radio antenna(s), private receiving antenna(s), commercial transmission and reception antenna(s), and wireless telecommunications service antenna(s).

ANTENNA, WIRELESS TELECOMMUNICATIONS SERVICE. Shall mean any equipment necessary to provide or support all types of wireless electronic communications, including, but not necessarily limited to, wireless "cellular" telephone, radio, and internet transmission and reception communications between mobile communications providers and users, including public safety communications.

ANTENNA SUPPORT STRUCTURE. Any pole, telescoping mast, tower, tripod, or other structure which supports an antenna. Such structure may be freestanding or attached to a building or other device that conforms to this chapter.

APARTMENT. A room or suite of rooms which is designed for, intended for, or occupied as a residence by a single-family or an individual and is equipped with cooking facilities. Includes dwelling unit and efficiency unit. An apartment is offered only as a rented or leased residence, as distinguished from condominiums and townhouses, which allow for separate ownership.

APPURTENANCES. The visible, functional, or ornamental objects accessory to, and part of a building, such as chimneys, fire escapes, open decks, stoops, steps, bay windows, roof overhangs, awnings, solar energy systems and similar features.

ARTIFICIAL OBSTRUCTION. Means any obstruction which is not a natural obstruction (see Obstruction).

AS-BUILT PLANS. Record drawings of as-constructed improvements.

ASSISTED LIVING FACILITY. A multiple-family structure that includes a special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of people who need help with activities of daily living, but where the emphasis of the facility remains residential. Residents of assisted living facilities do not require hospitalization or skilled or intermediate nursing care associated with nursing home facilities, but do, because of their advanced age, require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency, or medication prescribed for self-administration.

ATTENTION GETTING DEVICE. Any device whose primary purpose is to attract public attention to a use of land (but which is not a building or the use of land itself), whether two or three dimensional, and whether through graphics, light, movement, shapes or other method. Such device may be either permanent or temporary, and would be regulated as a sign under the appropriate sections of this chapter.

AUCTION HOUSE. A building, area, or areas within a building used for the public sale of goods, wares, merchandise, or equipment to the highest bidder.

AUTOMATED TELLER MACHINE (ATM). A facility to provide banking and other electronic services that is operated by the customer.

AUTOMOBILE REPAIR - MAJOR. General repair, rebuilding or reconditioning engines, motor vehicles or trailers; collision service, including body, frame, or fender straightening or repair; overall painting or paint job; vehicle steam cleaning. This business performs structural and cosmetic repairs to autos, light trucks, and equipment of 9,000 pounds GVW and less. Allowed: Body repair and painting, frame and/or unibody straightening and repair, glass replacement, sandblasting and/or steam cleaning, undercoating or rust proofing, upholstery work, washing, cleaning, and polishing.

AUTOMOBILE REPAIR - MINOR. A business that performs mechanical and electrical repairs to autos, light trucks, and equipment 9,000 pounds GVW and less. Allowed activities include minor repairs, incidental body and fender work, minor painting and upholstering, tune ups and adjustments, replacement of parts (excluding body and frame), rebuilding of parts or components when installation is available, wheel alignment and balancing, tire repair, radiator repair, washing, cleaning, and polishing, but specifically excluding any operation specified or implied under the definition of "Automobile Repair - Major."

AUTOMOTIVE WASH FACILITY. An area or structure equipped with automatic or self-service facilities for primarily washing automobiles.

BANNERS AND PENNANTS. Attention-getting devices which resemble flags and are of a paper, cloth, or plastic-like consistency.

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

BED AND BREAKFAST. A private residence, generally a single-family residence, engaged in renting one or more dwelling rooms on a daily basis to tourists, vacationers, and business people, where provision of meals is limited to breakfast for guests only.

BERM. An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other such purposes.

BEST MANAGEMENT PRACTICES (BMPs). Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing degradation of surface water, including, but not limited to, avoidance of impacts, construction-phasing, minimizing the length of time soil areas are exposed, or prohibitions or other management practices published by state or designated areawide planning agencies.

BLUFF. A topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18% over a distance for 50 feet or more shall not be considered part of the bluff):

- (1) Part or all of the feature is located in a shoreland area;
- (2) The slope rises at least 25 feet above the ordinary high water level of the waterbody;
- (3) The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30% or greater; and
- (4) The slope must drain toward the waterbody.

BLUFF IMPACT ZONE. A bluff and land located within 20 feet from the top of a bluff.

BOARDER. A person who regularly receives lodging with or without meals at another's home for pay or services.

BOATHOUSE. A structure designed and used solely for the storage of boats or boating equipment.

BODY ART. Establishments that engage in providing "body art" or "body art procedures" including physical body adornment using, but not limited to, tattooing and body piercing. Body art does not include practices and procedures that are performed by a licensed medical or dental professional if the procedure is within the professional's scope of practice.

BREW PUB. A restaurant-brewery that sells 85% or more of its beer on-site. The beer is brewed primarily for sale in the restaurant and bar, and may be dispensed directly from the brewery's storage tanks. Brewpubs may also sell beer for off-sale consumption in growler containers.

BUILDABLE AREA. The portion of a lot remaining after required yards have been provided.

BUILDING. A structure with a roof, intended for shelter, housing, business, or enclosure.

BUILDING, FRONT FACADE. A building elevation which fronts on a public street, public parking lot, private parking lot available to the general public, or pedestrian walk where customer access to a structure is available.

BUILDING HEIGHT. See § 153.010(B)(5).

BUILDING LINE. See § 153.010(B)(3).

BUILDING, PRINCIPAL. A building in which is conducted the principal use of the lot.

BULK FUEL SALES AND STORAGE. The commercial storage of gasses and fuels in above ground containers.

BUSINESS. Any establishment, occupation, employment, or enterprise where merchandise is manufactured, exhibited, or sold, or where services are offered for compensation.

BUSINESS DAY. A day on which City Hall is open.

BUSINESS SUPPORT SERVICES. Establishments that engage primarily in rendering services to businesses including but not limited to copy shops, printing services, package and postal services, photo processing, janitorial services, and similar operations.

CALIPER. A horticultural method of measuring the diameter of a tree trunk for the purpose of determining size. The caliper inches of a tree shall be determined by measuring the tree's diameter four feet, six inches from the ground.

CANNABIS CULTIVATION. A cannabis business licensed by the state to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant, harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, or perform other actions approved by the office, for either adult use or medical use.

CANNABIS INDUSTRIAL BUSINESS. A business enterprise that is licensed by OCM for one of the following cannabis-related uses:

- (1) Cultivator;

- (2) Manufacturer;
- (3) Wholesaler;
- (4) Transporter;
- (5) Testing facility;
- (6) Delivery service;
- (7) Mezzobusiness;
- (8) Microbusiness;
- (9) Any such business that conducts these activities for lower-potency hemp enterprises;
- (10) Any such business that conducts these activities for medical cannabis enterprises; or
- (11) Any other cannabis-related business enterprise that is not expressly and solely a retail business.

CANNABIS-RELATED BUSINESSES. Unless otherwise noted in this section, words and phrases contained in M.S. § 342.01, as amended from time to time, and the rules promulgated pursuant to any of these acts, shall have the same meanings in this chapter.

CANNABIS RETAIL BUSINESSES. A business enterprise that is licensed by OCM for one of the following cannabis-related uses: a cannabis retailer, or the location(s) of a mezzobusiness with a retail operations endorsement, or the retail locations of a microbusiness with a retail operations endorsement, medical cannabis retailer, or a medical combination businesses operating a retail dispensary location, (and excluding) lower-potency hemp edible retailers.

CANOPY. A roof-like cover, often of fabric, plastic, metal, or glass on a support, which provides shelter over a doorway.

CANOPY TREE. A tree that has an expected height at maturity of 30 feet or more.

CELLAR. See **BASEMENT**.

CEMETERY. Land used or intended to be used for burying the remains of human dead and dedicated for cemetery purposes, including mausoleums and mortuaries when operated in conjunction with and within the boundaries of the cemetery.

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

CHARITABLE, FRATERNAL, OR SOCIAL CLUB/LODGE. See **PLACE OF PUBLIC ASSEMBLY**.

CHURCH. See **PLACE OF PUBLIC ASSEMBLY**.

CITY ENGINEER. A person who has received training and is given authority by the City of Monticello to design, review, authorize, approve, inspect, and maintain erosion and sediment control plans and practices. The City Engineer is part of the Community Development Department.

CIVIC INTEREST GROUP. A civic interest group is a non-governmental organization which has a public or quasi-public service purpose as its central function, but may include additional uses and activities related to its public function or provided to its membership. A civic interest group may or may not have a specific site location or building which it occupies whether owned or leased. Examples of such groups may include religious institutions, local or national service clubs and organizations, private museums, historical facilities or similar entities.

CLEARING. Any activity that removes the vegetative surface cover.

CLEAR-CUTTING. The removal of an entire stand of trees.

CLINIC/MEDICAL SERVICES. A structure intended for providing medical and dental examinations and service available to the public. This service is provided without overnight care available.

COCKTAIL ROOM. A room that is ancillary to the production of liquor at a production distillery where the public can purchase and/or consume only the liquor produced on site.

COMBINATION USE. The combination of two principal uses.

COMMERCIAL LODGING. A building or group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupation by persons on an overnight basis, not including bed and breakfast establishments or a rooming house. Such uses may include microwaves and refrigerators for each guest unit.

COMMERCIAL OFFICES. A commercial use involving predominantly administrative, clerical, or professional operations. Commercial offices may include professional and administrative training, but shall not include direct retail commercial transaction activities. Professional training may include classes and training offered by professional or administrative entities to consumers of professional services.

COMMERCIAL SELF-STORAGE. A land use characterized by a variety of sized spaces available to the general public for rent on short-term periods, and for which size of individual spaces are less than 1,000 square feet in area. Commercial self-

storage facilities are limited to storage use only, with no separate business activities permitted as part of the use.

COMMUNICATION ANTENNAS AND ANTENNA SUPPORT STRUCTURES. See **ANTENNA, TELECOMMUNICATION.**

COMMUNICATIONS/BROADCASTING. Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms. Antennas, antenna support structures and satellite dishes are included in this definition. Typical uses include television studios, telecommunication service centers, telegraph service offices, or film and sound recording facilities.

COMMUNITY DEVELOPMENT DEPARTMENT. Those departments assigned by the City Administrator to oversee the various aspects of development within the city. Such departments may include but are not limited to planning, building safety, code enforcement, and engineering.

COMMUNITY GARDEN. A public or private facility for cultivation of fruits, flowers, vegetables or ornamental plants by more than one person or group.

CONDITIONAL USE. A permitted use that, because of special requirements or characteristics, may only be allowed in a particular zoning district after review by the city and granting of conditional use permit which imposes conditions deemed necessary to make the use compatible with other uses permitted in the same zone or vicinity. Conditional uses that cannot be adequately controlled through conditions shall be prohibited. Approved conditional uses and their conditions run with the land and are not specific to property owners.

CONDOMINIUM. A form of property ownership providing for individual ownership of space in a structure together with an individual interest in the land or other parts of the structure in common with other owners. Residential condominium dwelling units are subject to the provisions of the Minnesota Condominium Law, M.S. §§ 515.01 to 515.29, as they may be amended from time to time.

CONSERVATION EASEMENT. A conservation easement is legal land preservation agreement between a landowner and a municipality or a qualified land protection organization. The easement confers the transfer of usage rights from one party to another.

CONSTRUCTION ACTIVITY. A disturbance to the land that results in a change in the topography, or the existing soil cover (both vegetative and non-vegetative). Examples of construction activity may include clearing, grading, filling and excavating.

CONSTRUCTION TRAILER. Trailers used as temporary offices to meet a short-term need while the permanent facilities are being expanded. A temporary use permit is required for such office trailers.

CONTRACTOR. The party who signs the permit, application, construction contract, or development agreement with the city to construct a project. Where the construction project involves more than one contractor, the general contractor shall be the contractor that is responsible pursuant to the obligations set forth in this chapter.

CONTRACTORS YARD - TEMPORARY. A location on which a construction contractor operating with a current permit for construction of public utilities, infrastructure, or other project on public property, rights-of-way, or public easements, stores equipment, temporary office space, vehicles, and materials for no more than a two-year period.

CONVENIENCE RETAIL. A retail store not more than 4,000 square feet in area that generally carries a reduced inventory of a variety of items such as dairy products, minor automobile related items, groceries, novelties, magazines, etc. A convenience store may be combined with vehicle fuel sales where permitted.

COOPERATIVE (HOUSING). A multiple-family attached dwelling owned and maintained by the residents. The entire structure and real property is under common ownership as contrasted to a condominium dwelling where individual units are under separate individual occupant ownership.

COUNTRY CLUB. A membership club or business organized and operated primarily to provide recreational activities such as golf, swimming, tennis, and other outdoor recreation to its members and their guests which includes facilities such as a club house, banquet areas, locker rooms, and pro shop.

COURT. An unoccupied open space other than a yard which is bounded on two or more sides by the walls of the buildings.

CREMATORY. A facility containing furnaces for the reduction of dead bodies to ashes by fire.

DAYCARE. A location licensed with the Minnesota Department of Human Services to provide the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.

DAY CARE - HOME. See definitions for **GROUP RESIDENTIAL FACILITY.**

DECIDUOUS TREE. A tree that generally loses all of its leaves for part of the year.

DECK. A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site at any point extending above grade.

DENSITY, BASE. The number of dwelling units allowed per net acre of land.

DENSITY, MAXIMUM. The number of dwelling units potentially allowed per net acre of land if certain conditions are met

through either performance standards or the planned unit development process.

DEPARTMENT STORE. See **RETAIL COMMERCIAL USES (OTHER)**.

DEPOSIT. Any rock, soil, gravel, sand, or other material deposited naturally or by man into a water body, watercourse, floodplain, or wetland.

DEWATERING. The removal of water for construction activity such as the removal of temporary sediment basin water or appropriated surface or groundwater to dry and/or solidify a construction site.

DISTRICT. An area delineated on the official zoning map that sets forth standards and guidelines for all development within the prescribed zoning district.

DONATION DROP-OFF CONTAINER. A receptacle designed with a door, slot, or other opening that is intended to accept and store donated items.

DRAINING. The removal of surface water or groundwater from land.

DREDGING. To enlarge or clean out a water body, watercourse, or wetland.

DRIPLINE. A vertical line that extends from the outermost branches of a tree's canopy to the ground around the circumference of the tree.

DRIVE-THROUGH SERVICE. A building opening, including windows, doors, or mechanical devices, through which occupants of a motor vehicle receive or obtain a product or service.

DUMPSTER. A container that has a hooking mechanism that permits it to be raised and dumped into a sanitation truck or be hauled away for emptying.

DWELLING. A building or portion thereof designated exclusively for residential occupancy, including one-family, two-family, and multiple-family dwellings, but not including hotels, motels, and boarding houses.

DWELLING, ATTACHED. A structure intended for occupancy by more than one family, including duplexes, townhomes, multi-family dwellings, apartments, and condominiums. Accessory dwelling units as defined and permitted by this chapter are incidental to a principal dwelling unit and are not considered to be attached dwellings.

DWELLING, DUPLEX OR TWO-FAMILY. Any building that contains two separate dwelling units with separation either horizontal or vertical on one lot that is used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or occupied for living purposes.

DWELLING, SINGLE-FAMILY DETACHED. Any building that contains one dwelling unit used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or occupied for living purposes by one family.

DWELLING, MULTIPLE-FAMILY. A building designed with three or more dwelling units exclusively for occupancy by three or more families living independently of each other but sharing hallways and main entrances and exits.

DWELLING UNIT. An area within a structure designed and constructed to be occupied by one family which includes permanent provisions for living, cooking, and sanitation. Dwelling unit does not include hotels, motels, correctional facilities, nursing/convalescent home, rehabilitation centers, or other structures designed for transient residence. In group residential facilities, multi-family, each separate bedroom, combined with all common areas up to 520 square feet of gross building floor area shall be considered one potential dwelling unit for purposes of calculating dwelling unit density on a multi-family parcel.

EFFICIENCY APARTMENT. A dwelling unit consisting of one principal room exclusive of bathroom, hallway, closets, or dining alcove, and has limited provisions for cooking (kitchenette).

ELECTRIC VEHICLE (EV) CHARGING STATION FACILITY: ELECTRIC VEHICLE (EV) CHARGING STATION FACILITY. An **EV CHARGING STATION** (or "charger") is a facility designed and constructed to supply electricity for the purpose of charging one electric motor vehicle, together with the transformers, batteries, inverters, connections, cables, and other equipment necessary to supply such electricity. For the purposes of this chapter, a facility that can serve more than one vehicle at a time shall be deemed to consist of multiple charging stations.

ENTERTAINMENT, INDOOR COMMERCIAL. An establishment providing completely enclosed recreation or entertainment activities. Accessory uses may include the preparation and serving of food or the sale of equipment related to the enclosed uses. Examples of indoor commercial entertainment businesses include bowling alleys, roller and ice-skating rinks, billiards halls, swimming pools, motion picture theaters, and similar amusements. Indoor commercial entertainment uses do not include event centers or adult uses.

ENTERTAINMENT, OUTDOOR COMMERCIAL. An establishment providing recreation or entertainment activities primarily occurring outdoors. Accessory uses may include the preparation and serving of food, the sale of equipment related to the outdoor uses, and complementary indoor entertainment facilities. Examples of outdoor commercial entertainment businesses include, but are not limited to, golf driving ranges, sand volleyball courts, go-carts, and miniature golf courses. Outdoor commercial entertainment uses do not include projectile weapon ranges (archery or shooting), sports stadiums or drive-in movie theaters.

ERECT. Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing or any other way of bringing into being or establishing.

EROSION. The wearing away of the ground surface as a result of the movement of wind, water, ice and/or land disturbance activities.

EROSION CONTROL. A measure that prevents erosion including but not limited to: soil stabilization practices, limited grading, mulch, temporary or permanent cover, and construction phasing.

EROSION CONTROL INSPECTOR. A designated agent given authority by the City of Monticello to inspect and maintain erosion and sediment control practices.

EROSION PREVENTION. Measures employed to prevent erosion. Examples include, but are not limited to: soil stabilization practices, limited grading, mulch, temporary or permanent cover, and construction phasing.

ESSENTIAL SERVICES. Public or private utility systems for gas, electricity, steam, sewer and water; voice, television, and digital communications systems; and waste disposal and recycling services. These services include underground, surface, and overhead systems and all accessories thereto such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, hydrants, and other similar features necessary for the function of the essential service. Wireless radio frequency reception and transmission antennas and support structures shall not be considered an essential service. Essential services do not include buildings or uses that include human occupancy or activity beyond occasional service or maintenance.

EVENT CENTER. A multi-purpose commercial venue (public or privately owned) used for the purposes of performances, trade shows, corporate functions, sporting events, private receptions or parties, holiday gatherings or similar attractions.

(1) Common characteristics of event centers, which differentiate such uses from places of public assembly, often include but are not limited to, the following:

- (a) Varied and/or irregular activity schedules.
- (b) The display and/or sale of retail commercial goods.
- (c) The generation of high traffic volumes at varied time periods.
- (d) Commercial activities and uses in coordination with the events.
- (e) Locations in commercial districts.
- (f) Alcohol service as licensed.

(2) Accessory uses may include food preparation facilities, concessions, offices, museums, parks, athletic training or practice facilities, stores, restaurants, structured parking facilities, and patron transportation facilities. Event centers do not include adult uses and places of public assembly.

EVERGREEN TREE. A tree that retains some or most of its leaves or needles throughout the year.

EXCAVATION. The process of reshaping land at a construction site. This can include raising or lowering ground levels, adding or removing slopes or leveling the ground surface. In general, it has two main purposes: creating proper drainage; preparing land to bear weight. Excavation may remove soil or other materials from a site, but is distinguished from **EXTRACTION** in that excavation is specifically related to a construction project. Also **GRADING**.

EXISTING TREE CANOPY. The crowns of all healthy self-supporting canopy trees with a diameter at breast height (DBH) of ten inches or greater and understory trees with a caliper size of four inches or greater at breast height.

EXTRACTIVE USE. The use of land for surface or subsurface removal of sand, gravel, rock, other nonmetallic minerals, and peat not regulated under M.S. §§ 93.44 to 93.51, as they may be amended from time to time. Also **MINING**.

FAMILY. An individual or group that maintains a common household and use of common cooking and kitchen facilities and common entrances to a single dwelling unit, where the group consists of:

- (1) Two or more persons each related to the other by blood, marriage, domestic partnership, adoption, legal guardianship (including foster children); or
- (2) Not more than four unrelated persons.

FARMERS MARKET. An occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages (but not to include second-hand goods) dispensed from booths located on-site.

FENCE. A tangible barrier constructed of any allowable material erected for the purpose of providing a boundary or as a means of protection, or to prevent uncontrolled access, or for decorative purposes (such as an ornamental gate or ornamental gates), or to screen from viewers in or on adjoining properties and streets, materials stored and operations conducted behind it.

FILLING. The act of depositing any rock, soil, gravel, sand, or other material so as to change the natural grade of the land; and/or to fill or partly fill a water body, watercourse, or wetland.

FINAL GRADE. Excavation or fill of material to final plan elevation. Final grade completed as part of individual site

development.

FINAL STABILIZATION.

(1) All soil disturbing activities at the site have been completed and a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed;

(2) For individual lots in residential construction by the contractor, the contractor must either: (a) complete final stabilization as specified above; or (b) establish temporary stabilization including perimeter controls for an individual lot prior to occupation of the structure. If the contractor chooses (b), it must inform the owner in writing of the requirements for final stabilization;

(3) For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land) final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to surface waters and drainage systems and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization criteria in subparts (a) or (b) above;

(4) The contractor must clean out all sediment from conveyances and from temporary sedimentation basins that are to be used as permanent water quality management basins. Sediment must be stabilized to prevent it from washing back into the basin, conveyances or drainage ways discharging off-site or to surface waters. The cleanout of permanent basins must be sufficient to return the basin to design capacity. All drainage ditches constructed to drain water from the site after construction is complete must be stabilized to preclude erosion; and

(5) All temporary synthetic and structural erosion prevention and sediment control BMPs (such as silt fence) must be removed as part of the final stabilization on the site.

FINANCIAL INSTITUTION. An establishment that provides retail banking services, mortgage lending, or similar financial services to individuals and businesses. Financial institutions include those establishments engaged in the on-site circulation of cash money and check-cashing facilities, but shall not include bail bond brokers. Financial institutions may also provide automated teller machine (ATM) services, located within a fully enclosed space or building, along an exterior building wall intended to serve walk-up customers only, or in a city authorized drive-thru lane.

FINISHING STANDARD. Criterion established to control and limit the impacts generated by, or inherent in, uses of land or buildings. The term "finishing standard" shall be synonymous with "performance standard."

FLAG. Any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

FLOOD. A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

FLOOD FREQUENCY. The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

FLOOD FRINGE. That portion of the floodplain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the flood insurance study for the City of Monticello.

FLOODPLAIN. The beds proper and the areas adjoining a wetland, lake, or watercourse which have been or hereafter may be covered by the regional flood.

FLOOD PROFILE. A graph or a longitudinal plot of water surface elevations of a flood event along a reach of a stream or river.

FLOOD-PROOFING. A combination of structural provisions, changes, or adjustment to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

FLOODWAY. The bed of wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.

FLOOR AREA. See § 153.010(B)(4).

FLOOR AREA - FINISHABLE. Area within a building-exclusive of mechanical, garage, or unfinished storage space-that could meet all requirements of "finished floor area" after improvements are completed.

FLOOR AREA - FINISHED. To qualify as finished floor area, the space shall be at or above the finished exterior grade, or in the case of lower levels, no less than 42 inches below such grade; must have heat; flooring such as carpet, vinyl, tile, wood or other similar floor covering; a ceiling and walls covered with gypsum board, plaster, or wood which is stained, painted or covered with other residential wall/ceiling covering prior to occupancy. Basements that are neither "look out" or "walk out" levels may be finished, but shall not be counted towards a minimum finished square footage calculation.

FOREST LAND CONVERSION. The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

FREEWAY CORRIDOR (SIGN) AREA. A special signing area encompassing land located within 800 feet either side (north or south) of the centerline of Interstate 94, in addition to certain areas along Trunk Highway 25 south of Interstate 94 north of Dundas Road, East of Sandberg Road, and West of Cedar Street as shown on the city's official Freeway Bonus Sign District Map.

FUEL PUMP. Equipment or unit designed and constructed to supply gasoline, diesel, natural gas, or other petroleum fuels and oils, electric charging, hydrogen, or any other fuel intended to power motor vehicles.

FUNERAL SERVICES. An establishment that provides human funeral services, including embalming and memorial services. Crematories are accessory uses to a funeral home.

GARAGE. An attached or detached accessory structure for the purpose of parking vehicles.

GARAGE SALE. The sale of miscellaneous used items commonly associated with residential use. Garage sales shall not be for the sale of primarily a single commodity. The term "garage sale" includes "sidewalk sale," "yard sale," "basement sale," and "estate sale."

GENERAL WAREHOUSING. Structures used for the storage or distribution of goods where there is no sale of items to retailers or the general public unless permitted as an accessory use to the warehouse.

GRADING. Excavation or fill of material, including the resulting conditions thereof.

GRADING, DRAINAGE AND EROSION CONTROL PERMIT. A permit issued by the municipality for the construction or alteration of the ground and for the improvements and structures for the control of erosion, runoff, and grading. Herein after referred to as "grading permit".

GRADING, DRAINAGE AND EROSION CONTROL PLANS. A set of plans prepared by or under the direction of a licensed professional engineer. Plans are required to indicate the specific measures and sequencing to be used to control grading, sediment and erosion on a development site during and after construction as detailed in the City of Monticello "Plan Requirements and Design Guidelines".

GREENHOUSE/CONSERVATORY. A structure, primarily of glass, in which temperature and humidity can be controlled for the cultivation or protection of plants.

GROUP RESIDENTIAL FACILITY, MULTI-FAMILY. A state-licensed facility, public or private, which regularly provides a planned combination of living conditions, services, and resources for the treatment, rehabilitation, training, supervision, or care of persons residing on the premises which falls into one of the following categories: 1) a state licensed residential facility serving between seven and 16 persons; or 2) a licensed day care facility serving between 13 and 16 persons. This term does not include any type of residential or non-residential facility for persons convicted of crimes, or for persons accused of crimes who are diverted to the facility before conviction; nor does it include a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses.

GROUP RESIDENTIAL FACILITY, SINGLE-FAMILY. A state-licensed facility, public or private, which regularly provides a planned combination of living conditions, services, and resources for the treatment, rehabilitation, training, supervision, or care of persons residing on the premises which falls into one of the following categories: 1) a state licensed residential facility serving six or fewer persons; 2) registered housing with services establishment serving six or fewer persons; 3) a licensed day care facility serving 12 or fewer persons; or 4) a group family day care facility licensed to serve 14 or fewer children. This term does not include any type of residential or non-residential facility for persons convicted of crimes, or for persons accused of crimes who are diverted to the facility before conviction; nor does it include a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses.

GROWLER. A 64 fluid ounce (1.89 liter) container of beer that is made available for purchase at the brewery where it's produced. Said container is available for off-sale consumption only.

HEAVY INDUSTRIAL USE. See **HEAVY MANUFACTURING**.

HELIPORT. An area used or intended to be used for the landing and takeoff of helicopters, and may include any or all of the areas of buildings appropriate to accomplish these functions.

HIGH RISK TREE. Any tree with structural defects sufficient to render the tree or part of the tree likely to fail and cause damage to persons, property, or other significant vegetation, as determined by a qualified arborist or other tree professional.

HOME OCCUPATION. An occupation carried on in a dwelling unit by the resident thereof; provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character thereof.

HOOP BUILDING (see also **TARP GARAGE**). A portable or permanently anchored structure defined mainly by a steel or PVC frame over which a cover made from plastic, tarp, or other similar type fabrics or materials is placed.



HOSPITAL. A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an inpatient basis, including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, and administration, and services to patients, employees, or visitors.

IMPERVIOUS SURFACE. A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than existed prior to development. Examples include rooftops, sidewalks, patios, parking lots, storage areas and concrete, asphalt, or gravel driveways or roads.

INDOOR FOOD/CONVENIENCE SALES. A small retail establishment located within or associated with another use that offers for sale prepared food or convenience goods such as prepackaged food items, tobacco, periodicals, and other household goods.

INDUSTRIAL SELF-STORAGE. A land use characterized by larger spaces available to occupants for the purposes of storage of commercial, industrial, or personal goods, as well as business, industrial, or hobby activities accessory to such storage as may be permitted within the zoning district, provided that no such space is subdivided to a total area that is less than 2,000 square feet in area.

INDUSTRIAL SERVICES (GENERAL). Businesses that are engaged in the repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products; or providing other related services primarily for industrial businesses. Industrial service firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Also includes firms such as contractors and building maintenance services and similar establishments engaged in performance of services off-site. Few customers, especially the general public, come to the site. Accessory activities may include retail sales, offices, parking and storage.

INTENSIVE VEGETATION CLEARING. The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

LAKE, GENERAL DEVELOPMENT. Lakes that usually have more than 225 acres of water per mile of shoreline and 25 dwellings per mile of shoreline, and are more than 15 feet deep.

LAKE, NATURAL ENVIRONMENT. Lakes that usually have less than 150 total acres, less than 60 acres per mile of shoreline, and less than three dwellings per mile of shoreline. They may have some winter kill of fish; may have shallow, swampy shoreline; and are less than 15 feet deep.

LAKE, RECREATIONAL DEVELOPMENT. Lakes that usually have between 60 and 225 acres of water per mile of shoreline, between three and 25 dwellings per mile of shoreline, and are more than 15 feet deep.

LAND DISTURBING ACTIVITY. Any land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands within the city's jurisdiction, including, but not limited to, clearing, grubbing, grading, excavating, transporting and filling.

LAND RECLAMATION. The reclaiming of land by the importation, depositing, or grading of soils in excess of 400 cubic yards so as to elevate the grade.

LANDSCAPE STRIP, PERIMETER. Vegetative material associated with the perimeter landscaping required for a vehicular use area.

LANDSCAPING/NURSERY BUSINESS. A retail business devoted to the growth, display, and/or sale of plants, shrubs, trees; and/or landscaping materials and services.

LIGHT INDUSTRIAL USE. See **MANUFACTURING, LIGHT**.

LOT (OF RECORD). A parcel of land, whether subdivided or otherwise legally described, as of the effective date of this chapter, or approved by the city as a lot subsequent to such date and which is occupied by or intended for occupancy by one principal building or principal use together with any accessory buildings and such open spaces as required by this chapter and having its principal frontage upon a street.

LOT. Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of this zoning regulation, having not less than the minimum area required by this zoning chapter for a building site in the district in which such lot is situated and having its principal frontage on a street or a proposed street approved by the Council. **LOT** related definitions (e.g. lot depth, lot area, lot corner, etc): see §153.010(B).

LOT LINE. A property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way.

LOWER-POTENCY HEMP EDIBLE. As defined under M.S. § 342.01, subd. 50, as amended from time to time.

MACHINERY/TRUCK REPAIR. This business performs mechanical, electrical, structural, and cosmetic repairs to trucks

and heavy equipment. Allowed: Tune ups and adjustment, replacement of parts, rebuilding of parts or components when installation is available, body repair, collision service and painting, frame straightening and repair, steam cleaning and/or sandblasting, undercoating and rust proofing, radiator repair, tire repair, wheel alignment and balancing, washing, cleaning, and polishing.

MANAGED NATURAL LANDSCAPE. A planned, intentional, and maintained planting of native or nonnative grasses, wildflowers, forbs, ferns, shrubs, or trees, including but not limited to rain gardens, meadow vegetation, and ornamental plants. **MANAGED NATURAL LANDSCAPES** does not include turf-grass lawns left unattended for the purpose of returning to a natural state.

MANUFACTURED (MOBILE) HOME. A structure transportable in one or more sections which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on a side, is 760 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it, and which complies with the manufactured home building code (M.S. § 327.31, as it may be amended from time to time).

MANUFACTURED HOME PARK. A contiguous parcel of land which has been developed for the placement of manufactured homes and is owned by an individual, firm, trust, partnership, public or private association, or corporation.

MANUFACTURING, HEAVY. The manufacturing of products from raw or unprocessed materials, where the finished product may be combustible or explosive. This category shall also include any establishment or facility using large unscreened outdoor structures such as conveyor belt systems, cooling towers, cranes, storage silos, or similar equipment that cannot be integrated into the building design, or engaging in large-scale outdoor storage. Any industrial use that generates noise, odor, vibration, illumination, or particulate that may be offensive or obnoxious to adjacent land uses, or requires a significant amount of on-site hazardous chemical storage shall be classified under this land use.

MANUFACTURING, LIGHT. The mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration.

MARQUEE. Any permanent roof like structure projecting beyond a theater building or extending along and projecting beyond the wall of that building, generally designed and constructed to provide protection from the weather.

MAXIMUM DENSITY. The number of dwelling units allowed per gross acre of land as controlled by an individual or joint ownership group.

MEADOW VEGETATION. Grasses and flowering broad-leaf plants that are native to, or adapted to, the State of Minnesota, and that are commonly found in meadow and prairie plant communities, not including noxious weeds.

MEAN GROUND LEVEL. The elevation established for the purpose of regulating the number of stories and the height of buildings. Grade shall be the mean level of the finished surface of the ground adjacent to the exterior walls of the buildings.

MICRO-DISTILLERY. A distillery that produces 40,000 proof gallons of liquor or less annually.

MULTIPLE-TENANT SITE. Any site which has more than one tenant, and each tenant has a separate ground level exterior public entrance.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES). The program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits under the Clean Water Act (Sections 301, 318, 402, and 405) and United States Code of Federal Regulations Title 33, Sections 1317, 1328, 1342, and 1345.

NATURAL DRAINAGE SYSTEM. All land surface areas which by nature of their contour configuration, collect, store and channel surface water run-off.

NATURAL OBSTRUCTION. Means any rock, tree, gravel, or analogous natural matter that is an obstruction and has been located within a water body, watercourse, or wetland by a nonhuman cause.

NEXT AVAILABLE AGENDA. The next meeting at which an application can be heard by a reviewing body after consideration of the anticipated time for review and other items already scheduled for future agendas. The Community Development Department has full discretion to select the best future meeting date that will accommodate the administrative and official review of an item provided the overall timeframe for review will comply with all state mandated review deadlines.

NONCONFORMING STRUCTURE OR BUILDING. A structure or building, the size, dimensions, or location of which was lawful prior to effective date of this chapter as denoted in § 153.004, or on the effective date of any amendment to this chapter, but that fails by reason of such adoption or amendment to conform to the requirements of this chapter.

NONCONFORMING USE. Any use lawfully being made of any land, building, or structure not otherwise abandoned, existing on effective date of this chapter as denoted in § 153.004 or on the effective date of any amendment of this chapter, that does not comply with the use regulations of this chapter or the amendment.

NURSING HOME (CONVALESCENT HOME). A facility that provides nursing services and custodial care generally on a 24-hour basis for two or more unrelated individuals who for reasons of illness, physical infirmity, or advanced age, require such services; but not including hospitals, clinics, sanitariums, or similar institutions.

OBSTRUCTION (IN RELATION TO FLOODPLAINS). Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain 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.

OFFICE OF CANNABIS MANAGEMENT. Minnesota Office of Cannabis Management, referred to as "OCM" in this chapter.

OFFICE USE. An establishment primarily engaged in providing professional, financial, administrative, clerical, and similar services.

OFF-STREET LOADING SPACE. A space accessible from the street, alley or way, in a building or on the lot, for the use of trucks while loading or unloading merchandise or materials. Such space shall be of such size as to accommodate one truck of the type typically used in the particular business.

OPACITY (OPAQUE). A measurement indicating the degree of obscuration of light or visibility. An object that is 100% opaque is impenetrable by light.

OPEN SALES. Any open land used or occupied for the purpose of buying, selling, and/or renting merchandise and for the storing of same prior to sale. This use includes all outdoor sales and display of goods and/or materials that are not specifically addressed as outdoor storage, sidewalk sales and display, or off-street vehicle parking.

OPEN SPACE. An area on a lot not occupied by any structure or impervious surface.

OPEN SPACE, USABLE. A required ground area or terrace area on a lot which is graded, developed, landscaped, and equipped and intended and maintained for either active or passive recreation or both, available and accessible to and usable by all persons occupying a dwelling unit or rooming unit on the lot and their guests. Such areas shall be grassed and landscaped or covered only for a recreational purpose. Roofs, driveways, and parking areas shall not constitute usable open space.

ORDINARY HIGH WATER (NEW SHORELAND DISTRICT CODE). The boundary of public waters which may include wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

ORNAMENTAL PLANTS. Grasses, perennials, annuals, and groundcovers purposefully planted for aesthetic reasons.

OUTDOOR STORAGE. The keeping, in an un-roofed area, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours. This shall not include the display of vehicles for sale in a new or used car sales lot.

OUTPATIENT CARE. Medical examination or service available to the public in a hospital. This service is provided without overnight care and shall be considered a separate, independent, principal use when combined or operated in conjunction with a hospital.

OWNER. The person or entity with a legal or equitable interest in the land on which the construction activities will occur.

PARAPET. A low wall which is located perpendicular to (extension of front wall) a roof of a building.

PARK FACILITY, ACTIVE. A park or recreation facility that includes one or more of the following: buildings, lighting, ball fields, tennis courts, swimming pools, skate parks, golf courses, or other active sports facilities. Active park facilities will commonly include benches, picnic areas, trails, sidewalks, and other similar features.

PARK FACILITY, PASSIVE. A park or recreational facility that does not include the construction of facilities, lighting, or development of ball fields or other active sports facilities. Passive parks may include benches, picnic areas, trails and sidewalks.

PARKING, OFF-STREET. The act of keeping a passenger vehicle as defined herein and/or small commercial vehicles, recreational vehicles and emergency vehicles as defined herein, on an approved parking space, properly surfaced, for a period of less than 24 hours.

PARKING BAY. The parking module consisting of one or two rows of parking spaces or stalls and the aisle from which motor vehicles enter and leave the spaces.

PARKING ISLAND. Landscaped areas within parking lots used to separate parking areas and to soften the overall visual impact of a large parking area from adjacent properties.

PARKING LOT DRIVE AISLE. A vehicular accessway located within an off-street parking or vehicular use area which serves individual parking stalls and driveways.

PARKING SPACE/STALL. An area enclosed in the main building, in an accessory building, or unenclosed sufficient in size to store one automobile which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an automobile.

PARKING STRUCTURE. A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages, decks, and ramp parking.

PARKING, SURFACED. A parking space or storage space which is paved, or surfaced with crushed rock, such as Class V limestone, crushed or decomposed granite, "con-bit", or landscaping rock of adequate durability to support the load parked or stored thereon.

PARKING, UNSURFACED. A storage space which is covered by vegetation, such as grass or other landscaped cover, and which is mowed or trimmed to meet the city's weed control regulations. Unsurfaced space may not include bare ground which may be subject to erosion, tracking of mud onto the roadway, or drainage of silt into a public drainage easement or waterway.

PASSENGER TERMINAL. A place that receives and discharges passengers which generally includes facilities and equipment required for the operation. Examples include terminals for bus, taxi, railroad, shuttle van, or other similar vehicular services. This definition does not include bus stops or similar transfer points for passengers at which no facilities (excluding a bench or shelter) are provided.

PAVED. A parking space or storage space which is surfaced with only the following materials: Asphalt, concrete, and natural or man-made paving stones such as brick, granite, or concrete pavers, provided such pavers have a flat surface area of no less than nine square inches.

PERFORMANCE STANDARD. Criterion established to control and limit the impacts generated by, or inherent in, uses of land or buildings. The term "performance standard" shall be synonymous with "finishing standard."

PERIMETER SEDIMENT CONTROL. A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

PERMANENT COVER. Final stabilization.

PERMITTED USE. 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 districts.

PERMITTEE. Applicant for and recipient of an approved permit.

PERSON. An individual, firm, partnership, association, corporation, or organization of any kind.

PERSONAL SERVICES. Establishments that primarily engage in providing services generally involving the care of the person or person's possessions. Personal services may include but are not limited to: laundry and dry-cleaning services, barber shops, beauty salons, health and fitness studios, music schools, informational and instructional services, tanning salons, body art (including tattooing), and portrait studios. This use may also include indoor pet grooming services for dogs, cats and/or small household pets as permitted by city code, not including animal kennel/boarding or overnight care, outdoor activities or veterinary activities.

PHASING (IN RELATION TO GRADING). Clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

PLACE OF PUBLIC ACCOMMODATION. A business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.

PLACE OF PUBLIC ASSEMBLY. An institution or facility that congregations of people regularly attend to participate in or hold meetings, workshops, lectures, civic activities, religious services, and other similar activities, including buildings in which such functions and activities are held. Places of public assembly are characterized by individuals arriving and departing at regularly scheduled times and do not include event centers. Common characteristics of places of public assembly, which differentiate such uses from event centers, may include but are not limited to, the following:

- (1) Regular activity schedules.
- (2) No display and/or sale of retail commercial goods or services.
- (3) The generation of traffic at routine time periods.
- (4) Predictable traffic volumes during activities.
- (5) Locations that may be in commercial, industrial, or residential zoning districts.

PLAN REQUIREMENTS AND DESIGN GUIDELINES. Manual detailing city specifications for all plan requirements.

PLANNED UNIT DEVELOPMENT. A type of development which may incorporate a variety of land uses planned and developed as a unit. The planned unit development is distinguished from the traditional subdivision process of development in that zoning standards such as density, setbacks, height limits, and minimum lot sizes may be altered by negotiation and agreement between the developer, the municipality, and the Commissioner of Natural Resources as may be required.

PLANTING STRIP. Areas intended for the placement of vegetation within the interior of vehicular use areas or along street right-of-way edges, typically between the back of the curb and the inside edge of the sidewalk.

PORTABLE CONTAINER. A large container designed and rented or leased for the temporary storage of commercial, industrial, or residential household goods that does not contain a foundation or wheels for movement.

PRELIMINARY LICENSE APPROVAL. OCM pre-approval for a cannabis business license for applicants who qualify

under M.S. § 342.17, as amended from time to time.

PRINCIPAL USE. The main use of land or buildings as distinguished from subordinate or accessory uses.

PRODUCTION BREWERY. A facility that manufactures, processes and warehouses beer for wholesale distribution in off-sale packages to retail liquor establishments and may retail beer product for on-site consumption in a taproom for off-site consumption as growlers. A production brewer may not have an ownership interest in a brewery licensed under Minnesota Statutes.

PROFESSIONAL OFFICE - SERVICES. A commercial use involving administrative, clerical, or professional operations, and routinely including direct transactions or consultations with clients for such services. Such uses commonly include legal, financial, insurance, or real estate services, among others, but do not include retail sales of stock-in-trade goods.

PUBLIC BUILDING OR USE. Any facility, including but not limited to buildings and property that are leased or otherwise operated or funded by a governmental body or public entity.

COMMUNITY CENTER. A "public building or use" that provides a variety of services and facilities for both public and private activities, which may include the following: city offices; U.S. or State of Minnesota military offices; recreation facilities and classes; public assembly uses; senior citizen community rooms and activities; event center gatherings; and support facilities for any of the above. Individual public space and/or facilities within a **COMMUNITY CENTER** may be used, leased or rented to other entities, including private individuals or groups as an incidental and accessory aspect of such space or facility, at the discretion of the public agency owner/manger.

PUBLIC WAREHOUSING. The indoor storage of equipment and/or materials by a government agency which may, or may not, be related to other principal uses on the same property.

PUBLIC WATERS. Any waters as defined in M.S. § 103G.005, subd. 15, 15a, as it may be amended from time to time.

RAIN GARDEN. A native plant garden that is designed not only to aesthetically improve properties, but also to reduce the amount of stormwater and accompanying pollutants from entering streams, lakes, and rivers.

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

REAL ESTATE OFFICE/MOBILE SALES HOME. A dwelling temporarily used as a sales office for a residential development under construction for on-site sales.

RECREATIONAL VEHICLE CAMP SITE. A lot or parcel of land occupied or intended for occupancy by recreational vehicles for travel, recreational, or vacation usage for short periods of stay subject to the provisions of this chapter.

RECYCLING AND SALVAGE CENTER. A facility engaged solely in the storage, processing, resale, or reuse of recyclable and recovered materials.

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. Regional flood is synonymous with the term "base flood" used in the flood insurance study.

REGULATORY FLOOD PROTECTION ELEVATION. The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

REPAIR ESTABLISHMENT. An establishment primarily engaged in the provision of repair services for TV's, bicycles, clocks, watches, shoes, guns, canvas products, appliances, and office equipment; including tailor; locksmith; and upholsterer.

RESIDENTIAL TREATMENT FACILITY. As defined under M.S. Ch. 245G, as amended from time to time.

RESTAURANT. An establishment where meals or prepared food, including beverages and confections, are served to customers for consumption on or off the premises. Such a facility may include indoor and outdoor seating and/or drive through services.

RETAIL COMMERCIAL USES (OTHER). A commercial land use where the establishment is primarily engaged in the sale or rental of goods and materials to the general public, accepts payment or orders for, and delivers to the end user a good or service. Elements of the retail business include stock-in-trade held on the premises in the case of goods or provides a service to the end user on the premises. Retail businesses may arrange for delivery of a good rather than deliver the good concurrent with the transaction, or may accept payment or orders electronically in advance, for delivery of the good or service in person at a later date. Retail commercial uses do not include those business engaged primarily in delivery of goods for further treatment or finishing, or the sale of goods to businesses for subsequent resale, sale of goods from moveable motorized vehicles, or medical clinics. Where the Zoning Ordinance establishes a separate class of use for a specific business, such business shall be subject to the specific regulations applicable to such use.

RETAIL REGISTRATION. An approved registration issued by the city to a state-licensed cannabis retail business.

RETAIL SERVICE. A retail service establishment is a form of retail business that creates a product of value (either good or service) on site and delivers said good or service to the end user on site. Examples of retail services include businesses

which fabricate and/or craft creative goods on site and both display and sell such goods to the end user at the retail location such as artist studios, bicycle shops, photography studios or similar uses. Where the Zoning Ordinance establishes a separate class of use for a specific business, such business shall be subject to the specific regulations applicable to such use.

RIVER, AGRICULTURAL. Rivers that run through intensively cultivated areas, mainly in the southern and western area of Minnesota.

RIVER, FORESTED. Rivers that are in forested, sparsely to moderately populated areas with some roads; typically found in northeast, southwest and north-central Minnesota

RIVER, REMOTE. Rivers that are primarily in roadless, forested, sparsely populated areas in northeastern Minnesota.

RIVER, TRANSITION. Rivers that are in a mixture of cultivated, pasture and forest lands.

RIVER, TRIBUTARY. Rivers in the Protected Public Waters Inventory that are not classified by the DNR as an agricultural, forested, remote or transition river.

ROOF. The exterior surface and its supporting structure on the top of a building or structure. The structural makeup of which conforms to the roof structures, roof construction and roof covering sections of the International Building Code.

ROOT ZONE. The area inside the dripline of a tree that contains its roots.

SCHOOL. A public school as defined under M.S. § 120A.05, as amended from time to time, or a nonpublic school that must meet the reporting requirements under M.S. § 120A.24, as amended from time to time.

SCHOOL, HIGHER EDUCATION. A public or private non-profit institution for post-secondary education or a public or private school offering vocational or trade instruction to students. Such educational institutions operate in buildings or structures on land leased or owned by the educational institution for administrative purposes. Such uses include classrooms, vocational training (including that of an industrial nature for instructional purposes only), laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution.

SCHOOL, PRE-K-12. A public or private school offering general, technical, or alternative instruction at the elementary, middle, or high school level that operates in buildings or structures on land leased or owned by the educational institution for administrative purposes. Such uses include classrooms, vocational training (including that of an industrial nature for instructional purposes only in middle or high schools), laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution.

SCROLLING TEXT. A type of dynamic sign movement in which the letters or symbols move horizontally across the sign in a continuous scroll, permitting a viewer to observe the message over time. Scrolling shall not include flashing or other types of video movement.

SEDIMENT. The product of an erosion process; solid material both mineral and organic, that is in suspension, is being transported, or has been moved by water, air or ice, and has come to rest on the earth's surface either above or below water level.

SEDIMENT CONTROL. Measures and methods employed to prevent sediment from leaving the site.

SELF-STORAGE FACILITY. A building or group of buildings that contains equal or varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of residential or commercial customer's goods or wares.

SEMIPUBLIC USE. The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

SENIOR HOUSING. A multiple-family structure, 80% of whose occupants shall be 65 years of age or over, or a multiple-family structure where each unit is occupied by at least one person who is 55 years of age or over and is retired. The facility may include common areas for the congregation of occupants for activities or meals. Senior housing shall typically consist of multiple-household attached dwellings, but may include detached dwelling units as part of a wholly owned and managed senior project.

SENSITIVE RESOURCE MANAGEMENT. The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

SETBACK. The horizontal distance between a structure and the lot lines of the lot on which it is located; or the minimum horizontal distance between a structure, sewage treatment system or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.

SEWAGE TREATMENT SYSTEM. a septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Minn. Rules Chapter 7080.

SEWER SYSTEM. Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

SHADE TREE. A tree planted or valued chiefly for its shade from sunlight; this term usually applies to large trees with spreading canopies.

SHELTER, FALLOUT. An accessory building specifically designed and used for the protection of life from radioactive fallout.

SHELTER, STORM. An accessory building specifically designed and used for the protection of life from weather events.

SHOPPING CENTER. An integrated grouping of commercial stores under single ownership or control. See also **RETAIL COMMERCIAL USES.**

SHORE IMPACT ZONE. Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50% of the required structure setback.

SHORELAND. Land located within the following distances from public water:

- (1) One thousand feet from the ordinary high water mark of a lake, pond, or flowages.
- (2) Three hundred feet from a river or stream, or the landward extent of a floodplain designated by ordinance on such river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides that extend landward from the waters for lesser distances and when approved by the Commissioner of the Department of Natural Resources or the commissioner's designated representative.
- (3) The area included in the recreational land use districts for the Mississippi River as defined in Minn. Rules Chapter 6105.0800-0950.

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

SIDEWALK SALES AND DISPLAY, OUTDOOR. Outdoor sale and display, conducted as an accessory, incidental activity by the proprietor, of products normally sold inside a retail establishment, subject to the limitations identified in this chapter.

SIGN. Any letter, word or symbol, poster, picture, statuary, reading matter or representation in the nature of advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed for informational or communicative purposes.

SIGN FACE. The surface of the sign upon, against, or through which the message of the sign is exhibited.

SIGN STRUCTURE. Any structure including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.

SIGN, ABANDONED. Any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one year or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Where a sign has received a special permit or other city approval, such approval shall run with the principal use of the property, and such a sign shall be considered to be abandoned under this definition when it meets the conditions specified in this section, notwithstanding the prior special approval.

SIGN, AREA. A sign identifying a series of related parcels or uses, rather than a specific parcel or use.

SIGN, AREA IDENTIFICATION. A freestanding sign which identifies the name of a neighborhood, a residential subdivision, a multiple residential complex consisting of three or more structures, a shopping center consisting of five or more separate business concerns, an industrial area, an office complex consisting of three or more structures, or any combination of the above located on contiguous property.

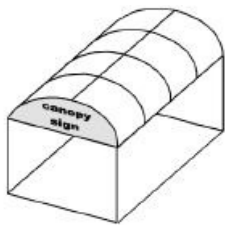
SIGN, AWNING. A building sign or graphic printed on or in some fashion attached directly to the awning material.

SIGN, BALLOON. A sign consisting of a bag made of lightweight material supported by helium, hot, or pressurized air which is greater than 24 inches in diameter.

SIGN, BILLBOARD. See **OFF-PREMISES SIGN.**

SIGN, BUILDING. Any sign attached or supported by any building.

SIGN, CANOPY. Any sign that is part of or attached to a canopy, made of fabric, plastic, or structural protective cover over a door or entrance. A canopy sign is not a marquee and is different from service area canopy signs.



SIGN, CHANGEABLE COPY. A sign or portion thereof that has a reader board for the display of text information in which each alphanumeric character, graphic or symbol is defined by objects not consisting of an illumination device and may be changed or rearranged manually or mechanically with characters, illustrations, letters or numbers that can be changed or rearranged without altering the face or surface of the sign structure.



SIGN, CHANGEABLE COPY (ELECTRONIC). A sign or portion thereof that displays electronic, non-pictorial text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays. Electronic changeable copy signs include projected images or messages with these characteristics onto buildings or objects. Electronic changeable copy signs do not include official signs. Electronic changeable copy signs may also be dynamic display signs if the definition of dynamic display sign is met.

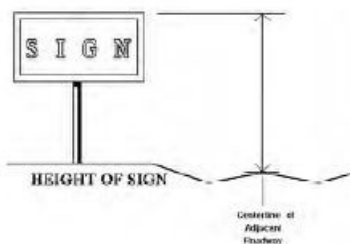
SIGN, DYNAMIC DISPLAY. Any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure or any other component of the sign. This includes displays that incorporate technology or methods allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components as well as any rotating, revolving, moving, flashing, blinking or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, digital ink or any other method or technology that allows the sign face to present a series of images or displays. All dynamic displays are changeable copy signs, but not all changeable copy signs are dynamic displays.

SIGN, ELECTRONIC GRAPHIC DISPLAY. A sign or portion thereof that displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization or dissolve modes. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays. Electronic graphic display signs include projected images or messages with these characteristics onto buildings or other objects.

SIGN, FLASHING. A directly or indirectly illuminated sign or portion thereof that exhibits changing light or color effect by any means, so as to provide intermittent illumination that changes light intensity in sudden transitory bursts and creates the illusion of intermittent flashing light by streaming, graphic bursts showing movement, or any mode of lighting which resembles zooming, twinkling or sparkling.

SIGN, FREESTANDING. Any sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.

SIGN, HEIGHT OF. The height of the sign shall be computed as the vertical distance measured from the mean ground level on which the sign is placed to the top of the highest attached component of the sign.



SIGN, IDENTIFICATION. Signs in all districts which identify the business or owner, or manager, or resident, and set forth the address of the premises where the sign is located and which contain no other material.

SIGN, ILLUMINATED. Any sign which contains an element designed to emanate artificial light internally or externally.

SIGN, MARQUEE. Any building sign painted, mounted, constructed or attached in any manner, on a marquee.



SIGN, MONUMENT. Any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a total height not exceeding 14 feet.



SIGN, MULTI-VISION. Any sign composed in whole or part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image and when properly functioning allows on a single sign structure the display at any given time one of two or more images.

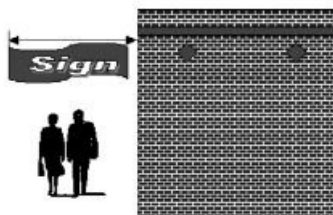
SIGN, OFF-PREMISES. A commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same lot where such sign is located. For purposes of the Sign Ordinance, easements and other appurtenances shall be considered to be outside such lot and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premises sign.

SIGN, OFFICIAL. Signs of a public noncommercial nature including public notification signs, safety signs, traffic signs, direction to public facilities when erected by or on behalf of a public official or employee in the performance of official duty - See also "Public Sign".

SIGN, POLE. See **PYLON SIGN**.

SIGN, PORTABLE. Any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is converted to another sign or attached temporarily or permanently to the ground since this characteristic is based on the design of such a sign.

SIGN, PROJECTING. Any sign which is affixed to a building or wall in such a manner that its leading edge extends more than two feet beyond the surface of such building or wall face.



SIGN, PUBLIC. Any sign posted by a governmental agency of a public, noncommercial nature, to include signs indicating scenic or historical points of interest, memorial plaques, and the like, and signs for civic interest groups within the City of Monticello when signs are erected by or on order of a public officer or employee in the performance of official duty - see also **OFFICIAL SIGN**.

SIGN, PYLON. Any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open.



SIGN, ROOF. Any sign erected and constructed wholly on and above the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

SIGN, ROOF SIGN, INTEGRAL. Any building sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, so that no part of the sign extends vertically above the highest portion of the roof and so that no part of the sign is separated from the rest of the roof by a space of more than six inches.

SIGN, ROTATING SIGN. A sign or portion of a sign which turns about on an axis.

SIGN, SANDWICH BOARD. A sign placed near the entrance of a business, usually on the public or private sidewalk, advertising particular aspects of the business goods or services.



SIGN, SHIMMERING. A sign which reflects an oscillating sometimes distorted visual image.

SIGN, SUSPENDED. Any building sign that is suspended from the underside of a horizontal plane surface and is connected to such surface.

SIGN, TEMPORARY. Any sign which is erected or displayed for a specified period of time, including, but not limited to, banners, search lights, portable signs, streamers, pennants, inflatable devices.

SIGN, TIME AND TEMPERATURE. A sign that displays only current time and temperature information.

SIGN, VIDEO DISPLAY. A sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames that gives the illusion of motion, including, but not limited to, the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs include projected images or messages with these characteristics onto buildings or other objects.

SIGN, WALL. Any building sign attached parallel to, but within two feet of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

SIGN, WINDOW. Any building sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.



SIGNIFICANT HISTORIC SITE. Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of M.S. § 307.08, as it may be amended from time to time. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

SITE LANDSCAPING. Required vegetative material consisting of trees and shrubs that are placed on a development site to soften built edges and provide transitions (see § 153.060(H)).

SLOPE. Means the degree of deviation of surface from the horizontal, usually expressed in percent or degrees.

SOLAR ENERGY. Radiant energy (direct, diffuse, and reflected) received from the sun.

SOLAR ENERGY SYSTEM. A set of devices whose primary purpose is to collect solar energy and convert and store it for useful purposes including heating and cooling buildings or other energy-using processes, or to produce generated power by means of any combination of collecting, transferring, or converting solar-generated energy. Solar energy systems are allowed only as accessory structures in any zoning district other than Planned Unit Development Districts, subject to the requirements of § 153.092.

SPECIAL EVENT. An event which plans for or can reasonably expect to attract more than 100 persons at any one time such as cultural events, musical events, celebrations, festivals, fairs, carnivals, etc.

SPECIALTY EATING ESTABLISHMENTS. Establishments selling specialty food items that normally do not constitute a full meal, including but not limited to: ice cream parlors, dessert cafes, snack shops, juice and coffee houses, and bakeries.

SPEECH, COMMERCIAL. Speech advertising a business, profession, commodity, service or entertainment.

SPEECH, NON-COMMERCIAL. 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.

STABLE. A building in which horses are sheltered; may be accessory to a residential or other use or a freestanding principal use.

STABILIZATION/STABILIZED. The exposed ground surface has been covered by appropriate materials such as mulch, staked sod, riprap, wood fiber blanket, or other material that prevents erosion from occurring. Grass seeding is not stabilization.

STABILIZED. The exposed ground surface after it has been covered by appropriate materials such as mulch, staked sod, riprap, wood fiber blankets, or other material that prevents erosion from occurring. Grass seeding is not considered stabilized until it has established and meets the definition of final stabilization.

START OF CONSTRUCTION. The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, excavation and filling;

STATE LICENSE. An approved license issued by the State of Minnesota's Office of Cannabis Management to a cannabis retail business.

STEEP SLOPE. Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this chapter. Where specific information is not available, steep slopes are lands having average slopes over 12%, as measured over horizontal distances of 50 feet or more, which are not bluffs.

STORMWATER. Defined and shall have the meaning given to it by Minn. Rules 7077.0105, subp. 41(b).

STORMWATER POLLUTION PREVENTION PLAN (SWPPP). A plan for stormwater discharge that includes erosion prevention measures and sediment controls that, when implemented, will minimize soil erosion on a parcel of land and minimize off-site nonpoint pollution to the maximum extent practicable.

STORY. See § 153.010(B)(5).

STREET FRONTAGE. See § 153.010(B)(1)(f).

STRUCTURE. Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, or office purposes, either temporarily or permanently. **STRUCTURE** also includes, but is not limited to, swimming pools, tennis courts, signs, sheds, docks, and similar accessory construction.

STRUCTURE, PUBLIC. A building or edifice of any kind which is owned or rented, and operated by a federal, state, or local government agency.

SUBDIVISION. Any real estate, wherever located, improved or unimproved, which is divided or proposed to be divided for the purpose of sale or lease, including sales or leases of any timeshare interest, unit in a common interest community, or similar interest in real estate.

SURFACE WATER OR WATERS. All streams, lakes, ponds, marshes, wetlands, reservoirs, springs, rivers, drainage systems, waterways, watercourses, wells, reservoirs, aquifers, irrigation systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private.

SURFACE WATER-ORIENTED COMMERCIAL USE. The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

SWIMMING POOL. A structure, whether above or below grade level, designed to hold water more than 24 inches deep to be used for recreational purposes

TAPROOM. A room that is ancillary to the production of beer at a production brewery where the public can purchase and /or consume only the beer produced on site.

TARP GARAGE. A portable or permanently anchored structure defined mainly by a steel or PVC frame over which a cover made from plastic, tarp, or other similar type fabrics or materials is placed.



TATTOO, TATTOOING. Any method of placing designs, letters, scrolls, figures, symbols or any other mark upon, under or in the skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instruments which puncture any portion of the skin to any degree.

TELECOMMUNICATION TOWER. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas.

TEMPORARY EROSION PROTECTION. Short term methods employed to prevent erosion. Examples of these methods include: straw, wood fiber blanket, wood chips and erosion netting.

TEMPORARY MOBILE CELL SITE. Any mobile tower, pole, or structure located on a trailer, vehicle, or temporary platform intended primarily for the purpose of mounting an antenna or similar apparatus for personal wireless services, also commonly referred to as cellular on wheels (COW).

TOE OF BLUFF. The lower point of a 50-foot segment with an average slope exceeding 18%.

TOP OF BLUFF. The higher point of a 50-foot segment with an average slope exceeding 18%.

TOTAL SITE SIGNAGE. The maximum permitted combined area of all signs allowed on a specific lot.

TOWNHOUSES. A single-family dwelling unit constructed in a group of two or more attached units in which each unit extends from the foundation to the roof and having open space on at least two sides of each unit. Each single-family dwelling unit shall be considered to be a separate building. No single structure shall contain in excess of eight dwelling units, and each dwelling unit shall have separate and individual front and rear entrance.

TRASH HANDLING AND RECYCLING COLLECTION AREA. Areas designated for the accumulation, storage and pick-up of refuse and recyclable material associated with multi-family home sites, civic and institutional uses, office uses, commercial uses, and industrial uses. This definition does not include trash and recycling containers associated with single-family dwellings, or townhome units which do not utilize a communal location for trash and recycling.

TREE, CANOPY. A tree that has an expected height at maturity of 30 feet or more.

TREE, ORNAMENTAL. A small tree that has high visual impact typically grown for the beauty of its foliage and flowers rather than its functional reasons.

TREE, SPECIMEN. Any canopy tree with a DBH of 36 inches or more and any understory or ornamental tree with a DBH of ten inches or more that is not exempted as a specimen tree by this chapter.

TREE, UNDERSTORY. A tree that has an expected height at maturity of no greater than 30 feet.

TREE SAVE AREA. The area around a specimen tree that extends one linear foot around the tree's dripline.

TRASH HANDLING AND RECYCLING COLLECTION AREA. Areas containing large dumpsters or compactors used to temporarily store trash and recycling materials prior to a regularly scheduled pick up. Such facilities are typically associated with multi-family buildings of more than four units, commercial operations and industrial sites.

TRUCK OR FREIGHT TERMINAL. A use where buses, trucks, and cargo are stored, where loading and unloading is carried on regularly, and where minor maintenance of these types of vehicles is performed. This use includes warehousing and distribution which entails transfer of goods and materials from trucks to a building, where the primary use is the storage of trucks and distribution and vice versa, and may or may not involve repackaging of such goods for transfer. Such use may also entail transfer of full trailers from one truck to another.

TURF-GRASS LAWN COVER. A lawn comprised mostly of grasses commonly used in regularly cut lawns or play areas, including but not limited to bluegrass, fescue, and ryegrass blends, intended to be maintained at a height of no more than eight inches.

UNDERSTORY TREE. A tree that has an expected height at maturity of no greater than 30 feet.

UPLAND. Means all lands at an elevation above the ordinary high water mark.

USE. The purpose or activity for which the land or building thereon is designated, arranged, or intended, or for which it is

occupied, utilized, or maintained, and shall include the performance of such activity as defined by the performance standards of this chapter.

UTILITIES - MAJOR. Major utilities shall include the following:

(1) Public infrastructure services providing regional or community-wide service that have regular employees on site during common working hours, and entail the construction of new buildings or structures such as waste treatment plants, potable water treatment plants, and solid waste facilities.

(2) Commercial wind energy conversion systems (public or private).

(3) Electrical substations.

VARIANCE. The waving by board action of the literal provisions of the zoning ordinance in instances where their strict enforcement would cause undue hardship because of physical circumstances unique to the individual property under consideration.

VEGETATION. Means the sum total of plant life in some area, or a plant community with distinguishable characteristics.

VEGETATION, NATIVE. Any indigenous tree, shrub, ground cover or other plant adapted to the soil, climatic, and hydrographic conditions occurring on the site.

VEHICLE, EMERGENCY. For the purpose of evaluating vehicles which may be parked in residential areas, the term emergency vehicle shall include ambulances, police and sheriff's department vehicles, fire protection vehicles, emergency towing vehicles, and other law enforcement vehicles.

VEHICLE, PASSENGER. A vehicle capable of moving under its own power which is licensed and operable for use on public roadways, and shall include the following vehicles: Passenger automobiles, pick-up trucks and sport-utility vehicles of less than 9,000 pounds gross vehicle weight, pick-up trucks and sport-utility vehicles of between 9,000 pounds and 13,000 pounds with no visible commercial messages, commuter vans of a capacity up to 16 persons, and motorcycles.

VEHICLE, RECREATIONAL.

(1) A vehicle that is used primarily for recreational or vacation purposes, and which is licensed and operable for use on public roadways, whether self-propelled, carried on, or towed behind a self-propelled vehicle.

(2) Operable recreational equipment that is not licensed for use on the public roadway, but used off-road, such as all-terrain vehicles, boats, off-road motorcycles, race vehicles, snowmobiles, or similar equipment. Such equipment shall be properly licensed if the State of Minnesota provides for such licensing.

(3) Licensed, operable trailers which may be used to tow recreational equipment, whether such trailers are loaded or unloaded, including utility trailers. Where a trailer is loaded with recreational equipment, such trailer and equipment shall be considered to be one piece of equipment for the purposes of this section.

VEHICLE, LARGE COMMERCIAL. A vehicle used for commercial purposes which is a semi-tractor and/or semi-trailer, dump truck, or any other commercial vehicle that does not qualify under the definition of a "small commercial vehicle".

VEHICLE, SMALL COMMERCIAL. A vehicle used primarily for commercial purposes, including pick-up trucks and sport-utility vehicles larger than 9,000 pounds gross vehicle weight, but less than 13,000 pounds gross vehicle weight which display a commercial business message, and all other commercial vans or trucks, regardless of commercial message which are no greater than any of the following dimensions: 22 feet in length, eight feet in height, and eight and one-half feet in width.

VEHICLE FUEL SALES.

(1) Buildings and premises where dispensing, sale, or offering for sale at retail (or in connection with a private operation where the general public is excluded from use of facilities) of motor fuels, including gasoline, diesel, natural gas, or other petroleum fuels and oils, electric charging stations of more than two such stations, hydrogen, or any other fuel intended to power motor vehicles of any sort, and where in addition, the following services may be rendered and sales made, and other similar related uses:

(a) "Automotive repair - minor" as defined by this chapter;

(b) Retail sales of packaged foods, prepared foods and other convenience goods for station customers, as accessory and incidental to principal operation; and

(c) Provision of restroom facilities, but not including showers.

(2) Uses permissible at a vehicle fuel sales establishment do not include "automobile repair - major" as defined by this chapter, major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in filling stations. Vehicle fuel sales establishments are intended for the servicing and delivery of goods to passenger vehicles and small commercial vehicles. Facilities for sales to large trucks may be included, but shall not include activities that would constitute uses most commonly found at a truck stop, such as showers, truck washes, truck parking or truck storage for more than temporary periods necessary to purchase and pay for retail goods.

VEHICLE SALES OR RENTAL. Establishments primarily engaged in the retail sale of new and used-in operating condition-automobiles, noncommercial trucks, motor homes, recreational vehicles or farm machinery; including incidental storage, maintenance, and servicing.

VEHICULAR USE AREA LANDSCAPING, INTERIOR. Vegetative material, structures (walls or fences), berms, and associated ground cover located within the interior of a parking lot, or other vehicular use area for the purposes of providing visual relief and heat abatement (see § 153.060(F)).

VEHICULAR USE AREA LANDSCAPING, PERIMETER. Vegetative material, structures (walls or fences), berms, and associated ground cover located around the perimeter of a parking lot, or other vehicular use area when such areas are adjacent to a street right-of-way or land in a residential district or residentially developed lands, used property for the purposes of screening the vehicular use area from off-site views (see § 153.0604.1(F)).

VETERINARY FACILITIES - NEIGHBORHOOD. An establishment for licensed practitioners engaged in practicing veterinary medicine, dentistry, or surgery for small household pets only.

VETERINARY FACILITIES - RURAL. An establishment for licensed practitioners engaged in practicing veterinary medicine, dentistry, or surgery for all animals.

VISIBLE. Capable of being seen by a person of normal visual acuity (whether legible or not) without visual aid.

WALL. Any structure which defines the exterior boundaries or courts of a building or structure and which has a slope of 60 degrees or greater with the horizontal plane.

WASTE DISPOSAL AND INCINERATION. A use which focuses on the disposal by abandonment, dumping, burial, burning, or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or nontoxic waste material of any kind.

WATER BODY. Means a body of water (lake, pond) in a depression of land or expanded part of a river, or an enclosed basin that holds water and surrounded by land.

WATER-ORIENTED ACCESSORY STRUCTURE OR FACILITY. A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

WATERCOURSE. Means a channel or depression through which water flows such as rivers, streams, or creeks and may flow year-round or intermittently.

WATERSHED. The area drained by the natural and artificial drainage system bounded peripherally by a bridge or stretch of high land dividing drainage areas.

WATERWAY. A channel that directs surface runoff to a watercourse or to the public storm drain.

WAYSIDE STAND. A temporary structure or vehicle used for the seasonal retail sale of agricultural goods produced by the operator of the wayside stand; the stand being clearly a secondary use of the premises which does not change the character thereof.

WETLANDS.

(1) Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this chapter, wetlands must:

- (a) Have a predominance of hydric soils;
- (b) Be inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- (c) Under normal circumstances, support a prevalence of hydrophytic vegetation.

(2) "A wetland" or "the wetland" means a distinct hydrologic feature with characteristics of item A, surrounded by non-wetland and including all contiguous wetland types, except those connected solely by riverine wetlands. "Wetland area" means a portion of a wetland or the wetland.

(3) Wetlands do include public waters wetlands unless reclassified as shoreland by the commissioner under M.S. § 103G.201, as it may be amended from time to time.

(4) The wetland size is the area within its boundary. The boundary must be determined according to the United States Army Corps of Engineers Wetland Delineation Manual (January 1987). The wetland type must be determined according to Wetlands of the United States, (1971 edition). Both documents are incorporated by reference under part 8420.0112, items A and B. The local government unit may seek the advice of the technical evaluation panel as to the wetland size and type.

WETLANDS, EXCEPTIONAL QUALITY. Exceptional quality wetlands contain an abundance of different plant species with dominance evenly spread among several species. Such wetlands may support some rare or unusual plant species. Invasive or exotic plant species are either absent or limited to small areas where some disturbance has occurred. This higher level of plant species variety generally provides high wildlife habitat value and may also support rare wildlife species.

The shorelines of exceptional quality wetlands are natural and unaffected by erosion. These wetlands exhibit no evidence of significant man induced water level fluctuation. Exceptional quality wetlands provide excellent water quality protection, high aesthetic quality, and provide excellent opportunities for educational and scientific activities within the community.

WETLANDS, HIGH QUALITY. High quality wetlands are still generally in their natural state and tend to show less evidence of adverse effects of surrounding land uses. Exotic and invasive plant species may be present and species dominance may not be evenly distributed among several species, however, a minimum of 20 different species can be found within the basin. There tends to be little evidence of water level fluctuation due to storms and their shorelines are stable with little evidence of erosion. The combination of these factors result in these wetlands being judged as providing a greater level of water quality protection and significantly better wildlife habitat. They show little if any evidence of human influences and their greater levels of species variety, wildlife habitat and ecological stability results in higher aesthetic quality. These characteristics also offer opportunities for educational or scientific value to the community.

WETLANDS, LOW QUALITY. Wetlands included in this category have been substantially altered by agricultural or urban development that caused over nutrification, soil erosion, sedimentation and water quality degradation. As a result of these factors, these wetlands exhibit low levels of plant species and a related reduction in the quality of wildlife habitat. These wetlands may also tend to exhibit extreme water level fluctuations in response to storms and show evidence of shoreline erosion. While these wetlands do provide for water quality and serve an important role in protecting water quality downstream, the combination of these characteristics cause these wetlands to provide low levels of water quality protection and to have poor aesthetic quality. They often exhibit evidence of significant human influences and they are deemed to be of little educational or scientific value to the community.

WETLANDS, MEDIUM QUALITY. Medium quality wetlands have a slightly higher number of plant species present than low quality wetlands, often with small pockets of indigenous species within larger areas dominated by invasive or exotic species. Their relatively greater species variety results in slightly better wildlife habitat. They exhibit evidence of relatively less fluctuation in water level in response to storms and less evidence of shoreline erosion. As a result of these characteristics, these wetlands provide somewhat better water quality protection. They also exhibit relatively less evidence of human influences and therefore, tend to be of a higher aesthetic quality. These wetlands are still judged to be of limited educational or scientific value to the community.

WETLAND BUFFER. An area of non-disturbed ground cover abutting a wetland left undisturbed to filter sediment, materials, and chemicals.

WHOLESALE SALES. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers. Wholesale establishment does not include contractor's materials or office or retail sales of business supplies/office equipment.

WHOLESALER. Any person engaged in the business of selling alcoholic beverages to retail dealers.

WILDLIFE. All free living animals.

WIND ENERGY CONVERSION SYSTEM (WECS). A wind-driven machine that converts wind energy into electrical power for the primary purpose of resale or off-site use.

WINE. The product made from the normal alcoholic fermentation of grapes, including still wine, sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, sherry and sake, in each instance containing not less than one half of 1% nor more than 24% alcohol by volume for nonindustrial use.

WRECKER AND TOWING SERVICE. An establishment operated for the purpose of temporary storage onsite of no more than nine wrecked or inoperable vehicles for a period no longer than 90 days. If an establishment has ten or more inoperable vehicles located on-site, stores inoperable vehicles for more than 90 days, stacks vehicles top to bottom, or portions of the vehicles are dismantled or removed for sale, it shall be considered a junkyard.

YARD. See § 153.010(B)(3)(a). **YARD** related definitions (e.g. front yard, corner yard, side yard, etc) see section § 153.010(B)(3)(a)7.

(Ord. 780, passed 7-25-2022; Ord. 791, passed 11-14-2022; Ord. 797, passed 2-13-2023; Ord. 799, passed 2-27-2023; Ord. 802, passed - -; Ord. 804, passed 8-14-2023; Ord. 811, passed 10-9-2023; Ord. 812, passed 10-9-2023; Ord. 830, passed 7-22-2024; Ord. 835, passed 11-25-2024)

§ 153.090 USE TABLE.

(A) *Explanation of use table structure.*

(1) *Organization of Table 5-1.* Table 5-1 organizes all principal uses by use classifications and use types.

(a) *Use classifications.* The use classifications are: agricultural uses; residential uses; civic and institutional uses; commercial uses; and industrial uses. The use classifications provide a systematic basis for assigning present and future land uses into broad general classifications (e.g., residential and commercial uses). The use classifications then organize land uses and activities into specific “use types” based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions.

(b) *Use types.* The specific use types identify the specific uses that are considered to fall within characteristics identified in the use classifications. For example; detached dwellings, parks and recreational areas, and schools are “use types” in the Single-family Residence District.

(2) *Symbols used in Table 5-1.*

(a) *Permitted Uses = P.* A “P” indicates that a use is permitted by right, subject to compliance with all other applicable provisions of this chapter. Uses may be subject to special regulations as referenced in the “additional requirements” column.

(b) *Conditionally Permitted Uses = C.* A “C” indicates that a use is permitted provided the city can establish conditions necessary to ensure the use is compatible to the proposed location and surrounding properties. Inability of the city to establish conditions to adequately control anticipated impacts is justification for denial of a conditionally permitted use. Conditional uses may also be subject to special regulations as referenced in the “additional requirements” column.

(c) *Interim Permitted Uses = I.* An “I” indicates that a use may be permitted for a brief period of time provided certain conditions are met, and a specific event or date can be established for discontinuance of the use. Inability of the city to establish conditions to adequately control anticipated impacts is justification for denial of an interim permitted use. Interim permitted uses may also be subject to special regulations as referenced in the “additional requirements” column.

(d) *Prohibited Uses = Shaded cells.* A shaded cell indicates that the listed use is prohibited in the respective base zoning district.

(e) *Uses not provided for within zoning districts.* In any zoning district, whenever a proposed use is neither specifically allowed nor denied, the use will be considered prohibited in which case an amendment to the ordinance text would be required to clarify if, where and how a proposed use could be established.

TABLE 5-1: USES BY DISTRICT																			
Use Types “P” = Permitted “C” = Conditionally Permitted “I” = Interim Permitted	Base Zoning Districts																Additional Requirements		
	AO	RA	R1	R2	TN	R3	R4	MH	B1	B2	B3	B4	CCD	PCD	IBC	I1		I2	
TABLE 5-1: USES BY DISTRICT																			
Use Types “P” = Permitted “C” = Conditionally Permitted “I” = Interim Permitted	Base Zoning Districts																Additional Requirements		
	AO	RA	R1	R2	TN	R3	R4	MH	B1	B2	B3	B4	CCD	PCD	IBC	I1		I2	
Agricultural Uses																			
Agriculture	P	P	P	P	P	P	P	P	P	P	P	P				P	P	P	§ 153.091 (B) (1)
Agricultural Sales	P																		§ 153.091 (B) (2)
Community Gardens	P	P	P	P	P	P	P	P	P										§ 153.091 (B) (3)
Stables	C																		§ 153.091 (B) (4)
Residential Uses																			
Attached Dwelling Types																			§ 153.091 (C) (2)(a)

Duplex				P		C														§ 153.091 (C) (2)(b)			
Townhouse				C		P														§ 153.091 (C) (2)(c)			
Multiple- family				C		P	C		C											§ 153.091 (C) (2)(d)			
Detached Dwelling	P	P	P	P	P							P								None			
Group residential facility, single-family	P	P	P	P	P															§ 153.091 (C) (3)			
Group residential facility, multi- family					C		C	C												§ 153.091 (C) (3)			
Mobile and manufactured home park					C		C	C	P	C										§ 153.091 (C) (4)			
Civic and Institutional Uses																							
Active park facilities (public)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	None

See
Table
5- 1A

See
Ordinance
No.

TABLE 5-1: USES BY DISTRICT

Use Types "P" = Permitted "C" = Conditionally Permitted "I" = Interim Permitted	Base Zoning Districts																	Additional Requirements
	AO	RA	R1	R2	TN	R3	R4	MH	B1	B2	B3	B4	CCD	PCD	IBC	I1	I2	

TABLE 5-1: USES BY DISTRICT

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	AO	RA	R1	R2	TN	R3	R4	MH	B1	B2	B3	B4	CCD	PCD	IBC	I1	I2	

Civic and Institutional Uses

Active park facilities (private)	P	P	P	P	P	P	P													§ 153.091(D)(1)
Assisted living facilities				C		P	C		C	P										§ 153.091(D)(2)
Cemeteries	C	C	C	C	C	C	C													§ 153.091(D)(3)
Clinics/medical services									C	P		P					C			None
Essential services	P	P	P	P	P	P	P	P	P	P	P	P					P	P	P	None
Hospitals									C	P		P					C			§ 153.091(D)(4)
Nursing/ convalescent home	C	C	C	C	C	C	C	C	C	C		P								§ 153.091(D)(5)
Passenger terminal										C	C	C					C			None
Passive parks and open space	P	P	P	P	P	P	P	P	P	P	P	P					P	P	P	
Place of public assembly			C	C	C	C	C			P	C									§ 153.091(D)(6)
Public buildings or uses	C	C	C	C	C	C	C	P	C	C	P	P					C	P	P	§ 153.091(D)(7)

See
Table
5-1A

See
Ordinance
No.

Public warehousing temporary																		I	I	§ 153.091(D)(8)	
Schools, K-12			C	C	C	C	C											C	I	I	§ 153.091(D)(9)
Schools, higher education																		C			
Utilities (major)																		C	C	§ 153.091(D)(10)	

TABLE 5-1: USES BY DISTRICT

Use Types "P" = Permitted "C" = Conditionally Permitted "I" = Interim Permitted	Base Zoning Districts																Additional Requirements
	AO	RA	R1	R2	TN	R3	R4	MH	B1	B2	B3	B4	CCD	PCD	IBC	I1	

TABLE 5-1: USES BY DISTRICT

Use Types "P" = Permitted "C" = Conditionally Permitted "I" = Interim Permitted	Base Zoning Districts																Additional Requirements
	AO	RA	R1	R2	TN	R3	R4	MH	B1	B2	B3	B4	CCD	PCD	IBC	I1	

Commercial Uses																					
Use Types "P" = Permitted "C" = Conditionally Permitted "I" = Interim Permitted	Base Zoning Districts																Additional Requirements				
	AO	RA	R1	R2	TN	R3	R4	MH	B1	B2	B3	B4	CCD	PCD	IBC	I1		I2			
Adult uses																			P	P	§ 153.046(T)
Auction house																				C	§ 153.091(E)(2)
Auto repair - minor												C	C						P	P	§ 153.091(E)(3)
Automotive wash facilities												P	C								§ 153.091(E)(4)
Bed and breakfasts	C	C	C	C	C																§ 153.091(E)(5)
Brew pub												P	P								§ 153.091(E)(6)
Business support services												P	P					P	P	P	None
Commercial lodging												P	P					P			§ 153.091(E)(7)
Commercial self-storage												C							C		§ 153.091(F)(3)
Communications/broadcasting													P					P	P	P	§ 153.091(E)(8)
Convenience retail											C	P	P	P							§ 153.091(E)(9)
Country club	C																				§ 153.091(E)(10)
Day care centers											C	C	C	P				P	C		§ 153.091(E)(11)
Entertainment/ recreation, indoor commercial												P	P					C	C	C	§ 153.091(E)(12)
Entertainment/ recreation, outdoor commercial	C											C	C							C	§ 153.091(E)(13)

See Table 5-1A
See Ordinance No.

TABLE 5-1: USES BY DISTRICT

Use Types "P" = Permitted "C" = Conditionally Permitted "I" = Interim Permitted	Base Zoning Districts																Additional Requirements
	AO	RA	R1	R2	TN	R3	R4	MH	B1	B2	B3	B4	CCD	PCD	IBC	I1	

TABLE 5-1: USES BY DISTRICT

Use Types "P" = Permitted "C" = Conditionally Permitted "I" = Interim Permitted	Base Zoning Districts																Additional Requirements
	AO	RA	R1	R2	TN	R3	R4	MH	B1	B2	B3	B4	CCD	PCD	IBC	I1	

Commercial Uses																		
Use Types "P" = Permitted "C" = Conditionally Permitted "I" = Interim Permitted	Base Zoning Districts																Additional Requirements	
	AO	RA	R1	R2	TN	R3	R4	MH	B1	B2	B3	B4	CCD	PCD	IBC	I1		I2
Animal kennel/boarding (commercial)	C																C	§ 153.091(E) (17)
Event center										C	C	C						§ 153.091(E)14
Financial institution										P	P	P						§ 153.091(E) (15)
Funeral services										P		P						§ 153.091(E) (16)
Landscaping/nursery business	P																	§ 153.091(E) (18)
Offices, commercial and professional services										P	P	P	P		P	P	P	§ 153.091(E) (20)
Personal services										C	P	P	P					§ 153.091(E) (22)
Production brewery or micro-distillery without taproom																P	P	§ 153.091(F) (12)
Production brewery or micro-distillery with taproom or cocktail room												C	C		C	C	C	§ 153.091(E) (23) § 153.091(F) (13)
Recreational vehicle camp site	C																	§ 153.091(E) (24)
Repair establishment										C	P		P			P	P	§ 153.091(E) (25)
Restaurants											C	P	P		C			§ 153.091(E) (26)

TABLE 5-1: USES BY DISTRICT

Use Types "P" = Permitted "C" = Conditionally Permitted "I" = Interim Permitted	Base Zoning Districts																Additional Requirements
	AO	RA	R1	R2	TN	R3	R4	MH	B1	B2	B3	B4	CCD	PCD	IBC	I1	

TABLE 5-1: USES BY DISTRICT

Use Types "P" = Permitted	Base Zoning Districts																Additional Requirements
	AO	RA	R1	R2	TN	R3	R4	MH	B1	B2	B3	B4	CCD	PCD	IBC	I1	

"C" = Conditionally Permitted "I" = Interim Permitted	AO	RA	R1	R2	TN	R3	R4	MH	B1	B2	B3	B4	CCD	PCD	IBC	I1	I2		
	Commercial Uses																		
Retail commercial uses (other) buildings less than 10,000 sq. ft.										P	P	P							§ 153.091(E)(27)
Retail commercial uses (other) buildings over 10,000 sq. ft.										C	P	P							§ 153.091(E)(27)
Retail service										P	P	P							§ 153.048
Specialty eating establishments									C	P	P	P							§ 153.091(E)(28)
Vehicle fuel sales										C	C	C							§ 153.091(E)(29)
Vehicle sales and rental											C			See Table 5-1A	See Ordinance No.				§ 153.091(E)(30)
Veterinary facilities (rural)	C																		
Veterinary facilities (neighborhood)										C	C	C							§ 153.091(E)(31)
Wholesale sales																P	P	P	None
Industrial Uses																			
Auto repair - major											C						P	P	§ 153.091(F)(1)
Bulk fuel sales and storage																		C	§ 153.091(F)(2)

TABLE 5-1: USES BY DISTRICT

Use Types "P" = Permitted "C" = Conditionally Permitted "I" = Interim Permitted	Base Zoning Districts																	Additional Requirements
	AO	RA	R1	R2	TN	R3	R4	MH	B1	B2	B3	B4	CCD	PCD	IBC	I1	I2	

TABLE 5-1: USES BY DISTRICT

Use Types "P" = Permitted "C" = Conditionally Permitted "I" = Interim Permitted	Base Zoning Districts																	Additional Requirements
	AO	RA	R1	R2	TN	R3	R4	MH	B1	B2	B3	B4	CCD	PCD	IBC	I1	I2	

Industrial Uses																				
Contractor's yard, temporary																	I	I	I	§ 153.091(F)(4)
Extractive use	I										I	I						I	I	§ 153.091(F)(5)
General warehousing																C	P	P	§ 153.091(F)(6)	
Heavy manufacturing																		C		§ 153.091(F)(7)
Industrial services																	C	P	None	

Industrial self-storage facilities																	C	C	§ 153.091(F)(8)
Land reclamation	C	C	C	C	C	C	C	C	C	C	C	C	C				C	C	§ 153.091(F)(9)
Light manufacturing																	P	P	§ 153.091(F)(10)
Machinery/truck repair and sales																		C	§ 153.091(F)(11)
Recycling and salvage center																		C	§ 153.091(F)(14)
Truck or freight terminal																		C	§ 153.091(F)(15)
Waste disposal and incineration																		C	§ 153.091(F)(16)
Wrecker and towing services													C					P	§ 153.091(F)(17)

TABLE 5-1A: CENTRAL COMMUNITY DISTRICT (CCD) USES SUB-AREA

	<i>Riverfront (A)</i>	<i>Broadway (B)</i>	<i>Walnut & Cedar (C)</i>	<i>Pine (D)</i>	<i>General CCD</i>	<i>Notes</i>
<i>Use Types</i>	<i>Entertainment and open space, supported by retail</i>	<i>Retail, supported by entertainment; housing 2nd</i>	<i>Retail, supported by housing and services</i>	<i>Office, large space retail users, and retail service</i>	<i>Housing, supported by limited retail and services</i>	

TABLE 5-1A: CENTRAL COMMUNITY DISTRICT (CCD) USES SUB-AREA

	<i>Riverfront (A)</i>	<i>Broadway (B)</i>	<i>Walnut & Cedar (C)</i>	<i>Pine (D)</i>	<i>General CCD</i>	<i>Notes</i>
<i>Use Types</i>	<i>Entertainment and open space, supported by retail</i>	<i>Retail, supported by entertainment; housing 2nd</i>	<i>Retail, supported by housing and services</i>	<i>Office, large space retail users, and retail service</i>	<i>Housing, supported by limited retail and services</i>	

Additional use requirements applicable per § 153.091

Uses:

Residential Uses

Single- family		P*			CUP	*Upper floors only
Multi 3 du or under		P*	CUP*		P	*Upper floors only
Townhouse	CUP	CUP*	CUP		P	*Townhouses on Broadway east of Pine only
Multi 4-12 du	CUP	CUP	CUP		CUP	
Multi 13+ du	CUP	CUP	CUP	CUP	CUP	
Ground floor		CUP*	P		P	*Allowed on ground floor for townhouses on Broadway east of Pine

Commercial

Brew Pub <10,000 sq. ft.	P	P	P	P		
Brew Pub >10,000 sq. ft.	CUP	P	CUP	P		
Commercial Day Care			CUP	CUP	P	
Commercial Lodging	P	CUP	CUP	P		

TABLE 5-1C: CANNABIS BUSINESS USES

Use Types "N" = Not Allowed "P" = Permitted "C" = Conditional "I" = Interim "A" = Administrative	Base Zoning Districts																Additional Requirements
	AO	RA	R1	R2	TN	R3	R4	B1	B2	B3	B4	CCD	PCD	IBC	I1	I2	
Commercial Uses																	
Cannabis retailer	N	N	N	N	N	N	N	N	N	P	P	N	N	N	N	N	§ 153.091(E)(3 3)
A O	RA	R 1	R 2	T N	R 3	R 4	B 1	B 2	B3	B4	CCD	PCD	IBC	I 1	I 2		
Commercial Uses																	
Cannabis microbusiness - retail location only	N	N	N	N	N	N	N	N	N	P/C*	P/C*	N	N	N	N	N	§ 153.091(E)(3 3) *CUP required for on-site consumption CUP
Cannabis mezzobusiness - retail location only	N	N	N	N	N	N	N	N	N	P	P	N	N	N	N	N	§ 153.091(E)(3 3)
Medical cannabis retailer	N	N	N	N	N	N	N	N	N	P	P	N	N	N	N	N	§ 153.091(E)(3 3)
Medical cannabis combination business - retail location only	N	N	N	N	N	N	N	N	N	P	P	N	N	N	N	N	§ 153.091(E)(3 3)
Lower-potency hemp edible retailer	N	N	N	N	N	N	N	N	P	P	P	N	N	N	N	N	§ 153.091(E)(3 3)
Temporary cannabis event	N	N	N	N	N	N	N	N	N	A	A	N	N	N	N	N	§ 153.093(E)(1 2) §§ 96.21 - 96.25
Industrial Uses																	
Cannabis cultivator	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	P	§ 153.091(F)(1 9)
Cannabis manufacturer	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	P	§ 153.091(F)(1 9)
Cannabis microbusiness	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	P	§ 153.091(F)(1 9)
Cannabis mezzobusiness	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	P	§ 153.091(F)(1 9)
Cannabis wholesaler	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	P	§ 153.091(F)(1 9)
Cannabis transporter	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	P	§ 153.091(F)(1 9)
Cannabis testing facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	P	§ 153.091(F)(1 9)
Cannabis delivery service	N	N	N	N	N	N	N	N	N	C*	C*	N	N	N	C	P	§ 153.091(F)(1 9) *Accessory only to licensed cannabis or lower-potency hemp retail in B-3 or B-4
Medical cannabis processor	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	P	§ 153.091(F)(1 9)
Medical cannabis combination business	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	P	§ 153.091(F)(1 9)

Lower-potency hemp edible manufacturer	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	P	§ 153.091(F)(19)
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(Ord. 762, passed 8-23-2021; Ord. 780, passed 7-25-2022; Ord. 791, passed 11-14-2022; Ord. 797, passed 2-13-2023; Ord. 799, passed 2-27-2023; Ord. 804, passed 8-14-2023; Ord. 830, passed 7-22-2024; Ord. 835, passed 11-25-2024)

§ 153.028 SPECIFIC REVIEW PROCEDURES AND REQUIREMENTS.

(A) *Comprehensive Plan amendments.*

(1) *Purpose and scope.* This section sets out the procedure to follow when considering a change to the Comprehensive Plan.



(2) *Initiation of proceedings.* Proceedings for the amendment of the Comprehensive Plan shall be initiated by one of the following:

- (a) An owner of property or an authorized representative of an owner pursuant to §153.027(B), Authority to File Applications;
- (b) Recommendation of the Planning Commission;
- (c) Recommendation of the Community Development Department; or
- (d) Action of the City Council.

(3) *Application.*

- (a) All applications to amend the Comprehensive Plan shall be in accordance with §153.027, Common Review Procedures & Requirements.
- (b) In addition to the common review requirements, applications for Comprehensive Plan amendments shall also include the following:
 - 1. The name of the applicant;

2. A narrative explaining the requested change and the reasons why the Comprehensive Plan should be amended per the request;
3. The legal description of all real property proposed for change (if applicable);
4. The existing and proposed land use and zoning designations for all properties proposed to change (if applicable);
5. A map of the properties to be modified to a different land use category, showing the addresses and land uses for adjacent properties (if applicable);
6. The proposed text and/or maps to be added, amended, or deleted from the Comprehensive Plan along with documentation as to the location of the text changes in the Comprehensive Plan, if applicable.

(4) *Review.*

(a) *Planning Commission.* Before any amendment is adopted, the Planning Commission shall hold at least one public hearing after proper notice has been issued in accordance with § 153.027(I). Following the hearing, the Planning Commission shall adopt findings and recommendations on the proposed amendment as soon as practical. The Community Development Department may forward an application to the City Council without a recommendation from the Planning Commission only if it is deemed necessary to ensure compliance with state mandated deadlines for application review.

(b) *City Council.* The City Council may hold a public hearing on the amendment if they deem such necessary or it is deemed necessary by the Community Development Department. After consideration of the Planning Commission recommendation and/or hearing, if applicable, the City Council may adopt the amendment or any part thereof in such form as it deems advisable. Approval of an amendment shall require the approval of two-thirds of all the members of the City Council, except as may be exempted by state statute.

(5) *Approval criteria.* Recommendations and decisions on Comprehensive Plan amendments shall be based on consideration of the following criteria:

- (a) Whether the proposed amendment corrects an error or addresses the need resulting from some changing condition, trend, or fact arising since the adoption of the Comprehensive Plan;
- (b) Whether the proposed amendment is consistent with the guiding principles of the Comprehensive Plan;
- (c) The extent to which the proposed amendment addresses a demonstrated community need;
- (d) Whether the proposed amendment will protect the health, safety, morals, and general welfare of the public;
- (e) The impacts on the natural and built environments, including air, water, noise, stormwater management, wildlife habitat, water quality, vegetation, drainage, streets, and other engineering design or environmental factors;
- (f) Whether the proposed amendment is compatible with existing and proposed uses surrounding the subject property; whether the proposed design and land uses are appropriate for the land; and whether the proposed amendment will maintain or improve compatibility among uses and ensure efficient development within the city;
- (g) Whether the proposed amendment will result in a logical, orderly and predictable development pattern; and
- (h) Whether the proposed amendment is consistent with the purpose of this chapter.

(B) *Zoning ordinance text and zoning map amendments.*

(1) *Purpose and scope.* This section sets out the procedures to be followed in reviewing and considering a text change to this chapter or an amendment to the zoning map with the exception of a map amendment to a planned unit development, which shall be subject to the procedures in § 153.028(O), Planned Unit Development.



(2) *Initiation of proceedings.* Proceedings for the amendment of the text of this chapter or the zoning map shall be initiated by one of the following:

- (a) An owner of property or an authorized representative of an owner pursuant to §153.027(B), Authority to File Applications;
- (b) Action of the Planning Commission; or
- (c) Application by the Community Development Department; or
- (d) Action of the City Council.

(3) *Application.*

(a) All applications to amend the text of this chapter or the zoning map shall be in accordance with §53.027, Common Review Procedures and Requirements.

(b) In addition to the common review requirements, applications for changes to the text of this chapter or the Zoning Map shall also include the following:

1. The name of the applicant;
2. A narrative explaining the requested modification and the reasons why the changes are supported by the Comprehensive Plan;
3. The legal description of all real property proposed for change, if applicable;
4. The existing and proposed land use and zoning designations for all properties proposed for change, if applicable;
5. A map of the properties to be modified to a different zoning designation, showing the addresses and zoning designations for the subject properties and the adjacent properties, if applicable;
6. The location of the proposed text to be added, amended, or deleted in this chapter, if applicable.

(4) *Review.*

(a) *Planning Commission.* Before any amendment is adopted, the Planning Commission shall hold at least one public hearing after proper notice has been issued in accordance with § 153.027(l). Following the hearing, the Planning Commission shall adopt findings and recommendations on the proposed amendment as soon as practical. The Community Development Department may forward an application to the City Council without a recommendation from the Planning Commission only if it is deemed necessary to ensure compliance with state mandated deadlines for application review.

(b) *City Council.* The City Council may hold a public hearing on the amendment if deemed necessary by the Community Development Department. After consideration of the Planning Commission recommendation and/or hearing, if applicable, the City Council may adopt the amendment or any part thereof in such form as it deems advisable. Approval of an amendment shall require a majority vote of all members of the City Council except for amendments which change all or part of the existing classification of a zoning district from residential to either commercial or industrial, which will require the approval of two-thirds of all the members of the City Council.

(5) *Approval criteria.* Recommendations and decisions on zoning amendments shall be based on consideration of the following criteria:

(a) Whether the proposed amendment corrects an error in the original text or map; or

(b) Whether the proposed amendment addresses needs arising from a changing condition, trend, or fact affecting the subject property and surrounding area.

(c) Whether the proposed amendment is consistent with achieving the goals and objectives outlined in the comprehensive plan.

(C) *Variances.*

(1) *Purpose and scope.* The variance process is intended to provide limited relief from the strict requirements of this chapter in those cases where strict application of a particular requirement will create practical difficulties due to circumstances unique to the individual property under consideration. It is not intended that variances be granted to allow a use not permitted by the underlying zoning district, nor to merely remove inconveniences or financial burdens that the requirements of this chapter may impose on property owners in general. Variances are intended to address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.



(2) *Initiation of proceedings.* Variances shall be initiated by an owner of property or an authorized representative of an owner pursuant to § 153.027(B), Authority to File Applications.

(3) *Application.*

(a) All applications for a variance shall be in accordance with §153.027, Common Review Procedures and Requirements.

(b) In addition to the common review requirements, applications for a variance shall also include the following:

1. A written narrative demonstrating that the criteria for a variance as set out in §153.028(C)(4)(a) have been met.
2. A site plan of the property showing all information necessary to allow the city to determine conformance with all zoning provisions, and to calculate the specific variance being requested. Information shall include but not be limited to:
 - a. Property and structure dimensions;
 - b. Setback dimensions/measurements;
 - c. Parking and access locations and dimensions;
3. If deemed necessary by the Community Development Department, a certificate of survey may be required to be submitted with the application in addition to a site plan. The certificate of survey must detail the information listed in § 153.028(C)(3)(b)2. above.

(4) *Review.*

(a) *Variance criteria.* Approval of a variance may only be made upon a determination that practical difficulties will result based on all of the following criteria (see M.S. § 462.357, subd. 6, clause 2, as it may be amended from time to time):

1. The property in question cannot be put to a reasonable use if the provisions of this chapter are strictly applied.
2. The circumstances rendering the property unusable are unique to the property.

3. The circumstances rendering the property unusable were not created by the owner thereof.

4. A variance, if granted, will not alter the essential character of the locality.

5. Economic considerations alone shall not constitute a sufficient basis for a Variance if reasonable use for the property exists under the terms of the regulation.

(b) *Board of Adjustment and Appeals.* Before any variance is approved, the Board of Adjustment and Appeals shall hold at least one public hearing after proper notice has been issued in accordance with § 153.027(I). Following the hearing, the Board of Adjustment and Appeals shall consider the request(s) against the variance review criteria outlined in § 153.028(C)(4)(a) and take action on the request(s). In approving a variance, the Board of Adjustment and Appeals may impose conditions on the approval as are deemed appropriate to ensure compliance with the approval and to protect adjacent properties. Denial of any request shall be accompanied by findings of fact as to how the request did not meet one or more of the review criteria.

(c) *Appeal of variance decision.* Decisions of the Board of Adjustment and Appeals are final unless the applicant or an affected party, including any member of the City Council, files a written appeal outlining the basis for the appeal within ten business days of the decision. Variance appeals shall be reviewed by the City Council as outlined in § 153.028(H)(3)(c) subject to the review criteria in § 153.028(H)(4).

(5) *Effect of a variance.*

(a) The issuance of a variance shall authorize only the particular variation that is approved by either the Board of Adjustment and Appeals or City Council.

(b) A variance, including any conditions, shall run with the land and shall not be affected by a change in ownership.

(6) *Subsequent development.* Development authorized by the variance shall not be carried out until the applicant has secured all other approvals required by this chapter or any other applicable chapters or regulations. The granting of a variance does not constitute, imply, or guarantee the granting of any other such required approval (i.e.: a building permit).

(7) *Time limit.*

(a) Unless otherwise specified in the variance, if a building permit has not been secured within one year of the date of the variance approval, the variance shall become invalid. Permitted timeframes do not change with successive owners.

(b) Upon written request, one extension of one year may be granted by the Community Development Department if the applicant can show good cause.

(8) *Amendment.* A variance may be amended, extended, or modified only in accordance with the procedures and standards established for originally securing the variance. A request for a change in the conditions of approval of a variance shall be considered an amendment and subject to the full review procedure set forth in this division. An additional application fee may be required before consideration of the amendment request.

(D) *Conditional use permits.*

(1) *Purpose and scope.* The conditional use permit process is intended to provide the city with an opportunity to review a proposed use in order to establish reasonable conditions necessary to ensure compatibility between the proposed location and use and surrounding properties. Approval of a conditional use at a location within a zoning classification does not mean the same conditional use can be conducted on any other parcel with the same specific zoning classification. Every application for a CUP will be individually reviewed on its own merits, and the facts surrounding the subject property will determine the appropriateness of the proposed use.



(2) *Initiation of proceedings.* A request for a conditional use permit shall be initiated by an owner of property or an authorized representative of an owner pursuant to § 153.027(B), Authority to File Applications.

(3) *Application.*

(a) All applications for a conditional use permit shall be in accordance with §153.027, Common Review Requirements.

(b) In addition to general review requirements, applications for a conditional use permit shall also include the following:

1. A written narrative which includes:

a. A description of the proposed conditional use, how it will function on the property, hours of operation (if applicable), and any other information necessary to fully describe the request; and

b. An explanation of how the proposed conditional use will meet each of the criteria set forth in §153.028(D)(4) (a), as well as any additional criteria that may apply for the specific use as listed in §§ 153.090 through 153.093.

2. A location map showing the general location of the proposed use within the community and the principal land

uses surrounding the parcel on which the conditional use is proposed;

3. Development plans for the proposed use showing all information deemed necessary by the Community Development Department to ensure that the city can determine whether the proposed use will conform to all City Code standards. Such information may include, but shall not be limited to, the following:

- a. Site plan drawn to scale showing parcel and existing topography;
- b. Location and building setbacks per this chapter of all existing and proposed buildings and the size of each (including square footage);
- c. Curb cuts, driveways, access roads, parking spaces, off-street loading areas, and sidewalks, including dimension of each;
- d. Natural features such as woodlands, wetlands, shorelines, etc;
- e. Landscaping and screening plans, including species and size of trees and shrubs proposed;
- f. Proposed finished grading and drainage plan sufficient to drain and dispose of all surface water accumulated;
- g. Type of business or activity and proposed number of employees;
- h. Proposed floor plan and elevations of any building with use indicated;
- i. Proposed outdoor storage spaces, including dimensions and detail of all intended storage types (if applicable);
- j. Signage plan.

4. If deemed necessary by the Community Development Department, a certificate of survey may be required to be submitted with the application in addition to or in lieu of a site plan. The certificate of survey shall detail the following information:

- a. All existing and proposed structures;
- b. Signed by a registered land surveyor;
- c. Current (within last six months);
- d. Topographic survey and contours of all surface features including drainage ways, wetlands, etc.;
- e. Public utilities including pipe size, material type, depths;
- f. Private utilities;
- g. Legal description; and
- h. Easements of record.

5. Color profile elevation drawings of all sides of new structures to illustrate the proposed visual appearance of new construction. Any landscaping shown on elevations must be shown as it appears in size and height at the time of planting. The elevations shall indicate the visual location and size of all exterior utility and mechanical systems, including HVAC, meters, and powerlines.

6. Any other information that may be reasonably required by the city to evaluate the application.

(4) *Review.*

(a) *Conditional use permit criteria.* Approval of a conditional use permit application requires that the city find that conditions can be established to ensure that all of the following criteria will always be met:

1. The conditional use will not substantially diminish or impair property values within the immediate vicinity of the subject property;
2. The conditional use will not be detrimental to the health, safety, morals, or welfare of persons residing or working near the use;
3. The conditional use will not impede the normal and orderly development of surrounding property for permitted uses predominant in the area;
4. The conditional use will not pose an undue burden on public utilities or roads, and adequate sanitary facilities are provided;
5. The conditional use can provide adequate parking and loading spaces, and all storage on the site can be done in conformance with city code requirements;
6. The conditional use will not result in any nuisance including but not limited to odor, noise, or sight pollution;
7. The conditional use will not unnecessarily impact natural features such as woodlands, wetlands, and shorelines; and all erosion will be properly controlled;

8. The conditional use will adhere to any applicable additional criteria outlined in §§153.090 through 153.093 for the proposed use.

(b) *Planning Commission.* Before any conditional use permit is considered, the Planning Commission shall hold at least one public hearing after proper notice has been issued in accordance with § 153.027(l). Following the hearing and subsequent discussion on the merits of the proposal, the Planning Commission shall adopt findings and recommendations on the general conditional use permit review criteria outlined in § 153.028(D)(4)(a) and any specific criteria outlined for the specific use in §§ 153.090 through 153.093. Recommendations for approval may include such conditions as are deemed necessary to ensure compliance with each of the conditional use permit review criteria. Denial recommendations shall be supported by findings of fact as to why the permit request was denied. The Community Development Department may forward an application to the City Council without a recommendation from the Planning Commission only if it is deemed necessary to ensure compliance with state mandated deadlines for application review.

(c) *Industrial and Economic Development Committee.* Conditional use permits in commercial or industrial areas may, at the discretion of the Community Development Department, be placed before the Industrial and Economic Development Committee for review and recommendation.

(d) *City Council.* Upon receiving the recommendations of the Planning Commission, the City Council shall consider the request against the conditional use permit review criteria outlined in § 153.028(D)(4)(a) and take action on the request(s). In approving a conditional use permit, the City Council may impose conditions on the approval as are deemed appropriate to ensure compliance with each of the conditional use permit review criteria. Denial of any request shall be accompanied by findings of fact as to why the requested permit can not be approved.

(5) *Reasonable conditions.* In approving a CUP, the city may adopt and impose such reasonable conditions and requirements as it deems necessary and appropriate to ensure continued compliance with the conditional use permit review criteria.

(6) *Effect of a conditional use permit approval.*

(a) The issuance of a conditional use permit shall authorize only the improvements approved by the City Council.

(b) A conditional use permit, including any conditions, shall run with the land and shall not be affected by a change in ownership.

(7) *Subsequent development.* Development authorized by the conditional use permit shall not be carried out until the applicant has secured all other approvals required by this chapter or any other applicable ordinances or regulations. The granting of a conditional use permit does not constitute, imply, or guarantee the granting of any other such required approval (i.e. a building permit).

(8) *Time limit.*

(a) Unless otherwise specified in the conditional use permit, the operation of the use and/or issuance of building permits for permitted structures shall begin within one year of the date of the conditional use permit approval. Failure to do so will invalidate the conditional use permit. Permitted timeframes do not change with successive owners.

(b) If the operation of the use and/or issuance of building permits has not commenced within one year of the date of approval, the applicant may petition for an extension of time in which to commence the work that has been granted by the conditional use permit. Such extension shall be requested in writing and filed with the Community Development Department at least 30 days before the expiration of the one-year period. The request for extension shall state facts supporting good cause for extension of the conditional use permit. Such petition shall be presented to the Planning Commission for a recommendation and to the City Council for a decision.

(c) If a use operating pursuant to an approved conditional use permit is discontinued for a period of at least one year, any further use of the property shall conform to the requirements of this chapter. A discontinued conditional use shall not begin operations again without first obtaining approval of a new conditional use permit.

(9) *Revocation.* In the event that any of the conditions set forth in the permit are violated, the City Council shall have the authority to revoke the conditional use permit. Before the revocation is considered, the City Council shall hold at least one public hearing after proper written notice has been issued in accordance with § 153.027(l). Following the hearing and subsequent discussion, the City Council may revoke the CUP by adopting findings of fact showing there has not been substantial compliance with the required conditions.

(10) *Amendments.* A conditional use permit may be amended or modified only in accordance with the procedures and standards established when originally securing the conditional use permit. A request for a change in the conditions of approval of a conditional use permit shall be considered an amendment and subject to the full review procedure set forth in this division. An additional application fee may be required before the consideration of the amendment request.

(E) *Interim use permits.*

(1) *Purpose and scope.* The purpose and intent of allowing interim uses is:

(a) To allow a use for a brief period of time until a permanent location is obtained or while the permanent location is under construction.

(b) To allow a use that is presently judged acceptable by the City Council but that, with anticipated development or

redevelopment, will not be acceptable in the future or will be replaced in the future by a permitted or conditional use allowed within the respective district.

(c) To allow a use which is reflective of anticipated long-range change to an area and which is in compliance with the comprehensive plan provided that said use maintains harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development.



(2) *Initiation of proceedings.* A request for an interim use permit shall be initiated by an owner of property or an authorized representative of an owner pursuant to § 153.027(B), Authority to File Applications.

(3) *Application.*

(a) All applications for an interim use permit shall be in accordance with §153.027, Common Review Requirements.

(b) In addition to general review requirements, applications for an interim use permit shall also include the following:

1. A letter from the applicant explaining the proposal and stating the date or event that will terminate the use;

2. A location map showing the general location of the proposed use within the community and the principal land uses surrounding the parcel on which the interim use is proposed;

3. Development plans for the proposed use showing all information deemed necessary by the Community Development Department to ensure that the city can determine whether the proposed use will conform to all City Code standards. Such information may include, but shall not be limited to, the following:

- a. Site plan drawn to scale showing parcel and existing topography;
- b. Location and buildings setbacks per this chapter of all buildings and the size of each, including square footage;
- c. Curb cuts, driveways, access roads, parking spaces, off-street loading areas, and sidewalks including dimensions of each;
- d. Natural features such as woodlands, wetlands, shorelines, etc;
- e. Landscaping and screening plans, including species and size of trees and shrubs proposed;
- f. Proposed finished grading and drainage plan sufficient to drain and dispose of all surface water accumulated;
- g. Type of business or activity and proposed number of employees;
- h. Proposed floor plan and elevations of any building with use indicated;
- i. Proposed outdoor storage spaces, including dimensions and detail of all intended storage types (if applicable);
- j. Signage plan.

4. If deemed necessary by the Community Development Department, a certificate of survey may be required to be submitted with the application in addition to or in lieu of a site plan.

5. A signed consent agreement, provided by the City of Monticello, agreeing:

- a. That the applicant, owner, operator, tenant and/or user has no entitlement to future re-approval of the interim use permit;
- b. That the interim use will not impose additional costs on the public if it is necessary for the public to fully or partially take the property in the future; and
- c. That the applicant, owner, operator, tenant and/or user will abide by conditions of approval that the City Council attaches to the interim use permit.

6. Any other information that may be reasonably required by the city to evaluate the application.

(4) *Review.*

(a) *Interim use permit criteria.* Approval of an interim use permit application requires that the city find that conditions can be established to ensure all of the following criteria will always be met:

1. The use is allowed as an interim use in the respective zoning district and conforms to standard zoning regulations.
2. The use will not adversely impact nearby properties through nuisance, noise, traffic, dust, odor, or unsightliness and will not otherwise adversely impact the health, safety, and welfare of the community.
3. The use will not adversely impact implementation of the comprehensive plan.
4. The date, event, or change in circumstances that will terminate the use is identified with certainty.
5. The applicant has signed a consent agreement stating that the applicant, owner, operator, tenant and/or user has no entitlement to future re-approval of the interim use permit as well as agreeing that the interim use will not impose additional costs on the public if it is necessary for the public to fully or partially take the property in the future.
6. The applicant agrees to all conditions that the City Council deems appropriate to allow the use including the requirement of appropriate financial surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use permit.
7. There are no delinquent property taxes, special assessments, interest, or city utility fees due upon the subject parcel.
8. The interim use will adhere to any applicable additional criteria outlined in §§153.090 through 153.093 for the proposed use.

(b) *Planning Commission.* Before any interim use permit is considered, the Planning Commission shall hold at least one public hearing after proper notice has been issued in accordance with § 153.027(I). Following the hearing and subsequent discussion on the merits of the proposal, the Planning Commission shall adopt findings and recommendations on the general interim use permit review criteria outlined in § 153.028(E)(4)(a) and any specific criteria outlined for the specific use in §§ 153.090 through 153.093. Recommendations for approval may include such conditions as are deemed necessary to ensure compliance with each of the interim use permit review criteria. Denial recommendations shall be supported by findings of fact as to why the permit request was denied. The Community Development Department may

forward an application to the City Council without a recommendation from the Planning Commission only if it is deemed necessary to ensure compliance with state mandated deadlines for application review.

(c) *Industrial and Economic Development Committee.* Interim use permits in commercial or industrial areas may, at the discretion of the Community Development Department, be placed before the Industrial and Economic Development Committee for review and recommendation.

(d) *City Council.* Upon receiving the recommendations of the Planning Commission, the City Council shall consider the request against the interim use permit review criteria outlined in § 153.028(E)(4)(a) and take action on the request(s). In approving an interim use permit, the City Council may impose conditions on the approval as are deemed appropriate to ensure compliance with each of the interim use permit review criteria. Denial of any request shall be accompanied by findings of fact as to how the request did not meet one or more of the review criteria.

(5) *Reasonable conditions.* In approving an interim use permit, the city may adopt and impose such reasonable conditions and requirements as it deems necessary and appropriate to ensure continued compliance with the interim use permit review criteria.

(6) *Effect of an interim use permit approval.*

(a) The issuance of an interim use permit shall authorize only the improvements and use approved by the City Council as an interim use over the specified timeframe.

(b) An interim use permit, including any conditions, shall run with the land and shall not be affected by a change in ownership.

(7) *Termination.* An interim use shall be terminated and removed for any of the following reasons, whichever occurs first:

(a) The date, event or circumstances stated in the permit.

(b) Upon violation of conditions under which the permit was issued.

(c) Upon change in the city's zoning regulations which renders the use nonconforming.

(d) The redevelopment of the use and property upon which it is located to a permitted or conditional use as allowed within the respective zoning district.

(8) *Revocation.* The City Council may revoke an interim use permit upon finding that any of the conditions set forth in the permit are violated. Before the revocation is considered, the City Council shall hold at least one public hearing after proper written notice has been issued in accordance with § 153.027(I). Following the hearing and subsequent discussion, the City Council may revoke the IUP by adopting findings of fact showing there has not been substantial compliance with the required conditions.

(9) *Amendments.* All requested amendments to an existing interim use permit shall be processed in the same manner as a new application.

(10) *Renewal.* All renewals of an existing interim use permit shall be processed in the same manner as a new application.

(F) *Site plan submittals.*

(1) *Purpose and scope.* The City Council declares it necessary and appropriate to require site plan review of development in certain zoning districts to preserve and promote attractive, well-planned, stable urban conditions, and to review compliance with the requirements of this chapter. Site plan approval by the Community Development Department must be obtained before a building permit is issued in order to ensure the following:

(a) A proposed project's compatibility with the area environment and with other existing land uses and buildings in the surrounding area.

(b) The quantity, quality, utility, size, and type of a proposed project's required open space and proposed landscaping improvements.

(c) The ability of a proposed 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 proposed project's required community facilities.

(e) The location and adequacy of a proposed project's provision for drainage and utilities.

(f) Security, fire protection, and life/safety issues.



(2) *Applicability.*

(a) Unless exempted pursuant to § 153.028(F)(3) below, site plan review shall be required for all residential and nonresidential development (including changes to required parking areas, proposed changes to outside commercial sales or storage areas, etc) prior to the issuance of a building permit or other approval.

(b) The Community Development Department is authorized to review and approve, approve with conditions, or deny Site Plan reviews in accordance with the procedures and standards of this section.

(c) Site plan review shall be required for all new development projects in the CCD, Central Community District, which substantively change the area and/or bulk of any building or use. Such site plan review shall be conducted by the Planning Commission, but shall not be formal Public Hearing. The Planning Commission may choose, at its sole option, to provide for and consider public comment.

(d) In lieu of division (F)(2)(c) of this section, an applicant may choose to request a Concept Review joint meeting between the Planning Commission and City Council, in accordance with the process identified in § 153.028(O)(9)(a).

(3) *Exemptions.* The following may be exempted from site plan review:

(a) Detached residential uses (i.e. single-family homes).

(b) Residential accessory buildings or other similar structures as determined by the Community Development Department.

(c) The internal construction or change in floor area of a development that does not increase gross floor area, increase the intensity of use, or affect parking requirements on a site that meets all development and site design standards of this chapter.

(d) Temporary uses.

(e) Any building exempted by state statute.

(f) Additions to existing buildings, structures or uses, if, in the opinion of the Community Development Department, such addition does not substantially affect the proposed or current development of adjacent or nearby properties.

(4) *Initiation.* An application for site plan review may be initiated by the property owner or other person with authority to file an application pursuant to § 153.027(B), Authority to File Applications.

(5) *Submittal.*

(a) All submittals for site plan review shall be in accordance with §153.027, Common Review Requirements.

(b) In addition to the common application requirements of §153.028(F)(5)(a) above, submittals for site plan review shall also include at least the following to be considered complete (except as exempted by the Community Development Department). All documents shall be prepared by a registered land surveyor, registered professional engineer, or other qualified professional as directed by the Community Development Department.

1. Name of the project;
2. Name, address and telephone number of applicant, engineer, architect, surveyor and owner of record;
3. Legal description;
4. Date proposed, north arrow, engineering scale, number sheets and name drawer;
5. Vicinity map showing relationship of the development to surrounding streets, rights-of-way and the like;
6. Description of intended use of site, buildings, structures, including type of occupancy and occupancy load;
7. Tabulation box, indicating the following:
 - a. Size of parcel in acres and square feet;
 - b. Gross floor area of each building;
 - c. Percent of site covered by impervious surface;
 - d. Projected number of employees;
 - e. Number of seats if intended use is a restaurant or place of assembly;
 - f. Number of parking spaces required;
 - g. Number of parking spaces provided, including handicapped;
 - h. Dimension of parking spaces and aisles;
 - i. Existing zoning and land use designations; and
 - j. Area of public open space (if applicable).
8. Property line dimensions, location of all existing and proposed structures with distance from boundaries, distance between structures, building dimensions and floor elevations within proposed site plan boundary shown and to a distance of 150 feet beyond;
9. Topographic data within the property to be subdivided and 200 feet beyond the property boundary, showing contours as follows:
 - a. All areas of the proposed area with a slope greater than 25% must be clearly indicated;
 - b. Two-foot contours where slope is 7% or less;
 - c. Two-foot contours where slope is from 7% to 15%; and
 - d. Ten-foot intervals where slope is greater than 15%.
10. Grading, drainage and erosion control plan prepared by a registered professional engineer, providing all information outlined in § 153.069(D).
11. Utility plans prepared by a registered professional engineer consisting of the following:
 - a. Location, size and grades of all existing sanitary sewer, water main, hydrants and storm sewer on site or adjacent to for proposed connection;
 - b. Location of all existing gas mains, electric and phone cables, light poles, power boxes and the like;
 - c. Location, size, grades and materials for all proposed public sanitary sewer, water main, hydrants and storm sewer;
 - d. Supplemental calculations for trunk sanitary sewer and water main, if required by the Community Development Department;
 - e. Supplemental storm sewer computation sheet verifying capacities and volumes for all pipe segments, if required by the Community Development Department; and
 - f. Existing and proposed drainage and utility easements.

12. Street plans prepared by a registered professional engineer showing the following:
 - a. All existing and proposed points of ingress/egress;
 - b. Widths at property lines;
 - c. Turning radii abutting right-of-way;
 - d. Center line, paving width, existing and proposed median and curb cuts and intersection of streets and driveways; and
 - e. Access alignment and grades.
13. Vehicular circulation system showing location and dimension for all driveways, parking spaces, parking lot aisles, service roads, loading areas, fire lanes, emergency access, if necessary, public and private streets, alleys, sidewalks, bike paths, direction of traffic flow and traffic control devices;
14. Landscape plan prepared by a qualified professional providing all information outlined in §153.060(D);
15. Location, access and screening detail of large trash handling and recycling collection areas in compliance with the requirements of § 153.092(D)(34);
16. Building elevations (colored renderings) for all sides of the proposed buildings which detail the materials being used. Any landscaping shown on elevations must be shown as it appears in size and height at the time of planting. The elevations shall indicate the visual location and size of all exterior utility and mechanical systems, including HVAC, meters, and powerlines;
17. Location and screening detail of roof top equipment;
18. Location and detail of signage providing all pertinent information outlined in §153.028(K)(3)(b) as determined by the Community Development Department;
19. Lighting location, style and mounting and light distribution plan;
20. Project narrative; and
21. Any other information that may be reasonably required by the city to evaluate the application including but not limited to traffic analysis, floor plans, building elevations, rendered drawings, and materials samples.

(6) *Review.*

(a) *Site plan review criteria.* Recommendations and decisions on a site plan shall be based on consideration of the following criteria:

1. Whether the proposed development is consistent with all the requirements of this chapter and the City Code;
2. Whether the proposed development is in compliance with the applicable zoning district and overlay districts;
3. Whether the proposed development is in compliance with other city approved planning documents; and
4. Whether the proposed development meets all the requirements or conditions of any applicable development approvals.

(b) *Site plan review process.*

1. Upon receiving a complete submittal for site plan review, the Community Development Department shall review the plans to determine their conformance to all ordinance requirements. The Community Development Department may be assisted in conducting site plan reviews by representatives from other city departments or divisions.

2. Site plan submittals determined to conform with the approval criteria outlined in §153.028(F)(6)(a) shall be approved by the Community Development Department with any conditions deemed necessary. A notice of site plan approval shall be provided to the submitter that includes all conditions, comments, and recommendations.

3. Site plans not conforming with the approval criteria outlined in §153.028(F)(6)(a) shall be revised by the submitter to meet the requirements of the city ordinance prior to approval of any other permit.

4. The approval of a site plan by the Community Development Department does not in any way guarantee future approval of other applications that may be required by the regulations of the city (e.g. a building permit, certificate of occupancy, subdivision approval, conditional use approval, etc).

(7) *Subsequent development.* Development authorized by a site plan approval shall not be carried out until the applicant has secured all other approvals required by this chapter or any other applicable regulations. Such permits and approvals shall only be granted once all conditions of the site plan review and all relevant portions of this chapter are met.

(8) *Time limit.*

(a) Unless otherwise specified in the site plan approval, an application for a building permit shall be applied for within one year of the date of the site plan approval, otherwise the site plan shall become invalid. Permitted timeframes do not change with successive owners.

(b) Upon written request, one extension of one year may be granted by the Community Development Department if the applicant can show good cause.

(9) *Amendments of an approved site plan.*

(a) Requested amendments that involve one of the following shall be reviewed as a new site plan submittal:

1. The density of the development is to be increased;
2. The gross square footage of nonresidential buildings is to be increased or the number of stories is to be increased;
3. Approved landscaping elements are to be modified;
4. Required open space is to be modified;
5. Drainage, streets, or other engineering design changes will materially alter items approved in the site plan; and/or
6. Major changes are proposed that could potentially create an adverse impact on stormwater quality, stormwater quantity management, or other stormwater management ordinance requirements.

(b) Requested site plan amendments that do not fall into one of the categories outlined in §153.028(F)(10) above may be approved by the Community Development Department if it is determined that the requested change will NOT:

1. Substantially affect the terms of the original approval; and
2. Result in significant adverse impacts on the surrounding properties or the city at-large.

(c) If, in the opinion of the Community Development Department, a proposed change will substantially affect the terms of the original approval or would result in significant adverse impacts on the surrounding properties or the city at-large, then a re-submittal of a new site plan may be required pursuant to the provisions of this chapter.

(10) *Appeal.* The applicant for a site plan review may appeal the decision of the Community Development Department to the Board of Adjustment and Appeals per § 153.028(G).

(G) *Appeal of administrative decisions.*



(1) *Purpose and scope.* This division sets out the procedure to follow when a person claims to have been aggrieved or affected by an administrative decision made under this chapter.

(2) *Initiation of proceedings.* Appeals shall be initiated by the person aggrieved or affected by any order, decision, determination, or interpretation made by the Community Development Department or other administrative official of the city charged with the administration or enforcement of this chapter.

(3) *Procedure.*

(a) *Submission of appeal (application).*

1. An appeal pursuant to this division shall be initiated by filing a written appeal of the administrative decision or determination within ten business days of the date of the order, decision, determination, or interpretation with the Community Development Department or other administrative official from whom the appeal is taken.

2. All applications for an appeal shall be in accordance with §153.027, Common Review Requirements.

(b) *Review by the Board of Adjustment and Appeals.*

1. Upon receiving the written appeal of the administrative decision or determination, the Community Development Department shall place the matter on the next available agenda of the Board of Adjustment and Appeals.

2. A report prepared by the Community Development Department which is accompanied by all relevant papers, documents, and other materials relating to the order, decision, determination, or interpretation shall be provided to the Board of Adjustment and Appeals prior to the meeting. These materials shall constitute the record of the appeal.

3. Following review of the appeal, the Board of Adjustment and Appeals shall adopt findings of fact and make a

decision on the appeal.

4. Decisions of the Board of Adjustment and Appeals are final unless an affected party files a second written appeal outlining the basis for the appeal within five business days of the decision.

(c) *Review by the City Council.*

1. Upon receiving a second written appeal of the decision rendered by the Board of Adjustment and Appeals, the Community Development Department shall place the matter on the next available agenda of the City Council scheduled at least seven days after the date of the appeal.

2. Materials constituting the record of appeal from the Board of Adjustment and Appeals review shall be provided to the City Council for examination prior to the meeting.

3. Following review of the appeal, the City Council shall review and decide on the appeal in accordance with this chapter and state law.

(4) *Review criteria.* An order, decision, determination, or interpretation shall not be reversed or modified unless there is competent, material, and substantial evidence in the record that the order, decision, determination, or interpretation fails to comply with either the procedural, substantive requirements, or intent of this chapter or state law.

(5) *Conditions.* The City Council may impose conditions upon their decision to ensure that the requirements and purposes of this chapter are followed.

(H) *Building permits.*

(1) *Purpose.* This section establishes when obtaining a building permit is required, how it will be reviewed, what surveys may be required to track construction, and how unauthorized work will be handled.



(2) *In general.*

(a) No person, firm, or corporation shall erect, alter, construct, enlarge, expand, repair, move, improve, convert, demolish, equip, use, occupy, or maintain any building, structure, or portion thereof, within the City of Monticello until proper permits have been issued by the Community Development Department.

(b) No building permit or other permit pertaining to the use of land or buildings shall be issued unless such building is designed and arranged to conform to the provisions of this chapter.

(3) *Exemptions.* Building permits shall not be required for those structures and improvements specifically exempted by the adopted building code as may be amended (see Minn. Rule chapter 1300 "Administration of the State Building Code").

(4) *Surveys required.*

(a) Every application for building permit shall be accompanied by a certified site survey (excluding interior remodels, re-roofs, re-siding and general maintenance) at a scale and in quantities deemed necessary by the Community Development Department. Because the survey will be used to determine an application's conformance with City Code, it shall be the responsibility of the applicant to ensure information provided on the survey corresponds to submitted building plans (including existing and proposed topography). An issued building permit shall authorize only land alterations identified on the survey. Surveys shall include all information as deemed necessary by the Community Development Department to provide for the enforcement of this chapter.

(b) All new structures shall provide to the city an as-built foundation survey upon completion of work to the foundation unless exempted by the Community Development Department. The as-built foundation survey shall certify both the final setbacks of the structure being built, and the elevations at which the new structure exists. Failure to provide a foundation survey upon foundation completion will result in the builder continuing with construction at his/her own risk. Expenditures incurred beyond the construction of the foundation will not be considered in determining the actions required to bring the building back into conformance if not built to approved plans. The foundation survey shall be on-site before the framing inspection is done and approved by the building official.

(c) All new structures shall provide to the city an as-built grading survey upon completion of work unless exempted by the Community Development Department. The as-built grading survey shall certify the final topography of the site and verify the drainage patterns existing upon completion of work. The city reserves the right to withhold the certificate of occupancy for a dwelling until final grading addresses all problems that may be detrimental to adjacent properties.

(5) *Review.* The Community Development Department shall review all building permit applications for conformance to ordinance requirements.

(6) *Unauthorized work.* Work done without the authorization of a permit and/or found to be out of conformance with approved plans shall be immediately halted and subject to the remedies and penalties described in § 153.999. Structures being built out of conformance shall be brought into conformance.

(I) *Certificates of occupancy.*

(1) *Purpose.* This section establishes the requirement for city approval prior to the use or occupation of new buildings or structures, or prior to a change in use within an existing structure. Issuance of a certificate of occupancy signifies that the building or structure complies with all code requirements.



(2) *Required.*

(a) No building or structure hereafter erected or moved, or that portion of an existing structure or building erected or

moved, shall be occupied or used in whole or in part for any purpose whatsoever until a certificate of occupancy shall have been issued by the Community Development Department stating that the building or structure complies with all provisions of this chapter.

(b) No change in use of an existing building or structure shall occur until a certificate of occupancy shall have been issued by the Community Development Department stating that the building or structure complies with all provisions of this chapter.

(3) *Application.* A certificate of occupancy shall be applied for coincident with an application for a building permit or prior to a proposed change in use.

(4) *Issuance.* A certificate of occupancy will be issued within ten days after the Community Development Department shall have completed a final inspection and found the building or structure conforming to all code requirements.

(J) *Sign permits.*

(1) *Purpose and scope.* This division sets out the procedures to follow when requesting a sign permit.



(2) *Initiation of proceedings.* A request for a sign permit shall be initiated by application of the property owner or other person having authority to file an application pursuant to § 153.027(B), Authority to File Applications.

(3) *Application.*

(a) All applications for a sign permit shall be in accordance with §153.027, Common Review Requirements.

(b) In addition to general review requirements, applications for a sign permit shall also include at least the following to be considered complete (except as exempted by the Community Development Department):

1. Names and addresses of the applicant, owners of the sign and lot.
2. The address(es) at which the sign(s) are to be erected.
3. The lot, block and addition at which the signs are to be erected and the street on which they are to front.
4. Type and size of sign (e.g., wall sign, pylon sign).
5. A site plan (or survey if required by the Community Development Department) which is to scale showing the location of lot lines, building structures, parking areas, existing and proposed signs and any other physical features.
6. Plans, location and specifications and method of construction and attachment to the buildings or placement method on the ground.
7. Copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other laws and ordinances of the city, if required.
8. Written consent of the owner or lessee of any site on which the sign is to be erected.

9. Any electrical permit required and issued for the sign.

10. A detailed description of any electronic or electrical components that are proposed to be added to the sign.

11. If the proposed sign is a sandwich board sign to be located in the CCD District within the public right-of-way, the owner of the sign shall provide a certificate of general liability insurance with minimum coverage of \$300,000 naming the city as an additional insured for the sign to be located upon the public right-of-way within the CCD, Central Community District.

12. If illuminated, a light distribution plan or other information demonstrating compliance with the lighting requirements of this chapter.

13. Other information to demonstrate compliance with this and all other ordinances of the city.

(4) *Review.*

(a) *Sign review criteria.* Approval of a sign permit application shall be based on the following criteria:

1. Whether the proposed sign is consistent with all the requirements of this chapter and any other City Code requirements;

2. Whether the proposed sign is in compliance with the applicable zoning district and overlay district regulations; and

3. Whether the proposed sign meets all the requirements or conditions of any applicable development approvals or agreements.

(b) *Sign review process.*

1. The Community Development Department will review all sign permit requests.

2. Applications determined to conform with the approval criteria outlined in §153.028(K)(4)(a) shall be approved by the Community Development Department with any conditions deemed necessary. A copy of the approved permit shall be provided to the applicant which includes all conditions and comments.

3. Applications not conforming with the approval criteria outlined in §153.028(K)(4)(a) shall be denied by the Community Development Department. A notice of denial shall be provided to the applicant which includes all identified reasons for denial.

(5) *Reasonable conditions.* In approving a sign permit, the Community Development Department may impose such reasonable conditions and requirements as it deems necessary and appropriate to ensure continued compliance with a sign permit review criteria.

(6) *Effect of a sign permit approval.*

(a) The issuance of a sign permit shall authorize only the installation or replacement of signage approved by the Community Development Department.

(b) A sign permit, including any conditions, shall run with the land and shall not be affected by a change in ownership.

(7) *Time limit.*

(a) Failure to install the approved signage within six months of the date of approval will invalidate the permit.

(b) Upon written request, one extension of six months may be granted by the Community Development Department if the applicant can show good cause.

(8) *Amendments.* All requested amendments to an existing sign permit shall be processed in the same manner as a new application.

(9) *Appeal.* The applicant for a sign permit may appeal the decision of the Community Development Department to the Board of Adjustment and Appeals per § 153.028(H).

(K) *Temporary use permits.*

(1) *Purpose and scope.* This division sets out the procedures to follow when requesting a temporary use permit.



(2) *Initiation of proceedings.* A request for a temporary use permit shall be initiated by application of the property owner or other person having authority to file an application pursuant to § 153.027(B), Authority to File Applications.

(3) *Application.*

(a) All applications for a temporary use permit shall be in accordance with §153.027, Common Review Requirements.

(b) In addition to general review requirements, applications for a temporary use permit shall also include at least the following to be considered complete (except as exempted by the Community Development Department):

1. A written narrative which includes:

a. A description of the proposed temporary use, how it will function on the property, hours and dates of operation, and any other information necessary to fully describe the request; and

b. An explanation of how the proposed temporary use will meet each of the criteria set forth in §153.028(L)(4)(a), as well as any additional criteria that may apply for the specific use as listed in §§ 153.090 through 153.093.

2. A site plan of the property showing all information necessary to accurately depict how the proposed use will function on the site. Information required on the site plan shall include but not be limited to:

- a. The location of all existing and proposed structures;
- b. Driveways and parking areas;
- c. Proposed storage spaces;
- d. Natural features such as woodlands, wetlands, shorelines, etc;
- e. Proposed number of parking spaces (if applicable).

3. Any other information that may be reasonably required by the city to evaluate the application.

(4) *Review.*

(a) *Temporary use permit review criteria.* Approval of a temporary use permit shall only be granted once the Community Development Department has determined the use shall:

1. Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
2. Be compatible with the principal uses taking place on the site;
3. Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;
4. Not include permanent alterations to the site;

5. Not maintain temporary signs associated with the use or structure after the activity ends;
6. Not violate the applicable conditions of approval that apply to a site or use on the site;
7. Not interfere with the normal operations of any permanent use located on the property; and
8. Contain sufficient land area to allow the temporary use, structure, or special event to occur, as well as adequate land to accommodate the parking and traffic movement associated with the temporary use, without disturbing environmentally sensitive lands.

(b) *Temporary use permit review process.*

1. The Community Development Department will review all temporary use permit applications.
2. Applications determined to conform with the approval criteria outlined in §153.028(L)(4)(a) shall be approved by the Community Development Department with any conditions deemed necessary. A copy of the approved permit shall be provided to the applicant which includes all conditions and comments.
3. Applications not conforming with the approval criteria outlined in §153.028(L)(4)(a) shall be denied by the Community Development Department. A notice of denial shall be provided to the applicant which includes all identified reasons for denial.

(5) *Reasonable conditions.* In approving a temporary use permit, the Community Development Department may impose such reasonable conditions and requirements as deemed necessary and appropriate to ensure continued compliance with ordinance requirements.

(6) *Effect of a temporary use permit approval.*

(a) The issuance of a temporary use permit shall authorize only the specific temporary use approved by the Community Development Department over the specified timeframe.

(b) Issuance of another temporary use permit on the same site for an identical or similar use as determined by the Community Development Department shall be per the requirements of this chapter.

(7) *Time limit.* No permit shall authorize a temporary use for more than the allowable duration specified in Table 5-6 for the specific temporary use.

(8) *Amendments and withdrawals.*

(a) All requested amendments to a temporary use permit shall be processed in the same manner as a new application.

(b) Amendments may not alter the allowed timeframe for a temporary use if the temporary use authorized under an existing permit has already begun.

(c) Approved temporary use permits may be withdrawn by the applicant prior to the temporary use beginning to avoid the 90 days between temporary uses requirement in § 153.028(L)(6)(b).

(d) Approved permits for temporary uses that have already begun cannot be withdrawn.

(9) *Appeals.* The applicant for a temporary use permit may appeal the decision of the Community Development Department to the Board of Adjustment and Appeals per § 153.028(H).

(L) *Administrative home occupation permits.*

(1) *Purpose and scope.* This division sets out the procedures to follow when requesting an administrative home occupation permit.



(2) *Initiation of proceedings.* A request for an administrative home occupation permit shall be initiated by application of the property owner or other person having authority to file an application pursuant to § 153.027(B), Authority to File Applications.

(3) *Application.*

(a) All applications for an administrative home occupation permit shall be in accordance with §153.027, Common Review Requirements.

(b) In addition to general review requirements, applications for an administrative home occupation permit shall also include at least the following to be considered complete (except as exempted by the Community Development Department):

1. A narrative regarding the home occupation which addresses the following issues:

a. How many employees will be working at the home occupation site;

b. All activities proposed to occur in conjunction with the home based occupation (i.e. office work, customer visits, sales, stock storage, etc);

c. Vehicle related issues (e.g. will there be a vehicle(s) used in conjunction with the business? Will the business require any non-standard deliveries to the site? Where will customers park? etc).

d. A calculation of the square footage within structures to be used by the home occupation.

2. A site plan showing in general how the home occupation will operate on the site. The site plan should show (as applicable):

a. All buildings to be used by the home occupation;

b. Proposed outdoor storage areas;

c. Proposed parking areas for vehicles and/or customers;

d. Proposed sign location(s) in conformance with sign regulations;

e. Any proposed alterations to buildings to accommodate the home occupation;

f. Any proposed features necessary to hide visible evidence of the home occupation from either the public right-of-way or adjacent properties (e.g. plantings, screening fences, etc).

(4) *Review.*

(a) *Administrative home occupation review criteria.* Approval of an administrative home occupation permit shall be based on the following criteria:

1. The home occupation shall meet all of the general requirements for home occupations in §153.092(D)(18)(d);
2. The home occupation shall meet all of the general requirements specific to administrative home occupations in § 153.092(D)(18)(f);

(b) *Administrative home occupation review process.*

1. The Community Development Department will review all administrative home occupation permit applications.
2. Applications determined to conform with the approval criteria outlined in §153.028(M)(4)(a) shall be approved by the Community Development Department with any conditions deemed necessary. A copy of the approved permit shall be provided to the applicant which includes all conditions and comments.
3. Applications not conforming with the approval criteria outlined in §153.028(M)(4)(a) shall be denied by the Community Development Department. A notice of denial shall be provided to the applicant which includes all identified reasons for denial.

(5) *Reasonable conditions.* In approving an administrative home occupation permit, the Community Development Department may impose such reasonable conditions and requirements as deemed necessary and appropriate to ensure continued compliance with ordinance requirements.

(6) *Effect of an administrative home occupation permit approval.*

(a) The issuance of an administrative home occupation permit shall authorize only the activities and uses approved by the Community Development Department.

(b) An administrative home occupation permit, including any conditions, shall run with the land and shall not be affected by a change in ownership.

(c) The initial administrative home occupation permit for a property may be issued for a period of one year.

(d) Renewals of existing administrative home occupation permits may be issued for periods of up to three years at the discretion of the Community Development Department upon consideration of the operation as observed by staff and the level of complaints made about the home occupation.

(e) An applicant shall not have a vested right to a permit renewal by reason of having obtained a previous permit. In applying for and accepting a permit, the permit holder agrees that his monetary investment in the home occupation will be fully amortized over the life of the permit and that a permit renewal will not be needed to amortize the investment. Each application for the renewal of a permit will be reviewed without taking into consideration that a previous permit has been granted. The previous granting or renewal of a permit shall not constitute a precedent or basis for the renewal of a permit.

(7) *Time limit.*

(a) Failure to begin the approved home occupation within six months of the date of approval will invalidate the permit.

(b) Upon written request, one extension of six months may be granted by the Community Development Department if the applicant can show good cause.

(8) *Amendments.* All requested amendments to an administrative home occupation permit shall be processed in the same manner as a new application.

(9) *Appeal.* The applicant for an administrative home occupation permit may appeal the decision of the Community Development Department to the Board of Adjustment and Appeals per § 153.028(H).

(M) *Grading, drainage and erosion control permit.*

(1) *Purpose.* This section establishes when a grading, drainage stormwater management, and erosion control permit ("grading permit") is required, how it will be reviewed, information required with the application, and how unauthorized work will be handled. Requiring a grading permit enables the city to protect the public by ensuring that erosion does not endanger water resources or unnecessarily require extra maintenance of sewers and ditches and/or the dredging of lakes and ponds. A grading permit promotes the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in Monticello. All grading requirements can be found in § 153.069.

(2) *In general.* A grading permit shall be required for land-disturbing activity that would require the uncovering or distributing of material in excess of any of the following measurements:

- (a) Five thousand square feet.
- (b) Four hundred cubic yards undeveloped land, or 40 cubic yards developed land.
- (c) Within 200 feet of a waterway or surface water(s).

(3) *Exceptions.*

(a) No grading permit is required for land disturbances under the amounts specified in §153.028(M)(2), or for the following activities:

1. Any emergency activity that is immediately necessary for the protection of life, property or natural resources.
2. General establishment of new construction lawns, or the addition of four or fewer inches of topsoil.
3. Existing nursery and agricultural operations conducted as a permitted main or accessory use.

(b) In the case of grading specific to and in conjunction with a single building permit, a separate grading permit is not required.

1. The building permit shall be reviewed and serve as the grading permit.

2. The individual lot permittee shall be required to provide a letter of credit or other security deemed acceptable by the city with the building permit application.

a. The security shall cover city costs for street sweeping, installation, maintenance and repairs to erosion control measures. The bond will be in an amount as specified by the current city ordinance for fee schedule. Said security shall be provided prior to the release of the grading permit.

b. The security shall be released after turf is established as specified in the City Design Guidelines and Plan Requirements Manual, and the turf establishment is inspected by the City of Monticello and deemed to be approved.

(4) *Application.*

(a) All applications for a grading permit shall be in accordance with §153.027, Common Review Requirements.

(b) In addition to general review requirements, applications for a grading permit shall also include at least the following to be considered complete (except as exempted by the Community Development Department):

1. Each application shall bear the name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm.

2. A grading, drainage, stormwater management, and erosion control plan meeting the requirements of § 153.069(D). Each application shall include the required number of plans and other required materials as specified by the Community Development Department.

3. The application form shall include a statement by the applicant that any land clearing, construction, or development involving the movement of earth shall be in accordance with the approved grading, drainage, stormwater management, and erosion control plan.

4. The permittee will be required to file with the City of Monticello an irrevocable, automatically renewing letter of credit, or other improvement security in the amount specified by the current city ordinance for fee schedule. This security shall be in addition to the required non-refundable filing fee as specified by city ordinance, which shall be submitted under separate payment.

a. The security shall cover all costs of engineering and inspection, site improvements, street sweeping, repairs to erosion control measures, and maintenance of improvements for such period as specified by the City of Monticello. Said security shall be provided prior to the release of the grading permit.

b. Security shall be released after final stabilization is complete, erosion control measures have been removed and their removal area inspected by the City of Monticello and deemed to be approved.

(c) The City of Monticello requires complete application no less than 15 working days in advance of the desired grading permit release date.

(5) *Review.*

(a) *Grading permit review criteria.* Approval of a grading permit shall be based on the following criteria:

1. Whether the proposed grading permit is consistent with all the requirements of §153.069 and any other City Code requirements;

2. Whether the proposed grading permit is in compliance with all engineering standards adopted by the city;

3. Whether the proposed grading permit is in compliance with any previous approvals for the facility (e.g. grading for additional parking previously approved by a conditional use permit).

(b) *Grading permit review process.*

1. The Community Development Department shall review all grading permit applications.

2. Applications determined to conform with the approval criteria outlined in §153.028(M)(5)(a) shall be approved by the Community Development Department with any conditions deemed necessary. A copy of the approved permit shall be provided to the applicant which includes all conditions and comments.

3. Applications not conforming with the approval criteria outlined in §153.028(M)(5)(a) shall be denied by the Community Development Department. A notice of denial shall be provided to the applicant which includes all identified reasons for denial.

(6) *Reasonable conditions.* In approving a grading permit, the Community Development Department may impose such reasonable conditions and requirements as it deems necessary and appropriate to ensure continued compliance with the grading permit review criteria and other city ordinances.

(7) *Effect of grading permit approval.* The issuance of a grading permit shall authorize only the changes approved by the Community Development Department as depicted by the application materials.

(8) *Time limit.*

(a) Failure to complete the authorized grading within six months of the date of approval will invalidate the permit.

(b) Upon written request, one extension of six months may be granted by the Community Development Department if the applicant can show good cause.

(9) *Amendments.* All requested amendments to an existing grading permit shall be processed in the same manner as a new application.

(10) *Unauthorized work.* Work done without the authorization of a permit and/or found to be out of conformance with approved plans shall be immediately halted and subject to the remedies and penalties described in § 153.999. Driveways or parking lots being built out of conformance shall be brought into conformance.

(11) *Appeal.* The applicant for a grading permit may appeal the decision of the Community Development Department to the Board of Adjustment and Appeals per § 153.028(H).

(N) *Driveway permits.*

(1) *Purpose.* This section establishes when a driveway permit is required, how it will be reviewed, information required with the application, and how unauthorized work will be handled. Requiring a driveway permit enables the city to inspect work done within the right-of-way, protect the public by setting and enforcing construction standards and ensure proper pavement construction.



(2) *Initiation of proceedings.* A request for a driveway permit shall be initiated by application of the property owner or other person having authority to file an application pursuant to § 153.027(B), Authority to File Applications.

(3) *In general.*

(a) A driveway permit shall be required for the installation, repair, expansion, reconfiguration or resurfacing of any driveway or parking lot intended for use by more than three vehicles.

(b) A driveway permit shall only be issued after the Community Development Department determines the proposed

plan sets adhere to the city's adopted engineering standards.

(4) *Application.*

(a) All applications for a driveway permit shall be in accordance with §153.027, Common Review Requirements.

(b) In addition to general review requirements, applications for a driveway permit shall also include at least the following to be considered complete (except as exempted by the Community Development Department):

1. A written narrative providing the following information:

a. The legal description, address, and owners name of the premises involved;

b. The date on which the proposed improvement is proposed to be commenced;

c. The name, address, and contact information for the contractor being hired to complete the proposed improvements.

2. A site plan (or certified site survey if required by the Community Development Department) at a scale and in quantities deemed necessary by the Community Development Department showing:

a. Lot dimensions;

b. Lot area in square feet;

c. Location of all existing buildings, landscaping, screening and natural features as directed by the Community Development Department (including but not limited to woodlands, wetlands, shorelines, and individual trees which may be impacted by the proposed driveway or parking lot construction);

d. Location of the existing driveway (if applicable), the proposed driveway and the square footage and dimension of each;

e. Driveway material;

f. Location of existing public sidewalks and trails;

g. Calculation of the existing and proposed impervious surface coverage on the lot;

h. Identify existing and proposed curb types specifically calling out proposed changes to existing facilities.

3. For new construction and expansions, an erosion control plan shall be submitted.

(5) *Review.*

(a) *Driveway permit review criteria.* Approval of a driveway permit shall be based on the following criteria:

1. Whether the proposed driveway permit is consistent with all the requirements of this chapter and any other City Code requirements;

2. Whether the proposed driveway permit is in compliance with all engineering standards adopted by the city;

3. Whether the proposed driveway permit is in compliance with any previous approvals for the facility (e.g. adding parking as previously approved by a conditional use permit).

(b) *Driveway permit review process.*

1. The Community Development Department shall review all driveway permit applications.

2. Applications determined to conform with the approval criteria outlined in §153.028(O)(4)(a) shall be approved by the Community Development Department with any conditions deemed necessary. A copy of the approved permit shall be provided to the applicant which includes all conditions and comments.

3. Applications not conforming with the approval criteria outlined in §153.028(O)(4)(a) shall be denied by the Community Development Department. A notice of denial shall be provided to the applicant which includes all identified reasons for denial.

(6) *Reasonable conditions.* In approving a driveway permit, the Community Development Department may impose such reasonable conditions and requirements as it deems necessary and appropriate to ensure continued compliance with the driveway permit review criteria.

(7) *Effect of driveway permit approval.* The issuance of a driveway permit shall authorize only the changes approved by the Community Development Department as depicted by the application materials.

(8) *Time limit.*

(a) Failure to complete driveway or parking lot improvements within six months of the date of approval will invalidate the permit.

(b) Upon written request, one extension of six months may be granted by the Community Development Department if the applicant can show good cause.

(9) *Amendments.* All requested amendments to an existing driveway permit shall be processed in the same manner as a new application.

(10) *Unauthorized work.* Work done without the authorization of a permit and/or found to be out of conformance with approved plans shall be immediately halted and subject to the remedies and penalties described in § 153.999. Driveways or parking lots being built out of conformance shall be brought into conformance.

(11) *Appeal.* The applicant for a grading permit may appeal the decision of the Community Development Department to the Board of Adjustment and Appeals per § 153.028(H).

(O) *Planned unit developments.*

(1) *Purpose and intent.* The purpose of the Planned Unit Development (PUD) zoning district is to provide greater flexibility in the development of neighborhoods and non-residential areas in order to maximize public values and achieve more creative development outcomes while remaining economically viable and marketable. This is achieved by undertaking a process that results in a development outcome exceeding that which is typically achievable through the conventional zoning district. The city reserves the right to deny the PUD rezoning and direct the developer to re-apply under the standard applicable zoning district.





(2) *Initiation of proceedings.* Applications for a PUD shall be initiated by application of the property owner or other person having authority to file an application pursuant to § 153.027(B), Authority to File Applications.

(3) *Reflection on the official zoning map.*

(a) PUD provisions provide an optional method of regulating land use which permits flexibility in allowed uses and other regulating provisions. In some circumstances, however, rules and regulations governing the original zoning district, or other zoning regulations found elsewhere in the city's ordinances, may be appropriate to apply within the PUD. As such, approval of a Planned Unit Development and execution of a PUD agreement shall require the property in question be rezoned to PUD. For each PUD District, a specific ordinance shall be adopted, along with a tracking designation for use on the official zoning map to distinguish it from other PUD districts and identify the adopted ordinance in the City Code. Once a PUD has been granted and is in effect for a parcel, no building permit shall be issued for that parcel which is not in conformance with the approved PUD Plan, the current Minnesota State Building Code and all associated documents, and with all other applicable City Code provisions.

(b) All PUD rezonings approved prior to the effective date of this chapter shall retain their zoning classifications of R-PUD, and shall continue to be governed by the ordinance and resolutions which created these areas.

(c) All PUDs previously granted by conditional use permit shall continue to be regulated under the terms of the CUP.

(4) *Permitted locations for PUD rezoning.* A rezoning to PUD may be requested for any area regardless of current zoning.

(5) *PUD qualifications.* Rezonings to PUD will be considered only for areas of land in single ownership or control, except in the following circumstances:

(a) Natural features of the land are such that development under standard zoning regulations would not be appropriate in order to conserve such features;

(b) The land is intended to be developed in accordance with a prior PUD adjacent to or across the street from the subject property;

(c) The PUD process is desirable to ensure compatibility and careful consideration of the effect of a development on surrounding land uses;

(d) Multiple party ownership is adequately secured through a corporation, partnership, or other legal entity that will ensure the ability to fulfill all of the obligations of the PUD process, including approvals, development, and securities.

(6) *Permitted uses within PUDs.* Uses within a PUD shall be governed by the ordinance establishing the PUD and by the conditions, if any, imposed by the city in the approval process and PUD documents.

(7) *Expectations of a development seeking a rezoning to PUD.* Planned unit development is designed to allow flexibility from the application of standard zoning regulations to achieve a variety of public values that will be identified for each specific PUD project. The following list represents examples of public values that may be applicable to any individual PUD project, but is not necessarily inclusive, nor are all examples applicable to all projects:

(a) Ensure high quality construction standards and the use of high quality construction materials;

(b) Promote a variety of housing styles which include features such as side or rear loaded garages, front porches, varying roof pitches, and four sided architecture/articulation;

(c) Eliminate repetition of similar housing types by encouraging a housing mixture that diversifies the architectural qualities of a neighborhood;

(d) Promote aesthetically pleasing design within the neighborhood and appears attractive and inviting from surrounding parcels;

(e) Incorporate extensive landscaping and site amenities in excess of what is required by code;

(f) Provide high-quality park, open space, and trail opportunities that exceed the expectations established in the Comprehensive Plan;

(g) Provide access to a convenient and efficient multi-modal transportation system to service the daily needs of residents at peak and non-peak use levels, with high connectivity to the larger community;

(h) Promote development that is designed to reduce initial infrastructure costs and long-term maintenance and operational costs;

(i) Where applicable, maximize the use of ecologically-based approaches to stormwater management, restore or enhance on-site ecological systems, and protect off-site ecological systems including the application of low impact development (LID) practices;

(j) Facilitate a complementary mix of lifecycle housing;

(k) Preserve and protect important ecological areas identified on the city's natural resource inventory (NRI);

(l) Accommodate higher development intensity in areas where infrastructure and other systems are capable of providing appropriate levels of public services, and require lower intensity in areas where such services are inadequate, or where natural features require protection and/or preservation.

(8) *Areas of flexibility.*

(a) The city may consider an increase in the density or intensity of the project, along with related reductions in lot width and size if the PUD provides substantially more site amenities and public values, as outlined in § 153.028(O)(7), than could be achieved in a conventional development for the applicable land use zone.

(b) The city may consider flexibility with regard to land uses, setbacks, lot size, width, and depth, specific finishing standards of this chapter, and access to public streets, among other zoning and subdivision standards when reviewing a PUD rezoning request. Specifications and standards for lots shall be at the discretion of City Council, and shall encourage a desirable living or working environment which assists in achieving the goals set out for PUDs.

(c) The city may consider flexibility in the phasing of a PUD development. Changes to the proposed staging or timing of a PUD may be approved by the City Council when necessary or on the showing of good cause by the developer.

(9) *PUD procedure.* All requests for rezoning to planned unit development shall follow the steps outlined below.

(a) *PUD concept proposal.*

1. Prior to submitting formal development stage PUD, preliminary plat (as applicable) and rezoning applications for the proposed development, the applicant may, at its option, prepare an informal concept plan and present it to the Planning Commission and City Council at a concurrent work session, as scheduled by the Community Development Department. The purpose of the concept proposal is to:

a. Provide preliminary feedback on the concept plan in collaboration between the applicant, general public, Planning Commission, and City Council;

b. Provide a forum for public comment on the PUD prior to a requirement for extensive engineering and other plans;

c. Provide a forum to identify potential issues and benefits of the proposal which can be addressed at succeeding stages of PUD design and review.

2. a. *Initiation of proceedings.* A request for a PUD concept proposal review shall be initiated by the property owner and other person or party having an interest in concept proposal.

b. *Proposal submittal.*

(i) All proposals for a PUD concept proposal review shall be in accordance with §153.027, Common Review Requirements.

(ii) In addition to common review requirements, proposals for a PUD Concept Plan Review shall also include at least the information in § 153.028(O)(9)(b)3. below to be considered complete (except as exempted by the Community Development Department).

c. *Specific PUD concept proposal submittal requirements.* The following information shall be provided unless waived by staff:

(i) A listing of contact information including name(s), address(es) and phone number(s) of: the owner of record, authorized agents or representatives, engineer, surveyor, and any other relevant associates.

(ii) A listing of the following site data: Address, current zoning, parcel size in acres and square feet and current legal description(s).

(iii) A narrative explaining the applicant's proposed objectives for the PUD, and public values that the applicant believes may be achieved by the project.

(iv) A listing of general information including the number of proposed residential units, commercial and industrial land uses by category of use, public use areas including a description of proposed use, and any other land use proposed as part of the PUD.

(v) Calculation of the proposed density of the project and the potential density under standard zoning regulations, including both gross density and net density, accounting for developable and undevelopable land. Undevelopable land shall include all wetlands, floodplains, sensitive ecological areas identified in the Natural Resource Inventory, slopes greater than 18%, poor soils and areas of concentrated woodlands.

(vi) Outline a conceptual development schedule indicating the approximate date when construction of the project, or stages of the same, can be expected to begin and be completed (including the proposed phasing of construction of public improvements and recreational and common space areas).

(vii) A concept PUD proposal illustrating the nature and type of proposed development. At a minimum, the plan should show:

- A. Area calculations for gross land area;
- B. Existing zoning district(s);
- C. Layout of proposed lots and proposed uses. Denote outlots planned for public dedication and/or open space (schools, parks, etc.);
- D. Area calculations for each parcel;
- E. General location of wetlands and/or watercourses over the property and within 200 feet of the perimeter of the subdivision parcel;
- F. Location of existing and proposed streets within and immediately adjacent to the subdivision parcel;
- G. Proposed sidewalks and trails;
- H. Proposed parking areas;
- I. Proposed parks, common areas, and preservation easements (indicate public vs. private if applicable);
- J. General location of wooded areas or significant features (environmental, historical, cultural) of the parcel;
- K. Location of utility systems that will serve the property; and
- L. Other: An applicant may submit any additional information that may explain the proposed PUD.

(viii) A listing of the areas of flexibility from the standard zoning sought through the use of PUD design.

d. *PUD concept plan proposal review.* Upon receiving a PUD concept plan proposal, the Community Development Department shall:

(i) Schedule a joint meeting of the Planning Commission and City Council and shall provide notice of the meeting to all property owners within 350 feet of the property boundary of the proposal. During the concurrent meeting, the Planning Commission and City Council may make comment on the merit, needed changes, and suggested conditions which may assist the proposer in future application for proposed rezoning and PUD development plan.

A. The Planning Commission and City Council may also take comment from the public as part of the joint meeting.

B. The Council and Planning Commission shall make no formal decision as part of the consideration. The City Council and Planning Commission's comments are explicitly not an approval or decision on the project, and are intended to represent preliminary feedback related to this PUD ordinance, the applicable zoning regulations, and the Comprehensive Plan.

(b) *PUD development stage, preliminary plat, and rezoning.*

1. *Initiation of proceedings.* Requests for PUD development stage, rezoning to PUD and preliminary plat shall be initiated by application of the property owner or other person having authority to file an application pursuant to § 153.027(B), Authority to File Applications. The development stage PUD request shall be subject to timelines set by M.S. § 15.99, as it may be amended from time to time. If the applicant has processed an optional concept proposal review pursuant to § 153.028(D)(9)(a), the development stage application shall be submitted within six months of such review. If more than six months have elapsed since the concept review, the applicant may submit a new concept proposal unless the Community Development Department determines to waive this provision.

2. *Application.*

a. All applications for rezoning to PUD and preliminary plat shall be in accordance with §153.027, Common Review Requirements.

b. The application for rezoning to PUD shall be in accordance with §153.028(B), Zoning Ordinance Text and Zoning Map Amendments.

c. The application for preliminary plat (as applicable) shall be in accordance with City Code, data required for preliminary and final plats; and shall include the additional information requirements listed in § 153.028(O)(9)(c)3. below to be considered complete (except as exempted by the Community Development Department).

d. If the PUD is proposed to develop over a timeframe exceeding two years, a PUD phasing plan for the entire project (to be completed in phases) shall be submitted. Subsequent PUD Final Stage plan applications would only grant approval for an individual phase.

(i) In such case where there is a phased PUD plan approved as part of the Development and/or Final Stage PUD, and where future phases of the PUD are proposed which may require additional city review prior to their eligibility for construction, the city at its sole discretion may approve an alternative Final Stage PUD and rezoning schedule as laid out in § 153.028(O)(9)(c)5.a.

a. All required information per § 153.028(O)(9)(b)3.;

b. Administrative information (including identification of the drawing as a "PUD development stage plan," the proposed name of the project, contact information for the developer and individual preparing the plan, signature of the surveyor and civil engineer certifying the document, date of plan preparation or revision, and a graphic scale and true north arrow);

c. Area calculations for gross land area, wetland areas, wetland buffers, right-of-way dedications, conservation areas, and proposed public and private parks;

d. Existing zoning district(s);

e. Layout of proposed lots with future lot and block numbers. The perimeter boundary line of the subdivision should be distinguishable from the other property lines. Denote outlots planned for public dedication and/or open space (schools, parks, etc.);

f. Area calculations for each parcel;

g. Proposed setbacks on each lot (forming the building pad) and calculated buildable area;

h. Proposed gross hardcover allowance per lot (if applicable);

i. Existing contours at intervals of two feet. Contours must extend a minimum of 200 feet beyond the boundary of the parcel(s) in question;

j. Delineation of wetlands and/or watercourses over the property and within 200 feet of the perimeter of the subdivision parcel;

k. Delineation of the ordinary high water levels of all water bodies;

l. Grading drainage and erosion control plan prepared by a registered professional engineer, providing all information outlined in § 153.069(C);

m. Location, width, and names of existing and proposed streets within and immediately adjacent to the subdivision parcel;

n. Easements and rights-of-way within or adjacent to the subdivision parcel(s);

o. The location and orientation of proposed buildings;

p. Colored building elevations for all building sides which detail the materials being used. Any landscaping shown on elevations must be shown as it appears in size and height at the time of planting. The elevations shall indicate the visual location and size of all exterior utility and mechanical systems, including HVAC, meters, and powerlines;

q. Proposed sidewalks and trails;

r. Vehicular circulation system showing location and dimension for all driveways, parking spaces, parking lot aisles, service roads, loading areas, fire lanes, emergency access, if necessary, public and private streets, alleys, sidewalks, bike paths, direction of traffic flow and traffic control devices;

s. Lighting location, style and mounting and light distribution plan.

t. Proposed parks, common areas, and preservation easements (indicate public vs. private if applicable);

u. Landscape plan prepared by a qualified professional providing all information outlined in §153.060(D) including planting counts, sizes and species;

v. Location and detail of signage providing all pertinent information outlined in §153.028(K)(3)(b);

w. Location, access and screening detail of large trash handling and recycling collection areas in compliance with the requirements of § 153.092(D)(34); and

x. Any other information as directed by the Community Development Department.

4. *PUD development stage, preliminary plat and rezoning to PUD review.*

a. The application for rezoning to PUD shall be reviewed in accordance with §153.028(B), Zoning Ordinance Text and Zoning Map Amendments.

b. The application for Preliminary Plat shall be reviewed in accordance with City Code Title 11, Preliminary Plat Procedure.

c. As part of the review process for both applications, the Community Development Department shall generate an analysis of the proposal against the expectations for PUDs and this chapter to formulate a recommendation regarding the rezoning to the Planning Commission and City Council.

d. The Planning Commission shall hold a public hearing and consider the application's consistency with the intent and purpose of the PUD and comprehensive plan goals. The Planning Commission shall make recommendations to the City Council on the merit, needed changes, and suggested conditions of the proposed rezoning, preliminary plat and PUD development plan.

e. In approving or denying the PUD development stage application and ordinance to rezone the subject property to PUD, the City Council shall make findings on the following:

(i) Whether the PUD plan is consistent with the city's comprehensive plan;

(ii) Whether the PUD plan is tailored to the specific characteristics of the site and achieves a higher quality of site planning and greater public benefits than would be achieved under conventional provisions of the ordinance;

(iii) Whether the PUD plan addresses the purpose and intent of the PUD rezoning laid out in §153.028(O)(1), and the public values statement established at the beginning of the process;

(iv) Whether the PUD plan addresses the expectations of a PUD laid out in §153.028(O)(7);

(v) Whether the PUD plan maintains or improves the efficiency of public streets, utilities, and other public services;

(vi) Whether the PUD plan results in development compatible with existing adjacent and future guided land uses;

(vii) Whether the PUD can be accommodated by existing public services, such as parks, police, fire, administration, and utilities, or the developer has provided for the growth and extension of such services as a component of the PUD; and

(viii) Whether the PUD is designed to take advantage of, and preserve, the natural features of the subject property, including waterways, forested areas, natural prairie, topography, views, etc.

f. An ordinance rezoning the property shall be prepared by the city, for review at the development stage PUD, but adoption of such ordinance shall occur only upon approval of the final stage PUD.

(i) In the case of an approved phased PUD under §153.028(O)(9)(b)2.d., the City Council may adopt the rezoning ordinance with the Development Stage PUD, pursuant to the requirements of § 153.028(O)(9)(c)5.a. Such approval shall be conditioned on the submission of Final Stage PUD plans for the initial phase and an amendment to PUD for subsequent phases, processed in accordance with this section.

(c) *PUD final stage and final plat.*

1. *Initiation of proceedings.*

a. A final stage PUD plan and final plat that conforms with the approved Development stage PUD and preliminary plat and associated PUD rezoning ordinance shall be submitted no later than 60 days following the development stage PUD approval for review within the time allotted by M.S. § 15.99, as it may be amended from time to time. Applicants may request an extension from the Community Development Department for such submittal for a maximum of an additional six months), and shall request waivers for any statutory time limits as necessary. Applications which fail to meet this deadline shall be deemed void and shall require review and re-application according to the development stage PUD process of this chapter.

b. The request for PUD final stage and final plat shall be initiated by application of the property owner or other person having authority to file an application pursuant to § 153.027(B), Authority to File Applications.

2. *Application.*

a. All applications for PUD final stage and final plat shall be in accordance with §153.027, Common Review Requirements.

b. The application for PUD final plat shall be in accordance with City Code, Data Required for Preliminary and Final Plats.

c. In addition to general city code requirements, applications for a PUD final stage and final plat shall also include

at least the information in § 153.028(O)(9)(d)3. below to be considered complete (except as exempted by the Community Development Department).

3. *Specific PUD final stage and final plat submittal requirements.*

a. If a PUD master plan for the entire project was submitted and approved as part of the PUD development stage, an updated master plan shall be submitted incorporating all changes required by the PUD development stage approval.

b. The PUD development stage plan shall be updated to incorporate all changes required by the PUD, preliminary plat and rezoning approvals. This document must clearly show all deviations from standard zoning being approved as part of the PUD.

c. The city shall prepare, and the applicant shall execute, a developer's agreement which references all PUD plans, development phasing, required improvements, completion dates for improvements, the required letter of credit, all required development fees, escrows, and warranties, and any other information deemed necessary by the city.

d. The city shall, upon approval of the PUD final stage, recording of the final plat, and execution of the PUD developer's agreement, publish the PUD ordinance specifying land use, densities, performance standards, and ongoing general obligations of occupants of the PUD. Such ordinance shall create a zoning district that is specific to the property for which the PUD was applied, and shall be designated in such a way as to be able to mark the official zoning map to identify the PUD ordinance. The PUD ordinance shall also designate that such property is thereby rezoned to the PUD district as adopted.

e. Up-to-date title evidence for the subject property in a form acceptable to the city shall be provided as part of the application for the PUD final plat.

f. Developer shall provide warranty deeds for property being dedicated to the city for all parks, outlots, etc., free from all liens and encumbrances except as otherwise waived by the City Council.

g. Developer shall provide all easement dedication documents for easements not shown on the final plat including those for trails, ingress/egress, etc., together with all necessary consents to the easement by existing encumbrancers of the property.

h. Association declarations and/or other private covenant documents or easements necessary to implement and maintain the PUD as approved by the city.

4. *PUD final stage and final plat review.* The application for PUD final stage and final plat shall be considered by the City Council at a public meeting, following a review and report by the Community Development Department. Approval of the PUD final stage and final plat shall be by simple majority vote of the City Council, except where State law may specifically require a super majority.

5. Final PUD approval shall occur by adoption of a rezoning ordinance for the subject property specifying the uses, standards, and other requirements of said PUD zoning district. Such ordinance shall include an effective date clause which may delay the effective date of the ordinance until such time as the applicant has met each of the conditions of approval required by the City Council, in addition to other requirements including publication. No approvals are valid, and no permits may be issued, until the ordinance takes effect. If the final PUD is not approved by the City Council, or the applicant fails to meet the conditions as described, the ordinance shall not take effect, and the subject property shall retain its previous zoning designation.

a. In the case of a PUD with an approved phasing plan under §153.028(O)(9)(b)2.d, the City Council may adopt the rezoning ordinance with the Development Stage PUD, with subsequent phases subject to the requirements of the PUD district ordinance. No construction permits for subsequent phases shall be considered, nor will applications for such permits be accepted, until the applicant has applied and received approval for amendment to the PUD and the applicable PUD district ordinance. The PUD district zoning ordinance shall include a clause specifying this requirement. Amendments to the PUD district ordinance shall be processed in the manner described for Development and Final Stage PUD applications, which may run concurrently for the purposes of amendment to the PUD.

(10) *PUD amendments.* Approved PUDs may be amended from time to time as a result of unforeseen circumstances, overlooked opportunities, or requests from a developer. At such a time, the applicant shall make an application to the city for a PUD amendment. All such amendments will be processed as one of the following:

(a) *Administrative amendment.* The Community Development Department may approve minor changes in the location, placement, and height of buildings if such changes are required by engineering or other circumstances, provided the conform to the review criteria applied by the Planning Commission and City Council, and are consistent with all requirements of the PUD ordinance. Under no circumstances shall an administrative amendment allow additional stories to buildings, additional lots, or changes to designated uses established as part of the PUD. An administrative amendment shall be memorialized via letter signed by the Community Development Director and recorded against the PUD property.

(b) *PUD Adjustment.* An adjustment to a PUD may be made through review and approval by a simple majority vote of the City Council with or without referral to the Planning Commission. For a PUD adjustment, the applicant shall follow the procedures and requirements of the PUD final stage as identified in this chapter. A PUD adjustment shall be memorialized with an amendment to the PUD development agreement, executed by the city and applicant, and recorded against the PUD property. To qualify for this review, the minor adjustment shall not:

1. Eliminate, diminish or be disruptive to the preservation and protection of sensitive site features.
2. Eliminate, diminish or compromise the high quality of site planning, design, landscaping or building materials.
3. Alter significantly the location of buildings, parking areas or roads.
4. Increase or decrease the number of residential dwelling units by more than 5%.
5. Increase the gross floor area of non-residential buildings by more than 3% or increase the gross floor area of any individual building by more than 5% (residential lots not guided for specific structure sizes are excluded from this requirement).
6. Increase the number of stories of any building.
7. Decrease the amount of open space or alter it in such a way as to change its original design or intended function or use.
8. Create non-compliance with any condition attached to the approval of the final PUD plan.

(c) *PUD amendment.* Any change not qualifying for an administrative amendment or a PUD adjustment shall require a PUD amendment. An application to amend a PUD shall be administered in the same manner as that required for a PUD development stage and preliminary plat.

(11) *PUD cancellation.* A PUD shall only be cancelled and revoked upon the City Council adopting an ordinance rescinding the ordinance approving the PUD. Cancellation of a PUD shall include findings that demonstrate that the PUD is inconsistent with the Comprehensive Plan or other application land use regulations, threatens public safety, health, or welfare, or other applicable findings in accordance with law.

(12) *Administration.* In general, the following rules shall apply to all PUDs:

(a) *Rules and regulations.* No requirement outlined in the PUD process shall restrict the City Council from taking action on an application if necessary to meet state mandated time deadlines;

(b) *Preconstruction.* No building permit shall be granted for any building on land for which a PUD plan is in the process of review, unless the proposed building is allowed under the existing zoning and will not impact, influence, or interfere with the proposed PUD plan.

(c) *Effect on conveyed property.* In the event any real property in the approved PUD agreement is conveyed in total, or in part, the buyers thereof shall be bound by the provisions of the approved final PUD plan constituting a part thereof as well as the PUD zoning ordinance; provided, however, that nothing herein shall be construed to create nonconforming lots, building sites, buildings or uses by virtue of any such conveyance of a lot, building site, building or part of the development created pursuant to and in conformance with the approved PUD.

(Ord. 770, passed 2-28-2022; Ord. 781, passed 7-25-2022; Ord. 786, passed 9-26-2022; Ord. 799, passed 2-27-2023; Ord. 831, passed 8-26-2024)

§ 153.040 GENERAL PROVISIONS.

(A) *Adoption of zoning map.* The map entitled City of Monticello Zoning Map, January 24, 2011, hereinafter referred to as the "zoning map," and all explanatory matters thereon, are hereby adopted and made a part of this chapter. Questions concerning a zoning designation or boundaries of a zoning district shown on the zoning map shall be resolved by referring back to the previously adopted ordinances delimiting the districts and boundaries.

(B) *Types of zoning districts.* Land within the city is generally classified by this chapter to be within one of a number of base zoning districts. Land within any base zoning district may also be classified into one or more overlay zoning districts, in which case regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying base zoning district, unless expressly stated otherwise.

(C) *District boundaries.*

(1) The boundaries of the districts are established as shown on the zoning map. Unless otherwise indicated on the zoning map, the district boundaries are parcel lines or the corporate limit lines, as they existed at the time of the enactment of this chapter.

(2) New base district lines or rezoning lines shall follow parcel lines.

(D) *Zoning classifications for newly annexed property.* Any land annexed to the city in the future shall initially be placed in the A-O Agricultural Open District, unless placed in another district by action of the City Council after recommendation of the Planning Commission.

§ 153.042 COMMON DISTRICT REQUIREMENTS.

The following regulations shall apply in all base zoning districts.

(A) *Building within public easements prohibited.* No building or structure shall be placed within an easement dedicated for a public purpose unless expressly authorized by a variance issued in accordance with § 153.028(C) or a license or encroachment agreement issued by the Community Development Department.

(B) *Outlots.* No building permit or grading permit can be issued for a parcel of land designated in a plat as an outlet unless specifically authorized by the City Council.

(C) *Principal buildings.* Except as may be permitted by an approved planned unit development, not more than one principal building shall be located on a lot.

(D) *Common yard and height requirements.*

(1) *In general.*

(a) Unless otherwise authorized by variance or PUD, 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 chapter; and if the existing yard or other open space as existing is less than the minimum required, it shall not be further reduced.

(b) A yard or other open area required about a building shall not be included as part of a yard or other open space for another building.

(2) *Allowable yard encroachments.*

(a) The following features may encroach into required yards:

1. Fences and walls that meet the standards in §153.062, may encroach into a required yard, but shall be subject to corner visibility requirements, and shall not be placed within public rights-of-way, conservation easements unless specifically permitted by the easement.

2. Walkways, patios, ramps, stairs, paved areas, and other accessory structures less than 30 inches above grade, and all landscape plantings are exempted from yard requirements except as may be specifically required by this chapter, but are subject to corner visibility requirements, and shall not be placed within conservation easements unless specifically permitted by the easement.

3. In rear and side yards: recreational and laundry drying equipment, arbors and trellises, balconies, decks, and air conditioning subject to the following conditions:

a. Setback requirements of environmental protection districts shall remain applicable.

b. A side yard setback of six feet shall be maintained.

c. A setback of 20 feet shall be maintained from property lines abutting public rights-of-way.

d. A rear yard setback of six feet shall be maintained.

e. No encroachment shall be permitted within an existing or required easement.

4. Appurtenances:

a. Appurtenances are permitted to encroach into a required front or rear yard setback up to six feet.

b. Appurtenances are permitted to encroach into a required side yard setback up to three feet.

c. Railings on landing places or porches extending into a required side yard shall not exceed three feet, six inches in height.

d. Appurtenances shall not be located within existing or required easements.

5. In the front yard, open, covered (roofed) porches over a front entrance attached to a single- or two-family residential principal building shall be allowed to encroach into the required front yard setback with the following requirements:

a. Total encroachment into the required setback may be up to a distance of six feet.

b. Total encroachment area may be no more than 72 square feet.

c. The encroachment space may include perimeter walls that are no more than 40% of the height between the principal entrance floor elevation and the lowest point on the proposed roof and/or ceiling above it. The remaining vertical space must remain open, without enclosure of any material, with the exception of any structurally required posts;

d. Encroachment into drainage and utility easements shall not be permitted;

e. The building materials for the porch shall be consistent with the principal structure;

f. No more than one such covered porch encroachment shall be permitted for each dwelling unit.

(i) For each single-family home, a maximum of one such covered porch under this section shall be permitted to encroach into the required front yard.

(ii) For each two-family home, a maximum of two such covered porches shall be permitted when over separate exterior entrances leading to the interior of individual residential units.

(b) *Corner visibility (see Figure 3-1).*

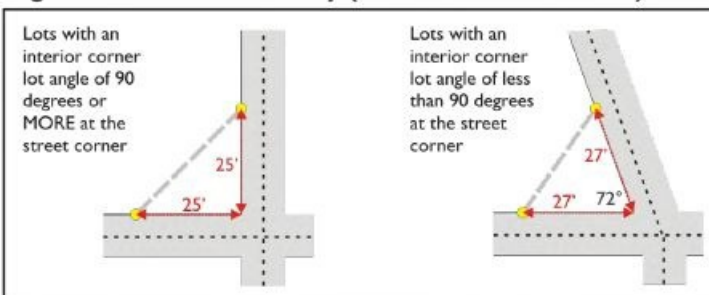
1. Corner lots shall preserve areas necessary for corner visibility by limiting the height of fences, walls, and all other obstructions to a maximum of three feet above grade in the following areas:

a. For lots with an interior corner lot angle of 90 degrees or more at a street or railway corner, the protected corner area is defined by a triangle created by the two corner lot lines and an imaginary line between the corner lot lines at 25 feet from the corner on each property lot line.

b. For lots with an interior angle of less than 90 degrees at a street or railway corner, the protected corner area is defined by a triangle created by the two corner lot lines and drawing an imaginary line between the corner lot lines 25 feet from the corner on each property lot line plus one foot for every ten degrees or fraction thereof less than 90 degrees.

2. Corner visibility standards do not apply to United States mailboxes, police and fire alarm boxes, public utility poles, street name markers, official traffic signs and control devices, and fire hydrants.

Figure 3-1: Corner Visibility (Protected Corner Area)



(3) *Height requirements.*

(a) *In general.* The total height of any structure shall not exceed the maximum height limit established for the applicable zoning district unless expressly stated otherwise in this chapter.

(b) *Exceptions.* Height limits shall not apply to chimneys, church spires, belfries, cooling towers, cupolas and domes which do not contain useable space, elevator penthouses, fire escapes or roof access stairways, flag poles, mechanical equipment required to operate and maintain the building, monuments, parapet walls extending not more than three feet above the limiting height of the building, rooftop dish antennas, skylights, water towers, wind electrical generators, telecommunication towers or similar appurtenances, provided:

1. The appurtenance does not interfere with Federal Aviation Regulations, Part 77, Objects Affecting Navigable Airspace;
2. The appurtenance does not extend more than 25 feet above the maximum permitted building height, except as specifically allowed by this chapter;
3. The appurtenance does not exceed a maximum height of 200 feet above grade;
4. The appurtenance is not constructed for the purpose of providing additional floor area in the building; and
5. The appurtenance complies with the screening requirements for mechanical equipment and appurtenances in this chapter.

(Ord. 799, passed 2-27-2023; Ord. 815, passed 11-13-2023)

§ 153.092 ACCESSORY USE STANDARDS.

(A) *Purpose.* This section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses. The purpose of this section is to allow a broad range of accessory uses, so long as such uses are located on the same site as the principal use, and so long as they comply with the standards set forth in this section in order to reduce potentially adverse impacts on surrounding lands.

(B) *General standards and limitations for accessory uses and structures.*

(1) *Compliance with chapter requirements.* All accessory uses and accessory structures shall conform to all applicable requirements of this chapter. The provisions of this section establish additional standards and restrictions for particular accessory uses and structures.

(2) *General standards.* All accessory uses and accessory structures shall meet the following standards:

- (a) Directly serve the principal use or structure;
- (b) Be customarily accessory and clearly incidental and subordinate to the principal use and structure;
- (c) Be subordinate in area, extent, and purpose to the principal use or structure;
- (d) Be owned or operated by the same person as the principal use or structure;
- (e) Be located on the same lot as the principal use or structure, subject to the public improvement project exception as regulated by § 153.106(D)(1);
- (f) Not be constructed or established prior to the time the principal use or structure is constructed or established, subject to the public improvement project exception as regulated by § 153.106(D)(1);
- (g) Together with the principal use or structure, not violate any standards of this chapter;
- (h) Not be located within platted or recorded easements or over underground public utilities without an encroachment agreement issued by the Community Development Department;
- (i) An accessory building shall be considered an integral part of the principal building if it is connected to the principal building either directly or by an enclosed passageway. Such accessory buildings shall adhere to requirements for the principal building;
- (j) If a principal building is proposed to be removed with no immediate replacement, all accessory structures shall also be removed;
- (k) Not constitute a combination use, which is the combination of two principal uses (combination uses will not meet the above standards in terms of being subordinate or providing service to the principal use).

(3) *Location of accessory uses or structures.* Except for fences and walls, the following standards shall apply to all accessory structures:

(a) All accessory structures, except as may be specifically denoted, shall be located at least six feet from all lot lines, and at least the minimum distance from public rights-of-way as denoted in the individual zoning district regulations. All such structures must meet applicable building codes related to fire separation distance.

1. A side yard setback of 20 feet shall be maintained from property lines abutting public streets.

- (b) Detached accessory buildings shall be six feet or more from any other building or structure on the same lot.
- (c) Detached accessory structures shall not be located beyond the front building line established by the principal structure, with the exception of commercial canopies and signs, which must adhere to regulations of this chapter.

(4) *Maximum height.*

- (a) Detached accessory buildings shall not exceed 15 feet in height except in the I-1 and I-2 districts.
- (b) No accessory structure shall exceed the height of the principal structure unless specifically allowed by this chapter.

(5) *Maximum number of accessory structures.* In all residential zoning districts, the following limitations on accessory structures shall apply:

- (a) No more than one private, detached major accessory building may be erected for each dwelling;
- (b) No more than one private, detached minor accessory building may be erected for each dwelling;
- (c) Additional major or minor accessory buildings may be erected if approved via a conditional use permit pursuant to § 153.028(D).

(6) *Temporary family health care dwellings opt out.* The City of Monticello opts-out of the requirements of M.S. § 462.3593, as it may be amended from time to time, which defines and regulates temporary family health care dwellings.

(C) *Table of permitted accessory uses.*

(1) *Listed accessory uses.* Table 5-4, lists the allowed types of accessory uses and structures within each zoning district. If a specific accessory use is allowed in a district, the column underneath the district is marked with a "P." If a specific accessory use is conditionally permitted in a district, the column underneath the district is marked with a "C." If the accessory use or structure is not allowed in a district, the column is shaded. If there is a reference contained in the column entitled "additional requirements", refer to the cited section(s) for additional standards that apply to the specific accessory use.

(2) *Interpretation of unidentified accessory uses.*

(a) The Community Development Department shall evaluate applications for accessory uses that are not identified in Table 5-4 on a case-by-case basis using the following standards:

1. The definition of "accessory use" (see §153.012 – Definitions) and the general accessory use standards and limitations established in § 153.092(B);
2. The additional regulations for specific accessory uses established in §153.092(D), Specific Standards for Certain Accessory uses;
3. The purpose and intent of the base and overlay districts in which the accessory use or structure is located;
4. Any potential adverse impacts the accessory use or structure may have on other lands in the area as compared to other accessory uses permitted in the district; and
5. The compatibility of the accessory use or structure, including the structure in which it is housed (if applicable), with other principal and accessory uses permitted in the district.

(b) The decision of the Community Development Department to permit or deny an unlisted use or structure is final, but may be appealed pursuant to § 153.028(H).

(3) *Table of permitted accessory uses and structures.*

TABLE 5-4: ACCESSORY USES & STRUCTURES BY DISTRICT																		
Use Types	Base Zoning Districts																Additional Requirements	
	A O	R A	R 1	R 2	T N	R 3	R 4	M H	B 1	B 2	B 3	B 4	CCD	P C D	I B C	I 1		I 2
Accessory building - minor	P	P	P	P	P	P	P	P	P	P	P	P	P	See Ord.	P	P	P	§ 153.092(D)(1)
Accessory building - major	P	P	P	P	P	P	C	P	P	P	P	P	P		P	P	§ 153.092(D)(2)	
Adult use - accessory																C	§ 153.092v(D)(3)	
Agricultural buildings	P																§ 153.092(D)(4)	
Air conditioning units	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	§ 153.060(l)	
Automated teller machines (ATMs)								P	P	P	P	P	P		P	P	§ 153.092(D)(5)	
Automobile repair - major										C							§ 153.092(D)(6)	
Automobile repair - minor										C	C						§ 153.092(D)(7)	

Boarder(s)	P	P	P											776				§ 153.092(D)(8)
Bulk fuel sales/storage										P	P	P	C			C	C	§ 153.092(D)(9)
Cocktail room (retail sales accessory to micro-distillery)																C	C	§ 153.092(D)(10)
Co-located wireless telecommunications antennae	C	C	C	C	C	C	C	C	C	C	C	C	C			C	C	§ 153.072(E)
Columbarium (accessory use to cemeteries)	P	P	P	P	P	P	P											§ 153.092(D)(11)

TABLE 5-4: ACCESSORY USES & STRUCTURES BY DISTRICT

Use Types "P" = Permitted "C" = Conditionally Permitted "I" = Interim Permitted	Base Zoning Districts															Additional Requirements
	A O	R A	R 1	R 2	T N	R 3	R 4	M H	B 1	B 2	B 3	B 4	C C D	P C D	I B C	

TABLE 5-4: ACCESSORY USES & STRUCTURES BY DISTRICT

Use Types "P" = Permitted "C" = Conditionally Permitted "I" = Interim Permitted	Base Zoning Districts															Additional Requirements			
	A O	R A	R 1	R 2	T N	R 3	R 4	M H	B 1	B 2	B 3	B 4	C C D	P C D	I B C		I 1	I 2	
Commercial canopies									P	P	P	P	P	See Ord. 776	P	P	P	§ 153.092(D)(12)	
Commercial transmission/reception antennae/structures											C	C	C		C	C	C	C	§ 153.072(D)
Donation drop-off containers											P	P							§ 153.092(D)(13)
Drive-through services										C	C	C	C			C	C	C	§ 153.092(D)(14)
Entertainment/recreation - outdoor commercial											C	C	C			C			§ 153.092(D)(15)
EV charging facility, 2 or fewer stations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
EV charging facility, 3-6 stations						P	P			P	P	P	C	C	P	P	P		
EV charging facility, 7+ stations						C	C			C	C	C	C	C	C	C	C		
Fences or walls	P	P	P	P	P	P	P	P	P	P	P	P	P	See Ord. 776	P	P	P	§ 153.062	
Greenhouse/conservatory (non-commercial)	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	§ 153.092(D)(16)
Heliports									C	C		C	C			C			§ 153.092(D)(17)
Home occupations	P	P	P	P	P	P	P	P		P			P					§ 153.092(D)(18)	

TABLE 5-4: ACCESSORY USES & STRUCTURES BY DISTRICT

Use Types "P" = Permitted "C" = Conditionally Permitted "I" = Interim Permitted	Base Zoning Districts																Additional Requirements
	A O	R A	R 1	R 2	T N	R 3	R 4	M H	B 1	B 2	B 3	B 4	C C D	P C D	I B C	I 1	

TABLE 5-4: ACCESSORY USES & STRUCTURES BY DISTRICT

Use Types "P" = Permitted "C" = Conditionally Permitted "I" = Interim Permitted	Base Zoning Districts																Additional Requirements	
	A O	R A	R 1	R 2	T N	R 3	R 4	M H	B 1	B 2	B 3	B 4	C C D	P C D	I B C	I 1		I 2
Indoor food/ convenience sales									P	P	P	P	P	See Ord. 776	P	P	P	§ 153.092(D)(19)
Indoor storage									P	P	P	P	P		P			§ 153.092(D)(20)
Incidental light manufacturing									P	P	P	P	P		P	P	P	§ 153.092(D)(21)
Machinery/ trucking repair & sales											C							§ 153.092(D)(22)
Office									P	P	P	P	P		P		P	none
Off-street loading space						P	P		C	P	P	P	P		P	P	P	§ 153.068
Off-street parking	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	§ 153.067
Open sales	P										C	C				C		§ 153.092(D)(23)
Operation and storage of agricultural vehicles, equipment, and machinery	P																	§ 153.092(D)(24)
Outdoor seating - accessory to restaurant, bar, production brewery with taproom, microdistillery with cocktail room, and/or brewpubs										P / C	P / C	P / C	P / C					§ 153.092(D)(25)

TABLE 5-4: ACCESSORY USES & STRUCTURES BY DISTRICT

Use Types "P" = Permitted "C" = Conditionally Permitted "I" = Interim Permitted	Base Zoning Districts																Additional Requirements
	A O	R A	R 1	R 2	T N	R 3	R 4	M H	B 1	B 2	B 3	B 4	C C D	P C D	I B C	I 1	

TABLE 5-4: ACCESSORY USES & STRUCTURES BY DISTRICT

Use Types	Base Zoning Districts																Additional Requirements
	A O	R A	R 1	R 2	T N	R 3	R 4	M H	B 1	B 2	B 3	B 4	C C D	P C D	I B C	I 1	

"P" = Permitted "C" = Conditionally Permitted "I" = Interim Permitted	A	R	R1	R2	T	R3	R4	M	B1	B2	B3	B4	C	P	I	I1	I2	Additional Requirements	
	O	A			N			H					D	D	C				
Outdoor sidewalk sales & display (businesses)									P	P	P	P	P	See Ord. 776	P	P	P	§ 153.092(D)(26)	
Outdoor storage	P	P	P	P	P	P	P	P									P/C	P/C	Residential § 153.092(D)(27)(a) Industrial § 153.092(D)(27)(b)
Park facility buildings & structures (public)	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	§ 153.092(D)(28)
Private amateur radio	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	§ 153.092(B)
Private receiving antennae and antenna support structures	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	§ 153.072(C)
Retail sales of goods (as part of an office or industrial use)									P	P	P	P	P			P	C	C	§ 153.092(D)(29)
Shelters (storm or fallout)	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	§ 153.092(D)(30)
Sidewalk café										P	P	P	P						City Code
Sign(s)	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	§ 153.092(D)(31)
Solar energy system	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	§ 153.092(D)(32)
Swimming pool	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	§ 153.092(D)(33)

TABLE 5-4: ACCESSORY USES & STRUCTURES BY DISTRICT

Use Types "P" = Permitted "C" = Conditionally Permitted "I" = Interim Permitted	Base Zoning Districts																Additional Requirements	
	A	R	R1	R2	T	R3	R4	M	B1	B2	B3	B4	C	P	I	I1		I2
	O	A			N			H					D	D	C			

TABLE 5-4: ACCESSORY USES & STRUCTURES BY DISTRICT

Use Types "P" = Permitted "C" = Conditionally Permitted "I" = Interim Permitted	Base Zoning Districts																Additional Requirements		
	A	R	R1	R2	T	R3	R4	M	B1	B2	B3	B4	C	P	I	I1		I2	
	O	A			N			H					D	D	C				
Taproom (retail sales accessory to production brewery)												C	C	C		C	C	C	§ 153.092(D)(34)

Large trash handling and recycling collection area				P		P	P	P	P	P	P	P	P	P		P	P	P	§ 153.092(D)(35)
Wind energy conversion system, commercial																C	C		§ 153.092(D)(36)
Wind energy conversion system, non-commercial	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	§ 153.092(D)(37)
Wireless telecommunications support structures																C	C	C	§ 153.062(E) § 153.062(F)

(D) *Additional specific standards for certain accessory uses.*

(1) *Accessory building – minor.*

(a) Minor accessory buildings do not require a building permit, but shall comply with all applicable zoning regulations.

(b) In the M-H district, one minor accessory building for storage of equipment and refuse is permitted for each manufactured home provided the accessory building can meet all required setbacks, and is designed of weather resistant material that will enhance the general appearance of the lot.

(2) *Accessory building – major.*

(a) In all residential districts except M-H, the following shall apply:

1. *Size.*

a. Except by conditional use permit issued pursuant to §153.092(D)(2)(a)1.b. below, no detached accessory building shall exceed 10% of the rear yard of the parcel on which it is located, nor shall any combination of attached garage and detached accessory building exceed the following maximum area, whichever is less:

- (i) 1,200 square feet; or
- (ii) The gross square footage of the principal building footprint.

b. The size limitations for accessory building area listed in §153.092(D)(2)(a)1.a. above may be increased, up to a maximum square footage of 1,500 square feet, by the issuance of a conditional use permit when the following conditions are found to exist:

- (i) Accessory building space is to be utilized solely for the storage of residential personal property of the occupant of the principal dwelling, and no accessory building space is to be utilized for commercial purposes.
- (ii) The parcel on which the accessory building is to be located is of sufficient size such that the building will not crowd the open space on the lot.
- (iii) The accessory building will not be so large as to have an adverse effect on the architectural character or reasonable residential use of the surrounding property.
- (iv) The accessory buildings shall be constructed to be similar to the principal building in architectural style and building materials.

2. *Private garages.*

a. Private garages shall be used by the family or families residing upon the premises, except as follows:

(i) One-half of the private garage spaces on the premises can be rented to non-residents of the property for private passenger vehicles and/or non-commercial vehicles, trailers, or equipment if sufficient off-street parking in full compliance with this chapter is provided elsewhere on the property.

b. No business, service, or industry shall be carried on within a private garage;

c. Private garages shall not be used for the storage of more than one commercial vehicle owned or operated by a resident per dwelling unit.

3. Accessory buildings, major, shall be required to meet the building materials standards as found in §153.070(C) as applicable.

(b) In the M-H district, the standards of § 153.091(C)(4)(b)8. shall apply.

(c) In all business and industrial districts, commercial or business buildings and structures for a use accessory to the principal use is permitted provided that:

1. In all districts except I-2, such use shall not exceed 30% of the gross floor space of the principal use.
2. In the I-2 district, such use shall not exceed 40% of the gross floor space of the principal use.

(3) Adult use/accessory activities provided that:

- (a) Activities classified as obscene as defined by M.S. § 617.241, as it may be amended from time to time, are not permitted and are prohibited.
- (b) An adult use which does not qualify as an accessory use shall be classified as an adult use/principal.
- (c) Adult use/accessory activities shall be prohibited from locating in any building which is also utilized for residential purposes.
- (d) Adult use/accessory activities shall comprise no more than 10% of the floor area of the establishment in which it is located or shall comprise an area no greater than 100 sq. ft. of floor area in which it is located, whichever is smaller.
- (e) Adult use/accessory activities shall be restricted and prohibited from access to minors by the physical separation of such items from areas of general public access:
 1. *Movie rentals.* Display areas shall be restricted from general view and shall be located within a separate room, the access of which is in clear view and under the control of the persons responsible for the operation.
 2. *Magazines.* Publications classified or qualifying as adult uses shall be covered with a wrapper or other means to prevent display of any material other than the publication title.
 3. *Other use.* Adult use/accessory activities not specifically cited shall comply with the intent of this section subject to the approval of the Zoning Administrator.
- (f) Adult use/accessory activities shall be prohibited in establishments where liquor is served.
- (g) Adult use/accessory activities shall be prohibited at any public show, movie, caravan, circus, carnival, theatrical, or other performance or exhibition presented to the general public where minors are admitted.
- (4) *Agricultural buildings.* Agricultural buildings shall adhere to overlay and base zoning district requirements for maximum height, but may exceed the height of the principal structure in the A-O zoning district.
- (5) *Automated teller machines.* Drive-up or drive-through ATMs shall be located in a manner that will not result in stacking of vehicles in a public right-of-way.
- (6) *Automobile repair – major.*
 - (a) Door opening to service area garage must not face street frontage.
 - (b) All vehicles being serviced and all vehicle parts must be stored inside or in designated vehicle storage area.
 - (c) Repair of all vehicles shall occur within an enclosed building.
 - (d) Temporary outdoor vehicle storage may be allowed in an outdoor storage area that is no larger than 25% of the buildable area of the lot, is located behind the front building line of the principal structure, and is screened with a wooden fence or masonry wall in accordance with § 153.062, Fences and Walls.
 - (e) The entire site other than that taken up by a building, structure, or plantings shall be surfaced with a material to control dust and drainage which is subject to the approval of the Community Development Department.
 - (f) No conditional use permit shall be granted for an auto repair shop - major located within 300 feet of a residential zone existing at the time the conditional use permit is granted.
- (7) *Automobile repair -- minor.*
 - (a) The use shall be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements.
 - (b) Repair of all vehicles shall occur within an enclosed building. Temporary outdoor vehicle storage may be allowed in an outdoor storage area that is no larger than 25% of the buildable area of the lot, is located behind the front building line of the principal structure, and is screened with a wooden fence or masonry wall in accordance with § 153.062, Fences and Walls.
 - (c) Vehicles not being repaired but used as a source of parts shall be prohibited unless fully enclosed within a building or fully screened in accordance with division (b) above.
 - (d) Vehicles that are repaired and are awaiting removal shall not be stored or parked for more than 30 consecutive days. In cases where a vehicle is abandoned by its lawful owner before or during the repair process, the vehicle may remain on site as long as is necessary after the 30-day period, provided the owner or operator of the establishment demonstrates steps have been taken to remove the vehicle from the premises using the appropriate legal means.

(8) *Boarders.*

- (a) Within the A-O zoning district, the boarding or renting of rooms shall be limited to two persons per dwelling unit.

(b) Within the R-1 zoning district, the boarding or renting of rooms shall be limited to one person per dwelling unit.

(9) *Bulk fuel sales and storage.*

(a) All accessory use bulk fuel storage must be associated with the principal activity on the site. In Industrial Districts, accessory fuel dispensing shall not be available for sale to the public.

(b) Accessory use bulk fuel storage tank containers shall be limited to 1,000 gallons.

(c) Accessory use bulk fuel storage may not be located within the required front yard setback.

(d) Accessory use bulk fuels storage facilities shall include one shrub landscaping planting per every ten feet of bulk fuel facility perimeter, planted in accordance with required safety clearances.

(e) Accessory use bulk fuel storage shall be setback ten feet from all property lines and 20 feet from any public right-of-way.

(f) Accessory use bulk fuel storage must include a containment structure and bollards for tank protection per applicable fire code or other regulations.

(g) Accessory use bulk fuel storage facilities shall comply with all MPCA and State Fire Marshal requirements, all other permit, testing and listing requirements, and all applicable codes and standards such as NFPA 58.

(h) Accessory use bulk fuel storage facilities located within the drinking water supply management area (DWSMA) must comply with the City Engineer's recommendations for site and containment arrangement.

(10) *Cocktail rooms.* Cocktail rooms shall be conditionally permitted as accessory uses only to a micro-distillery as a principal use and subject to those conditions found in § 153.091 for micro-distillery.

(11) *Columbarium.* Accessory use to cemeteries only. Subject to the following:

(a) Columbarium structures shall set back a minimum distance of 50 feet from all lot lines and public right-of-way.

(b) The principal use cemetery shall comply with all other applicable requirements of the zoning ordinance, with the exception of the requirement for distance from I-94.

(c) No portion of the columbarium shall exceed height requirements for accessory buildings in the district in which the structure is located.

(d) The columbarium shall be constructed of masonry materials for all exterior surfaces, with architectural metals and glass for details and openings only.

(12) *Commercial canopies.*

(a) Canopies shall not be internally illuminated.

(b) Lighting shall be recessed and down directional.

(13) *Donation drop-off containers.*

(a) No more than one container shall be located on a parcel.

(b) Be limited to one sign no more than four feet high and 16 square feet in area that displays the name and telephone number of the party responsible for the donation container.

(c) The container shall not block access to required parking spaces or parking lot aisles.

(d) The container shall not be located within 50 feet of a dwelling.

(14) *Drive-through service.*

(a) In general, all drive through service lanes shall adhere to the following:

1. Service provided by the drive through facility is accessory to an interior on-site service within the same building.

2. Drive-through facilities shall be located at least 200 feet from all residential zoning districts except R-3 and R-4.

3. Drive-through lanes shall be designed to avoid disruption of pedestrian and vehicular traffic flow, both on- and off-site.

4. Drive-through lanes shall not be located between the restaurant entrance and customer parking spaces whenever possible.

5. Landscaping and other site improvements are included which screen automobile stacking space from the public street.

6. Voice amplifiers used in conjunction with drive-thru services shall not be audible to adjoining residential areas.

7. Minimum stacking space shall be provided per the requirements of Table 5-5:

TABLE 5-5: REQUIRED STACKING SPACES FOR DRIVE-THROUGHS

<i>Use or Activity [1]</i>	<i>Minimum Number of Stacking Spaces (per lane)</i>	<i>Measured From [2]</i>
TABLE 5-5: REQUIRED STACKING SPACES FOR DRIVE-THROUGHS		
<i>Use or Activity [1]</i>	<i>Minimum Number of Stacking Spaces (per lane)</i>	<i>Measured From [2]</i>
Automated teller machines (ATMs)	3	Teller machine
Financial institution	3	Teller window
Personal services (e.g. dry-cleaning)	4	Window
Restaurants	8 per order board	Pick-up window
Retail commercial uses (e.g. pharmacy)	4	Window
Specialty eating establishments - coffee shops	12	Window
Other	Uses not specifically listed shall have their stacking space minimums determined by the Community Development Department based on standards for comparable uses listed above.	
[1]: See Table 5-1: Uses By District, and/or Table 5-4: Accessory Uses by District [2]: Distance shall be measured from window where products are delivered when more than one window is used for the drive through service.		

(b) Drive through service within the CCD district shall adhere to the following additional standards:

1. The principal building occupies no less than 40% of the property, exclusive of easements devoted to public pedestrian use or other outdoor public spaces.
2. The building, site, and signage meet the standards for the “CCD” district, and design review is conducted by the Planning Commission.
3. The proposed use demonstrates compatibility and consistency with the City’s Comprehensive Plan and Downtown Revitalization Plan.

(15) *Entertainment/recreation – outdoor commercial.*

- (a) When abutting a residential use, the property shall be screened with at least a semi-opaque buffer (Table 4-2, Buffer Type “C”) in accordance with § 153.060(G).
- (b) Adequate measures to contain the proposed activity on the subject site shall be provided.
- (c) Dust and noise are controlled consistent with City Ordinance.

(16) *Greenhouse/conservatory (non-commercial).* Greenhouses or conservatories accessory to residential units shall not be used for commercial purposes.

(17) *Heliports.* Heliports shall be limited to hospitals which require such for responding to medical emergencies.

(18) *Home occupations.*

(a) *Purpose.* The purpose of this section is to prevent competition with business districts and to provide a means through the establishment of specific standards and procedures by which home occupations can be conducted in residential neighborhoods without jeopardizing the health, safety, and general welfare of the surrounding neighborhood. In addition, this section is intended to provide a mechanism enabling the distinction between permitted home occupations and special or customarily "more sensitive" home occupations so that permitted home occupations may be allowed through an administrative process rather than a legislative hearing process.

(b) *Application.* Subject to the nonconforming use provision of this chapter, all occupations conducted in the home shall comply with the provisions of § 153.092(D)(18). This section shall not be construed, however, to apply to home occupations accessory to farming.

(c) *Exempted home occupations.* Daycare home facilities shall be governed by the regulations for “group residential facilities” which are subject to the standards in § 153.091(C)(3).

(d) *General provisions applicable to all home occupations.* All home occupations shall comply with the following

general provisions:

1. All home occupations shall comply with the provisions of the City Code.
2. Not have substantial adverse effects or noise impacts on nearby residential neighborhoods.
3. No equipment shall be used in the home occupation which will create electrical interference to surrounding properties.
4. Any home occupation shall be clearly incidental and secondary to the residential use of the premises, should not change the residential character thereof and shall result in no incompatibility or disturbance to the surrounding residential uses.
5. No home occupation shall require internal or external alterations or involve construction features not customarily found in dwellings except where required to comply with local and state fire and police recommendations.
6. There shall be no exterior storage of equipment or materials used in the home occupation, except personal automobiles used in the home occupation may be parked on the site.
7. The home occupation shall meet all applicable fire and building codes.
8. All signage on the property shall conform to requirements for residential signs in §153.064.
9. No home occupation shall be conducted between the hours of 10:00 p.m. and 7:00 a.m. unless said occupation is contained entirely within the principal building and will not require any on-street parking facilities.
10. No home occupation shall generate more traffic than one car for off-street parking at any given point in time.
11. If located in the CCD district, the home occupation must meet all requirements for a "permitted home occupation" enumerated in § 153.092(D)(18)(e) below.

(e) *Specific requirements for permitted home occupations.* Permitted home occupations may be conducted without any city approvals provided the provisions applicable to all home occupations [§ 153.092(D)(18)(d)] and the following additional provisions are all met:

1. Employees of the business who do not reside on the premises shall be prohibited from conducting any business activities whatsoever on the premises.
2. All permitted home occupations shall be conducted entirely within the principal building and may not be conducted in an accessory building.
3. No customer visits to the premises shall be permitted.
4. No deliveries other than those routinely made in a residential district (U.S. Mail, United Parcel Service, etc) shall be permitted.
5. The home occupation shall not be used as a work staging area whereby employees report to the home occupation site to receive work assignments for working elsewhere.

(f) *Specific requirements for administrative home occupations.*

1. Administrative home occupations may be established only after securing an administrative home occupation permit from the Community Development Department. Examples of home occupations allowed by permit include: art studio, dressmaking, secretarial services, foster care, professional offices and teaching with musical, dancing, and other instructions which consist of no more than one pupil at a time and similar uses.

2. Administrative home occupation shall not involve any of the following: repair service or manufacturing which requires equipment other than that which is typically found in a dwelling; teaching which customarily consists of more than one pupil at a time; over-the-counter sale of merchandise produced off the premises, except for brand name products that are not marketed and sold in a wholesale or retail outlet.

3. All administrative home occupations shall comply with the provisions applicable to all home occupations [§ 153.092(D)(18)(d)] and the following additional provisions in order to obtain a permit:

- a. No person other than a resident shall conduct the home occupation, except where the applicant can satisfactorily prove unusual or unique conditions or need for non-resident assistance from no more than one person, and that this exception would not compromise the intent outlined in § 153.092(D)(18)(a).
- b. All administrative home occupations shall be conducted entirely within the principal building and may not be conducted in an accessory building.
- c. Customer visits to the home occupation shall be arranged by appointment with no more than one customer scheduled to be on the premises at any given point in time.
- d. No deliveries other than those routinely made in a residential district (U.S. Mail, United Parcel Service, etc) shall be permitted.
- e. The home occupation shall not be used as a work staging area whereby employees report to the home

occupation site to receive work assignments for working elsewhere.

(g) *Specific requirements for conditionally permitted home occupations.*

1. Conditionally permitted home occupations may be established only after securing a conditional use permit subject to the requirements of § 153.028(D). Examples of conditionally permitted home occupations include: barber and beauty services, photography studio, group lessons, saw sharpening, skate sharpening, small appliances and small engine repair and the like.

2. All conditionally permitted home occupations shall comply with the provisions applicable to all home occupations [§ 153.092(D)(18)(d)] and the following additional provisions in order to obtain a permit:

a. No person other than a resident shall conduct the home occupation, except where the applicant can satisfactorily prove unusual or unique conditions or need for non-resident assistance from no more than four people, and that this exception would not compromise the intent of § 153.092(D)(18).

b. The home occupations shall not create a parking demand in excess of that which can be accommodated on the premises as regulated by § 153.067, or five vehicles, whichever is less.

c. No vehicle on the premises shall be parked closer than 15 feet from the curb line.

d. Areas for stock-in-trade incidental to the performance of the service and equipment other than that which is typically found in a dwelling shall be identified on a site plan, and the applicant shall need to successfully demonstrate how such can be accommodated out of view from neighboring properties.

(h) *Inspection.* The city hereby reserves the right upon issuing any home occupation permit to inspect the premises in which the occupation is being conducted to ensure compliance with the provisions of this section or any conditions additionally imposed.

(19) *Indoor food/convenience sales.* Indoor food/convenience sales occurring as an accessory use shall comply with the following standards:

(a) *Size.* The square footage used by food sales operations, including preparation, sales, and storage, but not including dining, shall not exceed 30% of the principal use.

(b) *Location.*

1. To the maximum extent practicable, food sales areas shall be internal to the principal use they serve.

2. In residence districts, such accessory uses shall be limited to schools, colleges, universities, hospitals, airports, bus stations, and other similar institutions permitted in the district.

(c) *Entrances.* Entrance to the food sales area shall be via the principal use it serves and shall not have dedicated off-street parking areas or signage.

(20) *Indoor storage.*

(a) The area used for storage shall not exceed 35% of gross floor area square footage of the principal use.

(b) Storage shall be related to the products being sold or offered by the principal use.

(c) If located within the CCD, storage accessory uses may be located on an adjacent or adjoining parcel within the CCD, subject to above regulations.

(21) *Incidental light manufacturing.*

(a) Light manufacturing or assembly are permitted accessory uses in all industrial zoning districts subject to the restrictions for the primary use outlined in this chapter.

(b) Light manufacturing or assembly of products in commercial zoning districts shall only be conducted if:

1. The manufacturing or assembly is related to the products being sold or offered by the principal use.

2. No less than 40% of the goods manufactured or assembled as part of the accessory use shall be sold in a retail outlet for the principal use.

3. The retail outlet for the principal use shall be used for display, consumption, sale and other retail activity related to the goods produced by the accessory use, and such retail activity (whether display, consumption and/or sale) must constitute a minimum of 50% of the gross floor area of the principle use.

4. The area used for light manufacturing or assembly activity shall not exceed 30% of the gross floor area of the principal use.

5. The light manufacturing or assembly shall be compatible with adjacent property owners, tenants, and civic institutions as well as proposed uses as found in the comprehensive plan.

6. The light manufacturing or assembly shall be very specific, and only be allowed in conjunction with a specific business activity (i.e. authorization for manufacturing monuments shall only be allowed as an accessory use to a monument

shop. If the principal use changes to cell phone sales, the accessory use of manufacturing monuments shall cease).

(22) *Machinery/trucking repair and sales and industrial services.*

(a) The entire site other than that taken up by a building, structure, or plantings shall be surfaced with a material to control dust and drainage which is subject to the approval of the Community Development Department.

(b) A drainage system subject to the approval of the Community Development Department shall be installed.

(c) When abutting a residential use, the property shall be screened with an opaque buffer (Table 4-2, Buffer Type "D") in accordance with § 153.060(G).

(d) Provisions are made to control and reduce noise.

(e) No other outside storage except as permitted or conditionally permitted in compliance with §153.092(D)(26).

(f) If the business repairs semi-trucks or other large machinery, a specific area shall be designated for the exterior storage of the things being repaired and/or other vehicles and equipment accessory and incidental to the vehicle or machinery being repaired or serviced.

(23) *Open sales.* In commercial and industrial districts where open sales is conditionally permitted, the following standards shall apply:

(a) Outside services, sales and equipment rental connected with the principal uses is limited to 30% of the gross floor area of the principal use. This percentage may be increased through issuance of the conditional use permit.

(b) Outside sales areas are fenced or screened from view of residentially zoned areas and public right-of-way in compliance with § 153.060(I).

(c) All lighting shall be in compliance with § 153.063.

(d) Sales area is grassed or surfaced to control dust.

(e) Does not take up parking space as required for conformity to this chapter.

(24) *Operation and storage of agricultural vehicles, equipment, and machinery.* Vehicles, equipment, and machinery being stored shall be incidental to a permitted or conditionally permitted uses.

(25) *Outdoor seating – accessory to restaurant, bar, production brewery with taproom, micro-distillery with cocktail room, and/or brewpubs.*

(a) For all restaurants, restaurant/bars, production brewery with taproom, microdistillery with cocktail room, and/or brewpubs, if the establishment (building) or outdoor seating area is located within 300 feet of a residential zoning district, the following standards shall apply:

1. The use shall require authorization through a conditional use permit.

2. Primary access from local residential streets shall be prohibited.

(b) Restaurants, restaurant/bars, production brewery with taproom, microdistillery with cocktail room, and/or brewpubs having outdoor seating (including, but not limited to, seating for dining or listening to live or recorded acoustic or amplified entertainment outside of the building) shall comply with the following standards:

1. The outdoor portions of the facility shall not operate after 10:00 p.m. unless a special event permit for such event has been approved by the City Council. Such a permit supersedes the provisions of City Code.

2. No noise or music shall be generated in any outdoor seating area adjacent to residential property after 9:00 p.m.

3. The outdoor seating area shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use.

4. Outdoor seating shall be fenced and enclosed to control access to the area, with service only from the inside of the facility.

5. No outdoor seating area shall be located within 100 feet of any property containing single-family, two-family, or townhouse residential units.

6. Any outdoor seating area adjacent to residential property shall be fenced and fully screened from view of said residential property.

7. All lighting shall be hooded and light glare or reflection shall not be visible from adjoining residential property.

8. Fences are permitted for outdoor seating areas, provided such fence maintains 50% opacity within front yard areas.

(26) *Outdoor sidewalk sales and display.* Outdoor sidewalk sales and display areas associated with legally permitted retail uses shall:

(a) Not encroach into areas necessary for the safe ingress and egress into the retail structure;

- (b) Maintain a minimum pedestrian walkway of at least five feet in width along the front of the display;
- (c) Take place only on an improved dustless surface;
- (d) May not take up required parking;

(e) The area of the site devoted to sidewalk sales and display under this section shall not exceed 5% of the gross floor area of the principal use. Sidewalk sales and display which exceed 5% of the gross floor area of the principal use may be allowed by conditional use permit.

(27) *Outdoor storage.*

(a) In all zoning districts, all materials and equipment, except as specifically denoted in this chapter, shall be stored within a building or fully screened so as not to be visible from adjoining properties except for the following:

- 1. Clothes line pole and wire.
- 2. Recreational equipment and vehicles, subject to off-street parking regulations in §153.067.
- 3. Construction and landscaping material currently being used on the premises.
- 4. Off-street parking of passenger vehicles, emergency vehicles and small commercial vehicles in residential areas, unless otherwise required to be screened according to § 153.067.
- 5. Propane tanks, fuel oil tanks, and other similar residential heating fuel storage tanks which do not exceed 1,000 gallons in capacity and shall not be located within five feet of any property line.
- 6. Wood piles in which wood is stored for fuel provided that not more than ten cords shall be stored on any property. A cord shall be four-feet by four-feet by eight-feet.
- 7. All wood piles shall be five feet or more from the rear and side yard property lines and shall be stored behind the appropriate setback line in front yards.
- 8. Solar energy systems.
- 9. Wind energy conversion systems.

(b) In the I-1 and I-2 districts, the following shall apply:

- 1. When abutting a zoning district or use other than industrial, the outdoor storage use shall require authorization through a conditional use permit following the provisions of § 153.028(D).
- 2. The storage area shall be located within the rear yard, except that an outdoor storage area may also include that area between the front building line and the rear yard along the interior lot side. Storage may not be located beyond the side building line on the street side of a corner lot. On a double-fronting lot, outdoor storage may be located in the side yard only.
- 3. In the I-1 District, outdoor storage shall be limited to 50% of the gross square footage of the principal building. Storage may be increased up to 100% of the gross square footage of the principal building by conditional use permit.
- 4. In the I-2 District, outdoor storage shall be limited to an area not to exceed the gross square footage of the principal building.
- 5. In the I-1 District, outdoor storage areas shall meet the minimum building setback from all side and rear property lines per the requirements of this chapter and when adjacent to zoning districts or uses other than industrial, shall be located a minimum of 50 feet from the adjacent property line.
- 6. In the I-2 District, outdoor storage shall be setback ten feet from all side and rear property lines and when adjacent to zoning districts or uses other than industrial, shall be located a minimum of 50 feet from the adjacent property line.
- 7. The area is fenced and screened from view of neighboring uses and from the public right-of-way in compliance with this section.
 - a. In the I-1 district, screening shall consist of masonry walls or fencing constructed of wood or vinyl and shall provide for 100% opacity. Such fences or walls shall meet all other requirements of § 153.062.
 - b. In the I-2 District, metal fences may be permitted when the materials have been recycled and reprocessed to resemble new building materials and are designed for use as a fencing material, and when such materials are designed to resemble allowed materials as listed in § 153.062(J)(1).
 - c. Additional landscaping of one evergreen tree per six feet of linear fenceline is required to be planted along the exterior of outdoor storage area in conformance with § 153.060. Trees may be staggered along fenceline.
 - d. Fences and walls shall not exceed 15 feet in height as measured from the existing grade to the top of the fence panel.
 - e. Height of storage may not exceed the screening wall or fence, or the height of required landscaping.
- 8. Outdoor storage shall be allowed only on improved surface of asphalt or concrete.

9. Storage in shipping containers shall be prohibited unless such storage occurs within the screened outdoor storage area.

10. There shall be no storage of hazardous waste, as defined by the Minnesota Pollution Control Agency.

11. Exterior storage areas shall comply with all applicable fire codes and no portion of the outdoor storage shall block access to hydrants, fire sprinklers, or other fire-fighting equipment.

12. Noise shall be controlled consistent with the standards of this chapter.

13. All lighting shall be in compliance with § 153.063.

14. Does not take up parking space as required for conformity to this chapter.

15. Outdoor storage areas shall comply with all requirements for grading, drainage, stormwater management and erosion control per § 153.069.

(28) *Park facility buildings and structures.* Limitations on number and size for accessory buildings and structures shall not apply to active or passive public park facilities.

(29) *Retail sales of goods (as part of an office or industrial use).*

(a) Location:

1. All sales are conducted indoors within a clearly defined area of the principal building reserved exclusively for retail sales. Said sales area must be physically segregated from other principal activities in the building.

2. The retail sales area must be located on the ground floor of the principal building.

(b) *Sales area.* The retail sales activity shall not occupy more than 15% of the gross floor area of the building.

(c) *Access.* The building where such use is located is one having direct access to a collector or arterial level street without the necessity of using residential streets.

(d) *Hours.* Hours of operation are limited to 8:00 a.m. to 9:00 p.m. The provisions of this section are considered and satisfactorily met.

(30) *Shelters (storm or fallout).* Storm and fallout shelters shall not alter the character of the premises with respect to the primary use as permitted in the district.

(31) *Sidewalk café.*

(a) Sidewalk cafes shall be subject to the requirements of the City Code.

(32) *Sign(s).* All signs within the city shall comply with the finishing standards contained in §153.064, Signs.

(33) *Solar energy systems.*

(a) *All solar energy systems.*

1. All solar energy systems shall be operable and maintained in good repair.

2. Solar energy systems shall meet all required setbacks and height requirements of the underlying zoning district.

3. Solar energy systems shall be an integral part of the structure to which they are attached.

4. As a means of evidencing existing solar access conditions prior to installation, the owner of a solar energy system may file notarized photographs of the subject area with the Community Development Department prior to installation of said system.

5. Solar energy systems shall be allowed on roofs of principal and accessory buildings, provided other requirements of this section are met.

6. Solar energy systems shall be designed to minimize glare with adequate screening and/or coatings, as appropriate.

7. Solar energy systems shall be located in such a way as to be screened from visibility of the public right-of-way, or shall be integrated into the architecture of the structure so as to be visually inconspicuous.

8. Ground-mounted solar energy systems shall be located only in the rear yard of residential property, and shall not occupy an area more than 20% of the size of the perimeter foundation of the principal building.

(b) Solar energy systems in Business (B) and Industrial (I) districts and the CCD District.

1. Solar energy systems in the B, I, and CCD Districts shall comply with the provisions of §153.092(D)(33)(a)1. through 4.

2. Roof-mounted solar energy systems in these districts shall be allowed as permitted accessory uses on principal and accessory buildings, provided such systems do not extend more than six feet above the height of the roof where they are mounted.

3. Ground mounted solar energy systems in these districts shall be allowed by conditional use permit, and together with accessory buildings, shall not exceed an area of any parcel greater than that allowed for accessory buildings in the applicable zone.

4. Ground mounted solar energy systems in these districts shall be allowed only when the property owner can show that roof-mounted systems are not feasible due to building structural issues.

(34) *Swimming pools.*

(a) All swimming pools, hot tubs, spas, and other water tanks exceeding 24 inches in depth must be fenced in accordance with the provisions of § 153.092(D)(34)(b) below.

(b) Residential swimming pool fences shall be constructed as follows:

1. Residential swimming pool fences must be at least 48 inches in height. The fence must not permit the passage of a four-inch sphere through openings in the fence. Fences must be constructed of durable, corrosion- and decay- resistive materials. Openings below the fence to grade must not exceed four inches.

2. Where an above-ground pool structure has walls that are at least four feet in height, the pool wall may serve to meet the fencing requirements; however, the access to the pool must provide equivalent protection to prevent unauthorized entry.

3. Fences for swimming pools must include a self-closing, self-latching device on all gates. Latches must be installed at least three feet six inches above grade. Gates must not exceed four feet in width and must meet the same construction requirements as fences. You must provide temporary fencing during installation if your yard is not fenced. Building permits are required for fences exceeding six feet in height.

(c) Commercial swimming pool fences shall be not less than five feet in height and constructed as required by the Minnesota Department of Health.

(d) In addition to the requirements above, all swimming pools shall adhere to the City Code requirements for swimming pools outlined in City Code.

(35) *Taprooms.* Taprooms shall be conditionally permitted as accessory uses only to production brewery as a principal use and subject to those conditions found in § 153.091.

(36) *Trash handling and recycling collection area.*

(a) Multiple-family structures with more than four dwelling units shall adhere to the following:

1. All large trash handling and recycling collection area(s) shall be located within the principal structure and be totally screened from public view by the principal building.

2. Compactors that are attached to the principal structure shall be totally screened from eye level view from public streets and adjacent properties by a screening wall constructed of the same building material as the principal structure.

(b) Trash handling and recycling collection area(s) serving commercial and industrial uses shall be subject to the following standards:

1. *Depicted on site plans.* The location and configuration of screening for large trash handling and recycling collection areas shall be depicted on all required landscaping plans.

2. *Screening configuration.*

a. Large trash handling and recycling collection areas shall be fully screened from adjacent properties.

b. In cases where access to large trash handling and recycling face a public right-of-way, the access way shall be screened with an opaque gate. Chain link shall not be used for such gates.

c. Compactors that are attached to the principal structure shall be totally screened from eye level view from public streets and adjacent non-industrial properties by a screening wall constructed of the same building material as the principal structure.

3. *Setbacks.*

a. Large trash handling and recycling shall meet the required setbacks for structures as required in the underlying zoning district.

b. In all cases, large trash handling and recycling collection areas shall be at least six feet from a side or rear lot line, and shall not be located within front yards or corner side yards.

4. *Design materials.* If a wall or detached accessory structure is used to screen or define a large trash handling and recycling collection area, the building materials used for the wall or accessory structure shall be compatible with the principal structure and be readily served through swinging doors.

5. *Ground surface requirements.* Areas intended for large trash handling and recycling collection areas shall be surfaced with concrete that meets or exceeds minimum city standards.

6. *Drainage.* Eating establishments and other uses that produce significant amounts of liquid waste shall configure areas intended for large trash handling and recycling collection areas to drain to the sanitary sewer system through grease traps or similar devices as required by the Community Development Department.

(37) *Wind energy conversion system – commercial.* All commercial WECS systems shall adhere to the requirements of § 153.071.

(38) *Wind energy conversion system – non-commercial.*

(a) Non-commercial WECS systems shall have a total height of less than 200 feet.

(b) All non-commercial WECS systems shall adhere to the requirements of §153.071.

(39) *Electric vehicle charging station facility.*

(a) Electric vehicle charging stations of two or fewer chargers, may be allowed as permitted accessory uses to any principal use of property in any zoning district, provided:

1. The facilities, including the charging stations, transformers, batteries, inverters, or any other equipment provided for such use are located no closer than 20 feet from any public street right-of-way.

2. In residential districts, such facilities shall only be provided within a building, such as a garage or other approved structure, except that the power receptacle and coupler may be placed on the outside of a building for external connection. The facilities shall not be available to the general public.

3. If the facilities are located within a building, such building shall meet all required building setbacks and other building standards as required by the applicable zoning district.

4. The facilities are available to vehicles parked in legal parking spaces on the property.

5. The facilities may service vehicles that occupy required parking for the subject property.

6. The facilities include only directional or informational signage that is in compliance with the requirements of the city's sign ordinance. The use shall not expand the allowable signage on the subject property.

7. The facilities shall be serviced by electric lines on the subject property which are buried underground.

(b) If the proposed accessory EV charging/fueling station facility is of more than two chargers and is to be located on property subject to a conditional use permit or planned unit development, an amendment to such CUP or PUD shall be processed and approved according to the applicable regulations.

(c) If the proposed accessory EV charging facility is to be located on a commercial or industrial property where the facility is available only to the employees of the business, or a multiple family property where the facility is available only to tenants of the property, and in either case, not to the general public, the number of charging stations may exceed two as a permitted accessory use. Any such facility that provides seven or more such charging stations shall do so through approval of a conditional use permit.

(Ord. 797, passed 2-13-2023; Ord. 799, passed 2-27-2023)

§ 153.027 COMMON REVIEW PROCEDURES AND REQUIREMENTS.

(A) *Applicability.* The requirements of § 153.027 shall apply to all applications subject to review under this chapter unless otherwise stated.

(B) *Authority to file applications.*

(1) Unless otherwise specified in this chapter, applications may be initiated by:

- (a) The owner of the property that is the subject of the application;
- (b) The owner's authorized agent; or
- (c) The city, including the Community Development Department as authorized by this chapter.

(2) When an authorized agent files an application under this chapter on behalf of a property owner, the agent shall provide a signed authorization from the fee title property owner stating that the property owner agrees to be bound by all decisions, agreements, and related conditions agreed to by such agent.

(3) For all applications involving multiple owners, contract purchasers, etc; all such persons shall sign the application.

(C) *Application submission schedule.* The schedule for the submission of applications in relation to scheduled meetings of the decision-making bodies shall be maintained by the Community Development Department and made available to the public.

(D) *Application contents.*

(1) *Organization and copies.* The organization of applications and the number of copies of required information to be submitted shall be determined by the Community Development Department.

(2) *General submittal requirements.* All applications shall include:

- (a) A completed City of Monticello application form;
- (b) Verification of authority to file applications per the requirements of §153.027(B);
- (c) Supporting title information establishing ownership interests in the property (e.g. a title commitment and/or signature of fee title property owner);
- (d) All submittal requirements outlined in this chapter for the specific application type;
- (e) Electronic copies of all written narratives and plan sets required by the Community Development Department as part of the specific application;
- (f) The city may require applicants to submit such technical studies as may be necessary to enable the city to evaluate the application. Such studies may include, but not be limited to, traffic studies, engineering studies, environmental impact assessments, and economic impact reports. The costs of such studies shall be borne by the applicant with the persons or firms preparing the study approved by the city.

(3) *Submission of fees.* Applications shall be accompanied by a fee as established by the City of Monticello pursuant to the most recently adopted City of Monticello Fee Schedule.

(E) *Application acceptance.*

(1) *Complete application required.* The review and consideration of an application submitted under this section shall only occur if such application includes all items that are required in support of the application and is deemed complete by the Community Development Department (see M.S. § 15.99(3)(a), as it may be amended from time to time).

(2) *Waiver of application requirements.* Except for the required application form and the associated fee, the Community Development Department may waive individual submittal requirements and deem an application complete for review if it is determined that such information will serve no purpose during the review process. However, it is the responsibility of the applicant to supply all information required by this chapter, and a waiver issued by the Community Development Department shall not eliminate the need to provide such information at a later time if it is ultimately deemed necessary to adequately review the application. During the review process, failure of an applicant to supply information in a timely manner may result in denial of the application due to the city's inability to comply with state mandated time deadlines.

(F) *Simultaneous processing of applications.* Whenever two or more forms of review and approval are required under this chapter (e.g., a proposed rezoning and subdivision application), the applications for those approvals may, at the discretion of the Community Development Department, be processed simultaneously, so long as all applicable requirements are satisfied for all applications.

(G) *Pre-application conferences.*

(1) All prospective applicants are encouraged to speak with a member of the Community Development Department prior to submitting an application in order to review the proposal and to determine the specific materials to be submitted with the future application.

(2) Discussions that occur during a pre-application conference are not binding on the city and do not constitute official

assurances, representations or approvals by the city or its officials on any aspects of the plan or application discussed.

(H) *Fees.*

(1) *Determination of fees.* Fees required to accompany applications submitted under this chapter shall be in accordance with the approved fee schedule adopted yearly by the City Council.

(2) *Fees to be paid.* No application shall be accepted until all applicable application fees have been paid.

(3) *Refund of application fee.* Application fees are not administratively refundable except when the Community Development Department determines that an application was withdrawn prior to any consideration or review of the application.

(4) *Escrow.* Application fees may also require payment of an escrow in favor of the city. The required escrow amount shall be in accordance with the approved fee schedule adopted yearly by the City Council.

(5) *Staff and/or consultant fee.* In order to defray the additional cost of processing applications submitted under this chapter, all applicants shall pay the total cost of staff and/or consulting time spent exclusively in producing materials for the applicants request and all materials for said request.

(a) "Materials" shall include, but not be limited to, maps, graphs, charts, drawings, etc., and all printing and reproduction of same.

(b) "Staff and/or consulting time" shall include any time spent in either researching for or actual production of materials.

(c) The hourly rate for "staff and/or consulting time" shall be in accordance with the approved fee schedule adopted yearly by the City Council.

(I) *Public notification.* Applications requiring public notification shall be noticed in compliance with the following provisions.

(1) *Content.* Notices for public hearings, whether by publication or mailed notice, shall contain at a minimum:

(a) A bold title referring to the content of the notice.

(b) Identification of the address or location of the property or properties subject to the application.

(c) Date, time, and place of the public hearing.

(d) Nature and scope of the application.

(e) Where to view the application.

(f) Where the public may be heard.

(g) *Provision for written comments.* The notice will describe where written comments will be received prior to the public hearing.

(2) *Timing of the notice.* Unless otherwise expressly provided or required by law, all statutorily or code required notices shall be postmarked or published at least ten days prior to the hearing or meeting at which the application will be considered.

(3) *Responsibilities.*

(a) *Published notice.* When the provisions of this chapter require that notice be published, the Community Development Department shall be responsible for preparing the content of the notice and publishing the notice in the city's official newspaper. The content and form of the published notice shall be consistent with the requirements of § 153.027(1)(1) and state law.

(b) *Written (mailed) notice.* When the provisions of this chapter require that written or mailed notice be provided, the Community Development Department shall be responsible for preparing and mailing the written notice per the requirements outlined in Table 2-2.

TABLE 2-2: WRITTEN NOTIFICATION REQUIREMENTS	
Application Type	Written Notice Provided To
TABLE 2-2: WRITTEN NOTIFICATION REQUIREMENTS	
Application Type	Written Notice Provided To

Comprehensive Plan Amendment	- For amendments which involve five acres of land or less, written notice shall be provided to all property owners within 350 feet - For amendments which involve more than five acres of land, notice need only be published within the city's official newspaper TABLE 2-2: WRITTEN NOTIFICATION REQUIREMENTS
Zoning Map Amendment	- For amendments which involve changes in district boundaries affecting an area five acres of land or less, written (mailed) notice shall be provided to all property owners within 350 feet - For amendments which involve changes in district boundaries affecting an area more than five acres of land, notice need only be published within the city's official newspaper
Zoning Text Amendment	Written (mailed) notice not required; published notice only required
Variance	All property owners within 350 feet
Conditional Use Permit	All property owners within 350 feet
Interim Use Permit (new and renewal)	All property owners within 350 feet
CUP/IUP Revocation	Permittee/landowner only
Planned Unit Developments	All property owners within 350 feet

(4) *Notice construction.*

(a) The Community Development Department may use property tax records to determine the names and addresses of affected property owners. A copy of the notice and a list of the owners and addresses to which the notice was sent must be attested to by the Community Development Department and must be made a part of the records of the proceedings.

(b) Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a good faith attempt has been made to comply with applicable notice requirements. Minor defects in notice are errors that do not affect the substance of the notice (e.g., errors in a legal description, typographical or grammatical errors, errors of actual acreage, etc). Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the notification requirements and information specifying the time, date, and place of a hearing shall be strictly construed.

(c) When the records of the city document the publication, mailing, and posting of notices as required by this division, it shall be presumed that notice of a public hearing was given as required by this division.

(J) *Continuation of public hearings.* A public hearing for which proper notice was given may be continued during the course of such hearing to a later date without again complying with the written and publication notice requirements of this chapter, provided that the continuance date is announced at the meeting.

(K) *Withdrawal of an application.* A request for withdrawal of an application shall be submitted in writing with a signature to the Community Development Department.

(L) *Required action deadline.* All applications for land use approvals shall be approved or denied within timeframes required by applicable laws, regulation and the provisions of this chapter in effect on the date the application was submitted.

(M) *Environmental review.*

(1) No development project shall be approved prior to review by the Community Development Department to determine the necessity for completion of an Environmental Assessment worksheet (EAW) or Environmental Impact Statement (EIS). Procedures for EAWs and EISs are set forth in the Minnesota Environmental Quality Review Board (EQB) regulations for the Environmental Review Program authorized by M.S. §§ 116D.04 and 116D.045, as they may be amended from time to time, and specified in Minn. Rules Parts 4410.0200 to 4410.7800.

(2) Environmental reviews (EAWs and EISs) shall be conducted as early as practical in the processing of a development project. No decision on granting of a permit or other approval required may be issued until the EAW/EIS process is completed.

(N) *Reconsideration of land use approval applications.* No application for land use approval which has been denied by the City Council, in whole or in part, shall be reconsidered for a period of six months from the date of City Council action on the application, except where there is substantial new evidence or proof of a change in conditions with respect to such application. Before any such reconsideration, the city may require the submission of the appropriate application fee and the application may be considered as a new application.

(Ord. 799, passed 2-27-2023; Ord. 824, passed 4-22-2024)

§ 153.067 OFF-STREET PARKING.

(A) *Purpose.* The regulation of off-street parking spaces in these zoning regulations is to alleviate or prevent congestion of the public right-of-way and to promote the safety and general welfare of the public by establishing minimum requirements for off-street parking of motor vehicles in accordance with the utilization of various parcels of land or structures.

(B) *Application of off-street parking regulation.* The regulations and requirements set forth herein shall apply to all off-street parking facilities in all of the zoning districts of the city.

(C) *Change in use or occupancy.*

(1) *Change in use or occupancy of land.*

(a) Any change of use or occupancy of land already dedicated to a parking area, parking spaces, or loading spaces shall not be made, nor shall any sale of land, division, or subdivision of land be made which reduces area necessary for parking, parking stalls, or parking requirements below the minimum prescribed by these zoning regulations.

(b) Off-street parking spaces and loading spaces or lot area existing upon the effective date of this chapter as denoted in § 153.004 shall not be reduced in number or size unless said number or size exceeds the requirements set forth herein for a similar new use.

(2) *Change in use or occupancy of a building.* Any change of use or occupancy of any building or buildings, including additions thereto, requiring more parking area shall not be permitted until there is furnished such additional parking spaces as required by these zoning regulations.

(3) *Site plan drawing necessary.* In all zoning districts, all applications for a building permit or prior to a change in use for an existing building or as required for a certificate of occupancy in all zoning districts shall be accompanied by a site plan drawn to scale and dimensioned indicating the location of off-street parking and loading spaces in compliance with the requirements set forth in § 153.067.

(D) *Prohibited uses related to off-street parking.*

(1) Required accessory off-street parking spaces in any district shall not be utilized for open storage, sale, or rental of goods; or storage of inoperable vehicles and/or storage of snow.

(2) For single-family and two-family dwellings, off-street parking of passenger, small construction, emergency or any other commercial vehicles in the rear yard is prohibited as illustrated in Figure 4-11 and in Table 4-9.

(3) Except for temporary uses as permitted by § 153.093 and trailers parking in a designated loading area, no vehicle may be parked and used for storage of items in any district.

(E) *Standards applicable to all uses.*

(1) *Location of required parking.*

(a) Required accessory off-street parking shall be on the same lot under the same ownership as the principal use being served except under the provisions of § 153.067(G)(3), subject to the public improvement project exception as regulated by § 153.106(D)(1).

(b) Except for single, two-family, townhouse dwellings and parcels in the CCD, head-in parking directly off of and adjacent to a public street with each stall having its own direct access to the public street shall be prohibited.

(c) Except in the case of single, two-family, and townhouse dwellings, parking areas shall be designed so that circulation between parking bays or aisles occurs within the designated parking lot and does not depend upon a public street or alley.

(d) Except in the case of single, two-family, and townhouse dwellings and parcels in the CCD, parking area design which requires backing into the public street is prohibited.

(e) All accessory off-street parking facilities required by this chapter shall be located and restricted as follows:

1. For single-family and two-family dwellings, the part of a paved driveway within boulevard portion of the street right-of-way shall only be used for parking in a manner that does not block any public sidewalk or pathway.

2. In the case of single-family dwellings, parking shall be prohibited in any portion of the rear yard. In the case where the only attached or detached garage on a property is located in the rear yard, parking may be allowed in designated driveways leading directly into a garage, or on one open surfaced space located on the side of a driveway away from the principal use as shown in Table 4-9 and Figure 4-11. Said extra space shall be surfaced as required by Table 4-9 and Figure 4-11.

3. In the case of single-family dwellings, parking in the side yard shall be allowed on a surfaced space as shown in Table 4-9 and Figure 4-11.

(f) All parking must occur on a paved surface except as may be permitted by this chapter.

(2) *Vehicular use area design.*

(a) *Curb cuts and access.*

1. Each property shall be allowed one curb cut access per 125 feet of street frontage. All property shall be entitled to at least one curb cut.
2. The maximum driveway width at the property line shall not exceed 30 feet and shall taper to a width not to exceed 28 feet at the public street.
3. Within all districts, a five foot radius curb may be constructed at the public street in addition to the maximum driveway width allowed.
4. Driveway access curb openings on a public street except for single, two-family, and townhouse dwellings shall not be located less than 40 feet from one another.
5. No curb cut access shall be located less than 40 feet from the intersection of two or more street rights-of-way. This distance shall be measured from the intersection of lot lines.
6. All driveway access openings shall require a culvert unless the lot is served by storm sewer or is determined unnecessary by the Community Development Department. Size of culvert shall be determined by the Community Development Department but shall be a minimum of 15 inches in diameter.
7. Except for single, two-family, and townhouse residential development (and as otherwise noted in this chapter), all open vehicular use areas shall have a perimeter concrete curb barrier around the entire parking lot, said curb barrier shall not be closer than six feet to any lot line as measured from the lot line to the face of the curb.

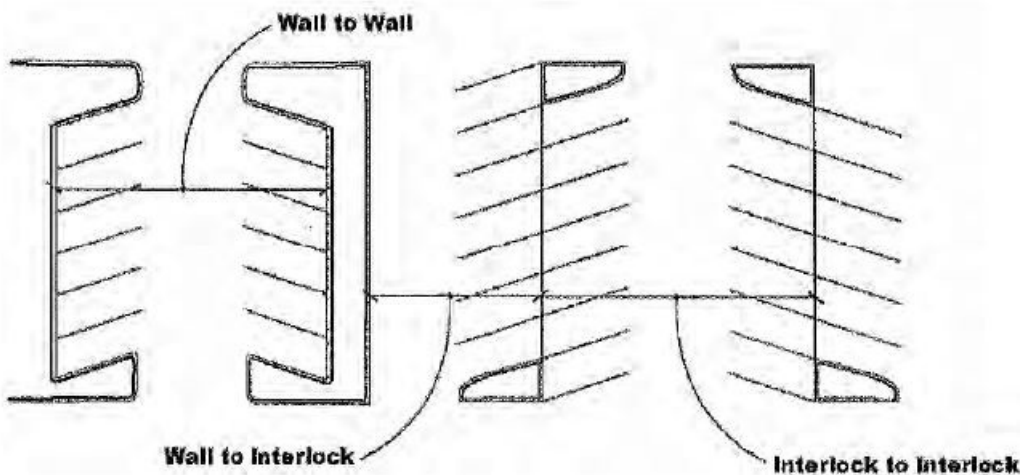
(b) *Stall, aisle, and driveway design.*

1. Each parking space shall be not less than nine feet wide and 20 feet in length exclusive of access aisles, and each space shall be served adequately by access aisles. EXCEPTION: Where desired, up to 25% of the parking spaces may be not less than seven and one-half feet in width and not less than 16 feet in length when served adequately by access aisles to accommodate compact car parking and should be marked as such.
2. Except in the case of single-family, two-family, and townhouse dwellings, parking areas and their aisles shall be developed in compliance with the following standards:

TABLE 4-6: PARKING STALL AND AISLE STANDARDS

Angle	Wall to Minimum	Wall to Interlock Minimum	Interlock to Interlock Minimum
30	48.6'	44.5'	40.3'
45	56.8'	53.4'	50.0'
60	62.0'	59.7'	57.4'
90	64.0'	64.0'	64.0'

Parallel Parking: 22 feet in length



(c) *Surfacing.*

1. Except in the case of single-family and two-family dwellings, driveways and stalls shall be surfaced with six inch class five base and two inch bituminous topping or concrete equivalent. Drainage plans shall be reviewed and subject to

approval by the Community Development Department. The Community Development Department staff may waive this requirement if it is determined that the drainage plans do not merit further study. Community Development Department determination in this regard shall be based on the size of parking surface area, simplicity of design plan, and proximity/accessibility to existing storm sewer facilities.

2. The grade elevation of any parking area shall not exceed 5%.

(d) *Striping.* Except for single, two-family, and townhouses, all parking stalls shall be marked with white painted lines not less than four inches wide.

(e) *Lighting.* Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjoining property, abutting residential uses, and public rights-of-way and be in compliance with § 153.063.

(f) *Landscaping and screening.* All open, non-residential, off-street parking areas of five or more spaces shall be screened and landscaped from abutting or surrounding residential districts in compliance with § 153.060(F).

1. Interior vehicular use area landscaping – see § 153.060(F)(2).

2. Perimeter vehicular use area landscaping – see § 153.060(F)(3).

3. Perimeter buffers – see § 153.060(G).

(g) *Signs.* No sign shall be so located as to restrict the sight lines and orderly operation and traffic movement within any parking lot.

(3) *Parking within a structure.* The off-street parking requirements may be furnished by providing a space so designed within the principal building or one structure attached thereto; however, unless provisions are made, no building permit shall be issued to convert said parking structure into a dwelling unit or living area or other activity until other adequate provisions are made to comply with the required off-street parking provisions of this chapter.

(4) *Vehicular use area stall calculation requirements.*

(a) *General provisions.*

1. The minimum number of off-street parking spaces shown in Table 4-7 shall be provided and maintained by ownership, easement, and/or lease for and during the life of the respective uses hereinafter set forth.

2. When determining the number of off-street parking spaces results in a fraction, each fraction of one-half or more shall constitute another space.

3. In stadiums, sports arenas, churches, and other places of public assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each 22 inches of such seating facilities shall be counted as one seat for the purpose of determining requirements.

4. Should a structure contain two or more types of use, each shall be calculated separately for determining the total off-street parking spaces required.

(b) *Floor area.*

1. The term "floor area" for the purpose of calculating the number of off-street parking spaces required shall be determined on the basis of the interior floor area dimensions of the buildings, structure, or use times the number of floors.

2. Whenever practical, final parking calculations shall be based on an actual building floor plan.

TABLE 4-7: MINIMUM OFF-STREET PARKING SPACES BY USE	
Use Type	Minimum # of Spaces & Additional Requirements
TABLE 4-7: MINIMUM OFF-STREET PARKING SPACES BY USE	
Use Type	Minimum # of Spaces & Additional Requirements
Residential Uses	
Detached Dwelling	2.0 spaces for each dwelling unit
Duplex	2.0 spaces for each dwelling unit
Townhome	2.5 spaces for each dwelling unit, of which two must be enclosed, plus one guest parking space for every four units
Multiple-Family	
In general	1.2 spaces for each bedroom, of which one must be enclosed, plus one guest parking space for every four units
Senior housing - independent living	0.67 spaces per dwelling unit, plus one guest parking space for every six units

Senior housing - assisted living	4.0 spaces plus 0.67 spaces per dwelling unit, plus one guest parking space for every six units
Group Residential Facility, Single-family	2.0 spaces for each three persons for whom sleeping accommodations are provided
Group Residential Facility, Multi-Family	2.0 spaces for each three persons for whom sleeping accommodations are provided
Manufactured Home	2.0 spaces per manufactured home

TABLE 4-7: MINIMUM OFF-STREET PARKING SPACES BY USE

Use Type	Minimum # of Spaces & Additional Requirements
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TABLE 4-7: MINIMUM OFF-STREET PARKING SPACES BY USE

Use Type	Minimum # of Spaces & Additional Requirements
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Civic and Institutional Uses	
Active Park Facilities (public or private)	5.0 spaces for each acre of park over one acre; two spaces per acre for playgrounds; and ten spaces for each acre of play field - When a public recreation site has more than one use designation, the areas must be divided for determining the required parking
Assisted Living Facilities	4.0 spaces plus .67 spaces per dwelling unit, plus one guest parking space for every six units
Baseball Fields, Stadium	1.0 space for each eight seats of design capacity
Cemeteries	See Parking Schedule #2 [§ 153.067(H)(3)]
Clinics/Medical Services	4.0 spaces for each 1,000 square feet
Hospitals	2.0 spaces per each bed
Nursing/Convalescent Home	4.0 spaces plus one for each three beds for which accommodations are offered
Passenger Terminal	8.0 spaces plus one additional space for each 800 square feet of floor area over 1,000 square feet
Passive Parks and Open Space	See Parking Schedule #2 [§ 153.067(H)(3)]
Public Buildings or Uses	10.0 spaces plus one for each 150 square feet in excess of 2,000 square feet of floor area in the principal structure
Schools, Kindergarten through Junior High	1.0 space for each classroom plus one additional space for each 50 student capacity
Schools, High School & post-secondary	1.0 space for each seven students based on design capacity plus one for each three classrooms
Place of Public Assembly	1.0 space for each four seats based on the design capacity of the main assembly hall - Facilities as may be provided in conjunction with places of public assembly shall be subject to additional requirements which are imposed by this chapter
Utilities (major)	See Parking Schedule #2 [§ 153.067(H)(3)]
Commercial Uses	
Adult Uses	1.0 space for each 100 square feet of floor space
Auction House	1.0 space for each 40 square feet of floor space. - Outside sales area shall be added to the floor space of the principal building when determining square footage of floor space
Auto Repair – Minor	8.0 spaces plus one additional space for each 800 square feet of floor area over 1,000 square feet

TABLE 4-7: MINIMUM OFF-STREET PARKING SPACES BY USE

Use Type	Minimum # of Spaces & Additional Requirements
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TABLE 4-7: MINIMUM OFF-STREET PARKING SPACES BY USE

Use Type	Minimum # of Spaces & Additional Requirements
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Commercial Uses	
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Automotive Wash Facilities	10.0 spaces or one space for each employee on the maximum shift, whichever is greater - For self service facilities, there shall be a minimum of two spaces - If the wash facility is integrated into an approved vehicle fuel sales business, the wash facility shall require no additional parking
Bed & Breakfasts	1.0 space for each rental unit in addition to required residential off-street parking
Business Support Services	1.0 space for each 200 square feet of floor space - If in the CCD district, one space per 350 square feet of floor space
Communications/Broadcasting	1.0 space for each 400 square feet of floor space.
Convenience Stores	1.0 space for each 200 square feet of floor space - If in the CCD district, one space per 350 square feet of floor space
Country Club	4.0 spaces per golf hole plus spaces provided for accessory uses in accordance with this chapter
Day Care Centers	1.0 space for each employee plus one space per five children
Entertainment/Recreation, Indoor Commercial	
Bowling Alley	5.0 spaces for each alley plus additional spaces as may be required herein for related uses associated with the principal structure
Theater	1.0 space for each four seats based on the design capacity of the main assembly hall; facilities as may be provided in conjunction with such buildings or uses shall be subject to additional requirements imposed by this chapter - If the theater is located in the original plat of Monticello, the required spaces shall be reduced to 1.0 space per five seats
Other Uses	See Parking Schedule #2 [§ 153.067(H)(3)]
Offices, Professional and Commercial	1.0 space for each 350 feet of floor space
Entertainment/Recreation, Outdoor Commercial	10.0 spaces plus one for each 100 square feet of floor area inside an associated structure
Event Center	1.0 space for each two and one-half guests, measured by building capacity based on building code limits of all areas for the event, and one parking space for each 200 square feet for areas devoted to food preparation, event staging, and other support activities.
Financial Institution	1.0 space for each 400 square feet of floor space.
Funeral Homes	20.0 spaces for each chapel or parlor, plus one space for each funeral vehicle maintained on the premises - Aisle spaces shall also be provided off the street for making up a funeral procession
Hotels or Motels	1.0 space for each rental unit plus one space for each ten units and one space for each employee on the maximum shift
Kennels (commercial)	1.0 space for each 400 square feet of floor space.
Landscaping /Nursery Business	See Parking Schedule #1 [§ 153.067(H)(2)]
Personal Services	1.0 space for each 250 square feet of floor space - If in the CCD district, one space per 350 square feet of floor space
Recreational Vehicle Camp Site	1.0 space per each recreational vehicle plus one guest space per ten recreational vehicles
Repair Establishment	See Parking Schedule #1 [§ 153.067(H)(2)]
Restaurants	
Sit down/dining area	1.0 space for each 40 square feet of gross floor area of dining and bar area
Pick-up or Counter Area	1.0 space for each 15 square feet of gross floor area but not less than 15 spaces
Kitchen Area	1.0 space for each 80 square feet of kitchen area
Retail Commercial Uses	
Grocery Uses	1.0 spaces for each 200 square feet - If in the CCD district, one space per 350 square feet of floor space
General Retail	1.0 space for each 200 square feet - If in the CCD district, one space per 350 square feet of floor space - Home improvement retail uses shall require 1.0 space for each 225 square feet
Convenience Retail	1.0 space for each 250 square feet

Specialty Eating Establishments	1.0 space for each 200 square feet - If in the CCD district, one space per 350 square feet of floor space
Vehicle Fuel Sales	4.0 spaces plus two spaces for each service stall (not pump) - Those facilities designed for sale of other items than strictly automotive products, parts, or service shall be required to provide additional parking in compliance with other applicable sections of this chapter
Vehicle Sales and Rental	8.0 spaces plus one additional space for each 800 square feet of floor area over 1,000 square feet
Veterinary Facilities	1.0 space for each 250 square feet
Wholesale Sales	1.0 space for each 200 square feet - If in the CCD district, one space per 350 square feet of floor space
Industrial Uses	
Auto Repair – Major	See Parking Schedule #1 [§ 153.067(H)(2)]
Extraction of Materials	See Parking Schedule #2 [§ 153.067(H)(3)]
General Warehousing	8.0 spaces plus one space for each two employees on the maximum shift or, at a minimum, at least eight spaces plus one space for each 1,000 square feet of floor area
Truck or Freight Terminal	8.0 spaces plus one space for each two employees on the maximum shift or, at a minimum, at least eight spaces plus one space for each 500 square feet of floor area
Waste Disposal & Incineration	See Parking Schedule #1 [§ 153.067(H)(2)]
Wrecker and Towing Services	See Parking Schedule #1 [§ 153.067(H)(2)]
Heavy Manufacturing	See Parking Schedule #1 [§ 153.067(H)(2)]
Industrial Services	See Parking Schedule #1 [§ 153.067(H)(2)]
Light Manufacturing	See Parking Schedule #1 [§ 153.067(H)(2)]
Machinery/Truck Repair and Sales	See Parking Schedule #1 [§ 153.067(H)(2)]
Recycling and Salvage Center	See Parking Schedule #1 [§ 153.067(H)(2)]
Self-Storage Facilities	1.0 space per 100 lockers/units on the inside of the fenced area and at least five spaces outside the fenced area - If a caretaker's quarters is provided on-site, at least one covered parking space for exclusive use by the caretaker shall be provided

3. Unusable space (e.g. entries, halls, service areas, bathrooms, etc) within uses may be excluded from floor area calculations when applicable.

4. Required parking spaces may be reduced through alternative development types (e.g. Planned Unit Development, etc) as permitted in this chapter.

(c) *CCD district exceptions.* Property owners in the CCD District shall comply with the parking supply requirements as listed in Table 4-7 of this chapter. However, property owners may be granted flexibility from a portion of their required parking supply under the following conditions:

1. Where the city finds that there will be adequate opportunity to provide public parking in the vicinity of the subject property, and at the city's option, the owner shall pay into a "CCD" parking fund an amount as established by City Council Resolution. Said fund shall be used for the acquisition, construction, and/or maintenance of publicly-owned parking in the "CCD" district.

2. The city may, in addition to, or as an alternative to, the option listed in §153.067(E)(4)(c)1. above, and at the discretion of the city, offer the property owner the opportunity to choose to supply parking at a rate which is 60% of the requirement listed in § 153.067 provided that the owner grants an easement to the public for automobile parking use over the subject area. The owner shall retain responsibility for maintenance of said parking area.

3. Location: Parking shall not be located on a parcel between the front building line of the principal building and the public street, except where expressly provided for by the City Council after recommendation from the Planning Commission.

(d) *Parking Stall Requirement: Schedule #1.* Uses subject to Off-Street Parking Schedule #1 must provide the minimum number of off-street parking spaces indicated in Table 4-8, Off-Street Parking Schedule #1.

TABLE 4-8: OFF-STREET PARKING SCHEDULE #1	
Activity	Number of Spaces Required
TABLE 4-8: OFF-STREET PARKING SCHEDULE #1	

Activity	Number of Spaces Required
Office or administrative area	1.0 space per 300 square feet
Indoor sales area	1.0 space per 200 square feet
Outdoor sales, display, or storage area (3,000 sq. ft. or less)	1.0 space per 750 square feet
Outdoor sales, display, or storage area (over 3,000 sq. ft.)	1.0 space per 1,000 square feet
Indoor Storage/Warehousing/Vehicle Repair/Manufacturing Area	
Less than or equal to 3,000 sq. ft.	1.0 space per 200 square feet
3,000 to 5,000 sq. ft.	1.0 space per 500 square feet
5,000 to 10,000 sq. ft.	1.0 space per 750 square feet
Greater than 10,000 sq. ft.	1.0 space per 1,250 square feet

(e) *Parking Stall Requirement: Schedule #2.* Uses subject to Off-Street Parking Schedule #2 have widely varying parking demand characteristics, making it very difficult to specify a single appropriate off-street parking standard. Upon receiving a development application for a use subject to Schedule #2 standards, the Community Development Department is authorized to apply the off-street parking and loading standard specified for the listed use that is deemed most similar to the proposed use or establish minimum off-street parking requirements on the basis of a parking study prepared by the applicant. The study must include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE) or other acceptable estimates as approved by the Community Development Department, and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study must document the source of data used to develop the recommendations.

(5) *Vehicular use area design conditional use permit.* Stall aisle and driveway design requirements outlined in § 153.067 may be lessened subject to the following conditions:

(a) Any reduction in requirements as provided in this section requires completion of the conditional use permit process outlined in § 153.028(D).

(b) Where a proposed use clearly demonstrates affirmative design efforts toward the preservation and enhancement of desirable natural site characteristics, ordinance-required paved parking spaces may be reduced and installation deferred until such time as the need for the full complement of parking. The need shall be determined in conformance with a "proof of parking" plan so approved through a conditional use permit.

(c) The applicant must show, and the Planning Commission must find, that there are existing nonconformities of the property or specific circumstances related to site conditions which justify a deferral to the paving, landscaping, or curbing requirements.

(d) A deferral shall be considered by the city as a part of an application which includes full site plans, drawn to scale, of both the immediate paving, landscaping and curbing improvements and the ultimate paving, landscaping, and curbing improvements.

(e) In all districts other than the A-O District, this deferral shall apply only to the required paving, curbing and landscaping which is applicable to the existing portion of the use and building. Paving, curbing and landscaping attributable to any expansion shall be installed at the time of the expansion.

(6) *Maintenance.* It shall be the joint and several responsibility of the lessee and owner of the principal use, uses, or building to maintain in a neat and adequate manner, the parking space, accessways striping, landscaping, and required fences.

(F) *Standards applicable to residential uses.*

(1) *Location of required parking in residential areas.*

(a) For single-family and two-family dwellings, off-street parking on a paved driveway within 15 feet of any street surface shall be allowed as long as it does not block any public sidewalk or pathway. For single-family and two-family dwellings, parking shall be located as found in Table 4-9 and Figure 4-11. Parking on any side of any detached accessory structure shall be prohibited except in such case that the detached accessory structure is the only garage for the property.

(b) In the case of townhouse dwellings, parking shall be prohibited in any portion of the front yard except designated driveways leading directly into a garage or one open paved space located on the side of a driveway away from the principal use. Said extra space shall be surfaced with concrete or bituminous material.

(c) Parking and/or storage of passenger vehicles, recreational vehicles and equipment, emergency vehicles, and small commercial vehicles shall conform to the requirements of Table 4-9 and Figure 4-11. For the purposes of Table 4-9 and Figure 4-11, emergency vehicles shall be treated as "small commercial vehicles", but without limitations as to size.

(d) Under no circumstances shall large commercial vehicles be parked or stored in residential zoning districts, or on property that is used for residential purposes.

TABLE 4-9: YARD REQUIREMENTS FOR OFF-STREET PARKING AREAS & DRIVEWAYS IN RESIDENTIAL AREAS

<i>Location</i>	<i>Diagram Area Key</i>	<i>Passenger Vehicles [1]</i>	<i>Recreational Vehicles [1]</i>	<i>Emergency Vehicles [1]</i>	<i>Small Commercial Vehicles [1]</i>	<i>Other Notes</i>
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TABLE 4-9: YARD REQUIREMENTS FOR OFF-STREET PARKING AREAS & DRIVEWAYS IN RESIDENTIAL AREAS

<i>Location</i>	<i>Diagram Area Key</i>	<i>Passenger Vehicles [1]</i>	<i>Recreational Vehicles [1]</i>	<i>Emergency Vehicles [1]</i>	<i>Small Commercial Vehicles [1]</i>	<i>Other Notes</i>
Driveway leading directly into a garage within the front yard of a lot	A	Any number (paved)	One such vehicle (paved)	One such vehicle (paved)	Any number (paved)	
Parking space adjacent to the driveway within the front yard of a lot	B	One passenger or small commercial vehicle (paved)	One such vehicle, if it is the only such vehicle within the front yard (surfaced)	One such vehicle (paved)	One passenger or small commercial vehicle (paved)	
Other portions of the front yard	C	No	No	No	No	
Side yard, adjacent to garage side of structure	D	Yes, within a space consisting of the 15 feet adjacent to the building (surfaced)	Yes, within a space consisting of the 15 feet adjacent to the building (unsurfaced)	Yes, within a space consisting of the 15 feet adjacent to the building (surfaced)	Yes, within a space consisting of the 15 feet adjacent to the building (surfaced)	Must maintain minimum 3 foot setback to side lot line in all cases
Side yard more than 15 feet from garage	E	No	No	No	No	
Side yard on opposite side of house from garage	F	No	No	No	No	
Side yard on corner lot facing a public street	G	Yes, within a space consisting of the 15 feet adjacent to the building (surfaced)	Yes, within a space consisting of the 15 feet adjacent to the building. (unsurfaced)	Yes, within a space consisting of the 15 feet adjacent to the building (surfaced)	Yes, within a space consisting of the 15 feet adjacent to the building (surfaced)	Must maintain minimum 6 foot setback to side lot line in all cases.
Rear yard	H	No	Yes (unsurfaced)	No	No	No current limit to number of such vehicles – must maintain a 3 foot setback to lot line

[1] See § 153.012 for definition.

Figure 4-11



(2) *Vehicular use area design in residential areas.*

(a) *Curb cuts and access.*

1. Single-family uses shall be limited to one curb cut access per property.
2. Curb cut access shall be at a minimum three feet from the side yard property line in residential districts.
3. For single and two-family uses, a driveway or other impervious surface leading to a detached accessory structure in the rear yard shall require authorization through conditional use permit, unless such driveway serves a structure in the rear yard that is the only garage for the residential use.

(b) *Surfacing.* Paving and surfacing requirements for parking and storage of passenger vehicles, emergency vehicles, recreational vehicles, and small commercial vehicles for single and two-family dwellings shall be as found in Table 4-9 and Figure 4-11.

(c) *Residential district garage requirements.* In all residential zoning districts, all detached single-family homes, two-family and duplex units shall include development of an attached or detached garage. The minimum size requirement for the garage floor shall be 450 sq. ft. with a maximum door height of nine ft. and minimum garage door opening of 16 ft. with the following exceptions and/or deviations by district:

1. *R-1 District.* An attached garage of at least 550 square feet shall be constructed as part of any single-family home.
2. *R-A District.*
 - a. An attached garage of at least 700 square feet shall be constructed as part of any single-family home.
 - b. Garage frontage: From side building line to side building line of any single-family structure, no more than 40% of such building width shall consist of garage doors that face the street. Side or rear loaded garages are not subject to this regulation. An exception shall be made for garage doors that face the street, but are set back at least ten feet in back of the front building line of the principal use.
 - c. No portion of any garage space may be more than five feet closer to the street than the front building line of the principal single-family use.
3. *R-2 District.* An attached garage of at least 450 square feet shall be constructed as part of any single-family home.
4. *T-N District.*
 - a. A garage of at least 480 square feet, attached or detached, shall be constructed as a part of any single-family home.
 - b. Garage frontage: From side building line to side building line of any single-family structure, no more than 50% of such building width shall consist of garage doors that face the street. Side or rear loaded garages, or detached garages in the rear yard, are not subject to this regulation. An exception shall be made for garage doors that face the street, but are set back at least ten feet in back of the front building line of the principal use.
 - c. No portion of any garage space may be more than five feet closer to the street than the front building line of the principal single-family use.

(G) *Standards applicable to commercial, industrial and civic/institutional uses.*

(1) *Location of required parking for commercial, industrial and civic/institutional uses.*

(a) In business, industrial and institutional areas, no parking area may be located upon a public drainage and/or utility easement adjoining a public street without an encroachment agreement approved by the Community Development Department.

(b) In the B-1 district, off-street parking shall not include semi-trailer trucks.

(2) *Vehicular use area design applicable to commercial, industrial & civic/institutional uses.*

(a) *Access and curbing.*

1. Curb cut access in industrial and commercial zoning districts may exceed 24 feet with the approval of the Community Development Department. Denial by the Community Development Department of curb cut access in excess of 24 feet may be appealed following the procedures outlined in § 153.028(H).

2. Curb cut access shall not be closer than six feet to any lot line as measured from the lot line to the face of the curb. An exception to the setback requirement shall be granted in business districts where adjoining business provide for private cross access between parking lots.

3. All off-street parking areas and driveways shall have a six-inch non-surmountable continuous concrete curb around the perimeter of the parking area and driveways. The Community Development Department may approve bituminous curbing as a temporary measure under the following conditions:

a. If the area is shown by adequate site plans and reasonable growth to be subject to a future expansion of the driveway and/or parking area.

b. The area is shown by adequate site plans to be able to control site traffic and circulation as recommended by the Community Development Department. The Community Development Department may approve movable curb stops as a temporary traffic control measure.

c. The area is shown by adequate drainage plans to be able to control drainage as recommended by the Community Development Department. The Community Development Department may approve bituminous curbing as a temporary drainage control measure.

(b) *Parking setbacks for the CCD District.*

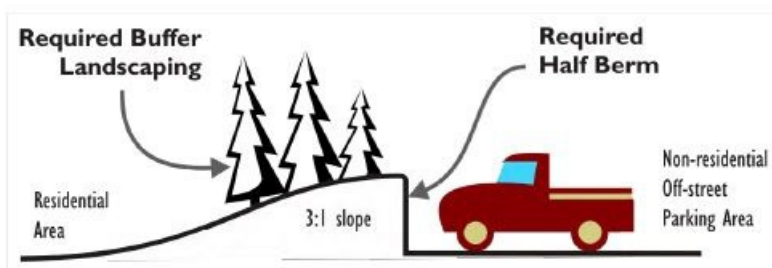
1. From public street right-of-way: Six feet.

2. From private property: Six feet, except that parking lots may provide shared access driveways or spaces between adjoining private parking lots. In the CCD, such shared access driveways or spaces shall be permitted, exempt from the requirement for a conditional use permit applicable in other zoning districts.

(c) *Perimeter vehicular use buffer.*

1. Open, non-residential off-street parking areas shall be designed to screen headlights from abutting residential districts through the use of a half-berm design. Said design shall be required in all instances where headlights are directed at surrounding or abutting residential properties. A half-berm is required in addition to any buffer yard landscaping requirements with a design - as illustrated in Figure 4-12.

Figure 4-12



2. In the event that drainage or other conditions do not permit a berm of this size and for parcels in the CCD district which abut residentially zoned property, a solid, maintenance free fence may be permitted for all or a portion of the retaining wall to the extent necessary to permit property drainage. Examples may include a two-foot retaining wall and berm, with a four foot tall fence section. This alternative may be allowed by conditional use permit. Any fence proposed in lieu of the required design must be 100% opaque and in character with the surrounding area.

(3) *Joint facilities for commercial, industrial & civic/institutional uses.* A conditional use permit for one or more businesses to provide the required off-street parking facilities by joint use of one or more sites where the total number of spaces provided are less than the sum of the total required for each business should they provide them separately. When

considering a request for such a permit, the Planning Commission shall not recommend that such permit be granted nor the Council approve such a permit except when the following conditions are found to exist:

(a) Up to 50% of the parking facilities required for a theatre, bowling alley, dance hall, bar, or restaurant may be supplied by the off-street parking facilities provided by types of uses specified as a primarily daytime use in division (d) below.

(b) Up to 50% of the off-street parking facilities required for any use specified under division (d) below as primary daytime uses may be supplied by the parking facilities provided by the following nighttime or Sunday uses: Auditoriums incidental to a public or parochial school, churches, bowling alleys, dance halls, theatres, bars, or restaurants.

(c) Up to 80% of the parking facilities required by §153.067 for a church or for an auditorium incidental to a public or parochial school may be supplied by off-street parking facilities provided by uses specified under division (d) below as primarily daytime uses.

(d) For the purpose of this section, the following uses are considered as primarily daytime uses: Banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing or shoe repair or service shops, manufacturing, wholesale, and similar uses.

(e) Conditions required for joint use:

1. The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within 300 feet of such parking facilities with the following exception: For theatres located in the Original Plat of Monticello, theatre parking provided by another use shall be located within 500 feet of said theatre.

2. The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.

3. A properly drawn legal instrument executed by the parties concerned for joint use of off-street parking facilities, duly approved as to form and manner of execution by the City Attorney, shall be filed with the City Administrator and recorded with the County Recorder, Wright County.

(4) *Cross parking facilities for commercial, industrial and civic/institutional uses.* Adjoining business properties may allow cross parking and/or access if authorized by a conditional use per the requirements of § 153.028(D) and subject the following conditions:

(a) The required island and landscaping requirements in §153.060 are met.

(b) The vehicular use area meets the required setback at the perimeter of the parcels in question.

(c) The curb cut access locations to the parking lot(s) are approved by the city.

(d) A shared parking/access and maintenance agreement is provided by the parking owners and recorded against all subject properties.

(e) A properly drawn legal instrument executed by the parties concerned for joint use of off-street parking facilities, duly approved as to form and manner of execution by the City Attorney, shall be filed with the City Administrator and recorded with the County Recorder.

(Ord. 799, passed 2-27-2023; Ord. 833, passed 9-23-2024)

§ 153.070 BUILDING MATERIALS.

(A) *Purpose.* The purpose of these regulations is to enhance the quality and longevity of buildings in all zoning districts of the city, and to protect citizen investments in property value by ensuring complementary building style, construction, and appearance.

(B) *General requirements.*

(1) *Consistency required.* In all districts, all buildings shall be finished on all sides with consistent architectural quality, materials, and design.

(2) *New materials.* In recognition of the ever-changing marketplace for new finishing materials, the Community Development Department may authorize the use of materials not listed herein if it is determined that such a material is substantially similar or superior to one or more of the approved building materials.

(C) *Residential district requirements.*

(1) *All residence districts.* No metal siding shall be permitted wider than 12 inches or without a one-half inch or more overlap and relief.

(2) *R-1 and R-2 Districts.* A minimum of 15% of the front building façade of any structure in the R-1 or R-2 Districts, less the square footage area of windows and garage doors, shall be covered with brick or stone. Any attached or major detached accessory building that can be seen from the street shall meet this same standard when consistent with the principal structure. Structures with front facades covered by at least 70% stucco or real wood may reduce the brick or stone coverage to 5%. The Planning Commission may approve optional facade treatments prior to building permit through site plan review when additional architectural detailing so warrants. Such detailing may include usable front porches, extraordinary roof pitch or other features.

(3) *R-A and T-N Districts.* A minimum of 20% of the front building façade of any structure in the R-A or T-N zoning district, less the square footage area of windows and garage doors, shall be covered with brick or stone. Any attached or major detached accessory building that can be seen from the street shall meet this same standard when consistent with the principal structure. Structures with front facades covered by at least 70% stucco or real wood may reduce the brick or stone coverage to 10%.

(4) *R-3 District and other districts with multiple-family housing.* The R-3 and R-4 District and other districts with multiple-family housing shall be subject to building material standards as follows:

(a) All building walls facing a public street shall be covered with stone, brick, cultured masonry simulating brick or stone, or other enhanced materials to an extent not less than 20% of the exposed wall silhouette area; and

(b) Multiple-family structures of 13 or more units shall, when using lap horizontal siding, be constructed of heavy gauge steel or cement-board, with no use of vinyl or aluminum permitted. Natural wood or species that is resistant to decay may be permitted.

(5) *Roofing materials.* Roofing materials in residential districts, including for principal and accessory buildings, shall consist of shingles made of asphalt, fiberglass, durable rot-resistant wood (such as cedar), stone (such as slate) or architectural metal (including steel and copper). Heavy gauge steel or copper may be used for standing-seam roofing. Steel may be used only when designed to resemble traditional residential architectural roofing materials.

(D) *Business district requirements.* In all Business Zoning Districts (see table 3-1), the following building materials standards shall apply.

(1) No galvanized or unfinished steel, galvalum, or unfinished aluminum buildings, except those specifically designed to have a corrosive designed finish such as "corten" steel, shall be permitted in the districts listed herein.

(2) Buildings in these zoning districts shall maintain a high standard of architectural and aesthetic compatibility with conforming surrounding properties to ensure that they will not adversely impact the property values of the abutting properties and shall have a positive impact on the public health, safety, and general welfare, insofar as practicable.

(3) Exterior building finishes in the districts subject to this section shall consist of materials compatible in grade and quality to the following:

(a) Brick.

(b) Natural stone.

(c) Decorative rock face or concrete block.

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

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

(f) Glass.

(g) Exterior insulated finish systems, where said system is manufactured to replicate the look of one of the approved building materials in this section.

(h) Stucco.

(4) Metal exterior finishes shall be permitted only where coordinated into the overall architectural design of the structure, such as in window and door frames, mansard roofs or parapets, and other similar features, and in no case shall constitute more than 15% of the total exterior finish of the building.

(5) *Metal roofing.* Metal shall be an allowed roofing material in the "B", Business Districts, provided such material is designed to resemble traditional commercial architecture and/or is designed to complement the architectural design of the building.

(6) *Building materials and design for the CCD District.* All buildings within the CCD shall meet the materials and design standards of the Comprehensive Plan as defined by the Downtown Monticello Small Area Plan Amendment, the requirements of the CCD District, as well as the standards in § 153.070 for Business District requirements. In the case of a conflict between these standards, the stricter of the standards shall be applied.

(E) *Industrial requirements.*

(1) In the Industrial and Business Campus District (IBC), the following building materials and standards shall apply:

(a) Buildings shall maintain a high standard of architectural and aesthetic compatibility with conforming surrounding properties to ensure that they will not adversely impact the property values of the abutting properties and shall have a positive impact on the public health, safety, and general welfare, insofar as practicable.

(b) Exterior building finishes shall not consist of galvanized or unfinished steel, or unfinished aluminum.

(c) Exterior building finishes shall consist of materials compatible in grade and quality to the following:

1. Brick;

2. Natural stone;

3. Decorative rock face block or burnished block;

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

5. Glass;

6. Stucco or substantially similar finish product;

7. Exterior insulated finish systems, where said system is manufactured to replicate the look of one of the approved building materials in this section;

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

(d) Metal exterior finishes shall be permitted only where coordinated into the overall architectural design of the structure, such as in window and door frames, mansard roofs or parapets, and other similar features, and in no case shall constitute more than 15% of the total exterior finish of the building.

(e) Any exterior wall adjacent to a public street must have a higher level of aesthetics. This could be accomplished by architectural design features, increased use of stone and/or brick across 15% of the facade area, combination of glass and architectural metals, or a wall plane articulation across 15% of the facade area. Such articulation must extend at least five feet from the primary building line of the principal building structure.

(2) In the Light Industrial District (I-1), the following building material standards shall apply:

(a) Exterior building finishes shall not consist of galvanized or unfinished steel, or unfinished aluminum.

(b) Any exterior wall adjacent to a public street must have a higher level of aesthetics. This could be accomplished by architectural design features, increased use of stone and/or brick across 25% of the façade area, combination of glass and architectural metals, or a wall plane articulation across 25% of the façade area. Such articulation must extend at least five feet from the primary building line of the principal building structure.

(c) Exterior building finishes shall consist of materials compatible in grade and quality to the following:

1. Brick;

2. Natural stone;

3. Decorative rock face block or burnished block;

4. Glass;

5. Stucco or substantially similar finish product;

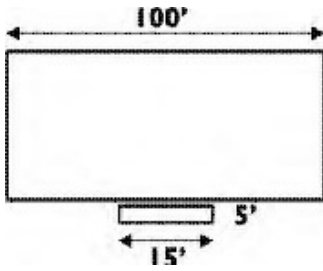
6. Exterior insulated finish systems, where said system is manufactured to replicate the look of one of the approved building materials in this section;

7. Cast in place concrete or pre-cast concrete panels;

8. Textured finishes on metal panels to simulate stucco or other similar treatments;
9. Commercial-grade siding made of cement board, composition board, or other durable material, not including vinyl.

(3) In the Heavy Industrial (I-2) districts, the following building material standards shall apply:

(a) Exterior building finishes shall not consist of galvanized or unfinished steel, or unfinished aluminum.



(b) Any exterior wall adjacent to a public street must have a higher level of aesthetics. This could be accomplished by architectural design features, increased use of stone and/or brick across 15% of the façade area, combination of glass and architectural metals, or a wall plane articulation across 15% of the façade area. Such articulation must extend at least five feet from the primary building line of the principal building structure.

(c) Exterior building finishes shall consist of materials compatible in grade and quality to the following:

1. Brick;
2. Natural stone;
3. Decorative rock face block or burnished block;
4. Glass;
5. Stucco or substantially similar finish product;
6. Exterior Insulated Finish systems, where said system is manufactured to replicate the look of one of the approved building materials in this section;
7. Cast in place concrete or pre-cast concrete panels;
8. Textured finishes on metal panels to simulate stucco or other similar treatments;
9. Commercial-grade siding made of cement board, composition board, or other durable material, not including vinyl.

(F) *Institutional requirements.* All institutional uses shall adhere to the building materials requirements spelled out for commercial districts in § 153.070(D) above.

(Ord. 791, passed 11-14-2022; Ord. 799, passed 2-27-2023)

§ 153.064 SIGNS.

(A) *Findings, purpose, and effect.*

(1) *Findings.* The city finds:

- (a) Exterior signs have a substantial impact on the character and quality of the environment.
- (b) Signs provide an important medium through which individuals may convey a variety of messages.
- (c) Signs can create traffic hazards and aesthetic concerns, thereby threatening the public health, safety and welfare.

(d) The city's zoning regulations include the regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the city and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact upon the aesthetics of the community and threaten the health, safety and welfare of the community. The regulation of the physical characteristics of signs within the city has had a positive impact on traffic safety and the appearance of the community.

(2) *Purpose and intent.*

(a) It is not the purpose or intent of §153.064 to regulate the message displayed on any sign; nor is it the purpose or intent of this section to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building.

(b) The purpose and intent of § 153.064 is to:

1. Regulate the number, location, size, type, illumination and other physical characteristics of signs within the city in order to promote the public health, safety and welfare.
2. Maintain, enhance and improve the aesthetic environment of the city by preventing visual clutter that is harmful to the appearance of the community.
3. Improve the visual appearance of the city while providing for effective means of communication, consistent with constitutional guarantees and the city's goals of public safety and aesthetics.
4. Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the city.

(3) *Effect.* A sign may be erected, mounted, displayed or maintained in the city if it is in conformance with the provisions of this chapter. The effect of § 153.064, as more specifically set forth herein, is to:

(a) Allow a wide variety of sign types in commercial zones, and a more limited variety of signs in other zones, subject to the standards set forth in § 153.064.

(b) Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of § 153.064.

(c) Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare.

(d) Provide for the administration and enforcement of the provisions of §153.064.

(B) *Permit required.* No sign shall be erected, altered, improved, reconstructed, maintained or moved in the city without first securing a sign permit from the city:

(1) The content of the message or speech displayed on the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit.

(2) Application for a sign permit shall be in conformance with the requirements of §153.028(K), Sign Permits:

(C) *Permit not required.* The following signs shall not require a permit and are allowed in addition to those signs allowed by § 153.064(I) and § 153.064(J) of this section. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this section or any other law or ordinance regulating the same.

(1) The changing of the display surface on a painted or printed sign only. This exemption, however, shall apply only to poster replacement and/or on site changes involving sign painting on a surface other than the surface of the building.

(2) Permanent signs two square feet or less in size.

(3) One temporary sign per property in residential districts not to exceed four square feet.

(4) In a state general election year, noncommercial signs of any size may be posted in any number 46 days before the state primary in a state general election year until ten days following the state general election. Election signs posted in connection with elections held at times other than those regulated by M.S. § 211B.035, as it may be amended from time to time, shall not be posted more than 13 weeks prior to the election and shall be removed by the party responsible for the erection of the sign or the property owner within ten days after the election. All such noncommercial signs are permitted on

private property in any zoning district with the express consent of the owner or occupant of such property.

(5) *Official and public signs.*

(6) One sign shall be allowed per street frontage when a property is offered for sale or lease, provided that:

(a) Within residential zoning districts (see table 3-1), no sign shall exceed 12 square feet in area and six feet in height for single-family, two-family, townhouse, and quadraminium units; or 32 square feet in area or eight feet in height for multi-family or institutional uses.

(b) For non-residential zoning districts (see table 3-1), as well as for any parcel larger than ten acres in any zoning district, signs may be up to 96 square feet in area or 12 feet in height as defined in this chapter. One additional such sign shall be allowed for any street frontage which exceeds 1,000 linear feet. For the purposes of this section, frontage on any right-of-way, including local streets, county or state highways, or I-94 shall constitute a "frontage", regardless of access.

(7) Sandwich board signs are allowed within all business zoning districts (see table 3-1) provided that:

(a) Not more than one sign is allowed per principal building except that one sign is allowed per tenant within a principal building having two or more tenants each with an exclusive exterior entrance.

(b) The sign shall only be displayed when the business is open to the public.

(c) Except in the CCD district, the sign shall be placed only on the business property and shall be located within required principal building setbacks, or encroaching into required setback areas a maximum of five feet, and shall not be placed on any vehicle.

(d) The signs shall be located so as to maintain a minimum five-foot pedestrian walkway and so as not to obstruct vehicular traffic.

(e) The sign shall be set back a minimum of two feet from the back of curb of a public street or private drive aisle.

(f) The sign shall conform to the following height and area requirements:

1. Height: Five feet.
2. Area: Six square feet.

(g) For sandwich board signs within the CCD district, sandwich board signs may be located in accordance with the provisions of division (c) above. In addition, such signs may be placed upon the sidewalk or boulevard portion of a public right-of-way upon the issuance of an annual permit in accordance with the provisions and process of § 153.028(K).

(D) *Prohibited signs.* The following signs are prohibited:

(1) Any sign, signal, marking or device which purports to be or is an imitation of or resembles any official traffic control device or railroad sign or signal, or emergency vehicle signs, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.

(2) All off-premises signs unless specifically provided for by this chapter.

(3) Flashing signs.

(4) Roof signs.

(5) Rotating signs.

(6) Shimmering signs.

(7) Signs which move or imitate movement, except for dynamic scrolling signs as defined in this chapter.

(8) Signs painted, attached or in any other manner affixed to trees or similar natural surfaces, or attached to utility poles, bridges, towers, or similar public structures.

(9) Off-premises signs:

(a) Off premise signs existing as nonconforming structures at the time of adoption of this chapter greater than six square feet in area shall be considered a principal use of property.

(b) Annual permits are required for all off-premises signs. Off-premises signs shall be removed as a condition of construction of another principal use upon the property or platting or subdivision approval for the land on which it is located.

(10) *Abandoned signs.*

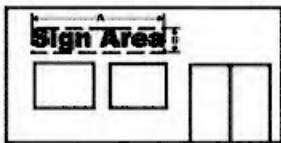
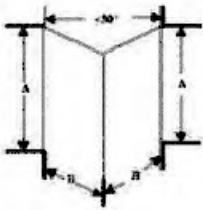
(E) *Nonconforming signs and uses.*

(1) *Signs.* A nonconforming sign lawfully existing upon the effective date of this chapter as denoted in §153.004 shall be regulated in accordance with §§ 153.105 through 153.110.

(2) *Uses.* When the principal use of land is legally nonconforming under §§153.105 through 153.110, all existing or proposed signs in conjunction with that land use shall be considered conforming if they are in compliance with the sign

provisions for the most restrictive zoning district in which the principal use is allowed.

(3) When a sign is considered to be nonconforming due to size, location, or other factor, but represents a conforming use of land, such sign may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless it is considered to be abandoned as defined by this chapter. When a nonconforming sign has been damaged to an extent of 50% or more of its market value, such sign shall be considered to be abandoned if no building or sign permit has been applied for within 180 days of the date of damage.



Wall Sign Area Calculation



Monument Sign Area Calculation



Pylon Sign Area Calculation

(F) *Enforcement and penalties.* Section 153.064 shall be administered and enforced in accordance with the provisions of §§ 153.120 through 153.124 and § 153.999.

(G) *Substitution.* The owner of any sign which is otherwise allowed by §153.064 may substitute non-commercial copy in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.

(H) *General provisions.*

(1) *Accessory structures.* Except as provided for by § 153.064(D)(9), all signs shall be considered accessory structures.

(2) *Setbacks.* All freestanding signs shall be set back 15 feet from any property line abutting a public right-of-way and five feet from any side or rear property line. No sign may be located within a drainage and utility easement. A certificate of survey may be required to verify sign setback in accordance with this chapter.

(3) *Standards adopted.* The design and construction standards as set forth in Chapter 4 of the 1997 edition of the Uniform Sign Code as may be amended, are hereby adopted.

(4) *Electrical signs.* The installation of electrical signs shall be subject to the State's Electrical Code. Electrical service to such signs shall be underground.

(5) *Approval.* No sign shall be attached or be allowed to hang from any building until all necessary wall and roof attachments have been approved by the Community Development Department.

(6) *Sign interference.* No signs, guys, stays or attachments shall be erected, placed or maintained on trees nor interfere with any electric light, power, telephone or telegraph wires or the supports thereof.

(7) *Illuminated signs.* Illuminated signs shall be shielded to prevent lights from being directed at oncoming traffic in such brilliance that it impairs the vision of the driver and may not interfere with or obscure traffic signs or signals. Lighting may not illuminate any adjacent properties, buildings, or streets. Notwithstanding this provision, LED (Light Emitting Diode) light displays may be installed without shielding of the light source provided that:

(a) Unshielded LED light displays may only be located on properties within the FBS, Freeway Bonus Sign District, an overlay zoning district as defined in § 153.046(G).

(b) Unshielded LED lights are not installed in any area that abuts residentially zoned property.

(c) Unshielded LED lights are not installed in such a way as to direct light towards residentially zoned property within 500 feet of the light source.

(d) Unshielded LED lights may not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness;

(e) *Dimmer control.* Unshielded LED lights must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one half-hour before sunset and one half-hour after sunrise.

(8) *Placement.* No sign or sign structure shall be erected or maintained that prevents free ingress or egress from any door, window or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.

(9) Square footage calculation (total area = A x B):

(a) For wall signs, the area of a sign shall be that area within the marginal lines created by the sign surface which bears the advertisement or, in the case of messages, figures or symbols attached directly to the part of a building, which is included in the smallest rectangular figure which can be made to circumscribe the message, figure, or symbol displayed thereon.

(b) For monument signs, area shall be calculated as for wall signs. Structural members of the sign, including supports or other decorative features shall not be considered as a part of the measured sign area.

(c) For pylon signs, the entire area of the sign face or cabinet shall be considered as a part of the measured sign area. Structural supports, provided that they have no message or other graphics, shall be exempt from the area calculation.

(d) A freestanding sign or sign structure constructed so that the faces are not back to back, shall not have an angle separating the faces exceeding 30 degrees unless the total area of both sides added together does not exceed the maximum allowable sign area for that district.

(10) *Height.* The top of a wall sign, including its superstructure, if any, shall be no higher than the roof of the building to which such sign may be attached.

(11) *Landscaping.* A site plan shall be submitted as a part of any application for a freestanding sign which includes plans for the landscaping of the area near the sign, and which demonstrates that the sign will complement the existing or proposed general site landscaping of the property.

(12) *Vehicle fuel facilities.* Signs for vehicle fuel facilities shall be regulated by the sign provisions for the zoning district in which the facility is located, except that within a freestanding sign, an area not to exceed 16 square feet shall be allowed for continuous display (no flashing, scrolling or other animation) of electronic or non-electronic changeable copy identifying current fuel prices in accordance with M.S. § 239.751, as it may be amended from time to time.

(13) *Window signs.* Window signs in the CCD zoning district shall comply with the requirements of the applicable Monticello CCD Sign regulations. Window signs are not considered a part of the maximum sign area otherwise allowed under § 153.064 and do not require a permit.

(14) *Changeable copy signs.*

(a) Changeable copy signs are subject to the following additional regulations:

1. Signs must be permanently anchored to the structure.

2. Signs must be incorporated within the overall sign structure for both monument and pylon signs and must be consistent in design with the sign structure.

(b) Within commercial and industrial districts and for civic and institutional uses including, but not limited to, public school facilities, hospital and medical facilities, municipal facilities and places of public assembly, one changeable copy sign shall be allowed per site provided that the area of the sign not exceed 25% of the allowable sign area or 50 square feet, whichever is less, for a freestanding or wall sign. The area of this sign shall be counted against the maximum sign area for the building, except where the property owner has agreed to forgo the use of temporary signs in accordance § 153.064(1)(2) in which case the area of the changeable copy sign shall be allowed in excess of the maximum sign area.

(15) *Time and temperature signs.* Within commercial and industrial zoning districts, an area not to exceed 16 square feet within a freestanding or wall sign shall be allowed for display of an electronic time and temperature sign subject to the sign provisions for the zoning district in which the sign is located.

(16) *Projecting signs.* Projecting signs may be allowed in commercial districts provided that:

(a) There is a minimum of eight feet of clearance under the base of the sign to the ground below.

(b) The sign does not project more than five feet beyond the wall to which it is mounted, may not project over any vehicular drive aisle or traveled portion of a public or private street and except in the CCD, Central Community District may not project over a public right-of-way.

(c) The area of the projecting sign is not more than 50% of the maximum area allowed for an individual wall sign in the respective zoning district in § 153.064(J).

(17) *Dynamic displays.*

(a) *Findings.* Based on studies related to the use of dynamic sign displays and driver distraction, the city finds that dynamic signs, as defined by the zoning ordinance, have a unique potential to create driver distraction, a major cause of traffic crashes. As a result, the city has adopted special regulations that relate to such signs. These regulations shall apply to all proposed dynamic signage in the city, whether new or existing, conforming or nonconforming at the time of adoption of this chapter.

(b) *Regulations governing dynamic sign displays.*

1. Dynamic sign displays shall have messages that change instantaneously, and do not fade, dissolve, blink, or appear to simulate motion in any way. Prohibited blinking signs shall include signs which are displayed as continuous solid messages for less than the time required by division 3. below. The exception to this regulation is the allowance of messages that appear to scroll horizontally across the sign, but are otherwise in compliance with the requirements of this chapter, including the definition of "scrolling signs".

2. With the exception of dynamic sign displays for civic or institutional uses, dynamic sign displays shall not be permitted in any residential zoning district.

3. Dynamic sign displays shall be permanent signs.

4. No dynamic sign display shall change more than one time per three second period; time and temperature displays may change as frequently as once every three seconds.

5. Dynamic sign displays shall be no brighter than other illuminated signs in the same district.

6. Dynamic sign displays shall be designed to freeze the display in the event of malfunction, and the owner shall discontinue the display immediately upon malfunction, or upon notice from the city that the display violates the city's regulations.

7. Applicants for dynamic sign displays shall sign a license agreement supplemental to the building permit agreeing to operation of a sign in conformance with these regulations. Violation of these regulations shall result in forfeiture of the license, and the city shall be authorized to arrange disconnection of electrical service to the sign display.

8. With the exception of dynamic sign displays for civic or institutional uses, no dynamic sign display shall be permitted to be located in a yard or on the side of a building which abuts a residentially zoned or used parcel.

9. Dynamic sign displays for civic or institutional uses adjacent to or abutting residential uses or residentially zoned property shall be subject to the requirements of § 153.064(H) of this chapter and the following additional requirements.

a. Dynamic displays are limited to inclusion on existing or proposed monument signage as allowed by § 153.064(J); the total of such monument signage shall not exceed 100 square feet.

b. Dynamic displays shall not exceed 25% of the allowable sign area or 25 feet in total for the parcel, whichever is less, and shall be limited to one sign display per parcel.

c. Dynamic sign displays must be setback a minimum of 15 from the public right-of-way and 100 from the property line when adjacent to residential uses or residentially zoned property.

d. Dynamic sign displays must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one half-hour before sunset and one half-hour after sunrise.

e. Dynamic sign displays shall not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness.

f. Dynamic sign displays may only be illuminated between the hours of 7:00 a.m. to 10:00 p.m.

(18) *Design and materials standards for signs in commercial districts, industrial districts, the CCD District, PUDs.*

(a) *In general.* The design and materials of any sign shall be consistent with the building materials requirements of

the district in which the sign is located, and shall be the same as, or compatible with, the materials and design of the principal building(s) on the property.

(b) *Specific materials for pylon signs.* All exposed pole or post structures must be wrapped or faced with stucco, architectural metal, brick or stone consistent with building architecture.

(l) *Temporary signs.*

(1) For property in a Business District or an Industrial District (see table 3-1), the use of temporary sign devices shall not exceed 120 days per calendar year per business. When multiple temporary signs are permitted per parcel, such signs shall be spaced 75 lineal feet apart. The area of temporary sign devices shall not exceed 40 square feet. Off-premises temporary signage is prohibited. A temporary sign permit is required to be obtained prior to displaying the sign.

(a) The number of days and dates of use shall be provided on the permit application. Each business may request up to a total of four permits per calendar year, or until 120 days are reached cumulatively, whichever occurs first.

(2) In cases where properties forego, in writing, temporary signage allowed by §153.064(l)(1) above, an additional permanent message board sign up to 50 square feet in area shall be allowed. Such sign may be incorporated into a property's freestanding sign or the building as additional wall sign area. Freestanding signs shall be subject to the height limitations of the applicable zoning district.

(3) Subject to other provisions of §153.064(l), one additional temporary sign device shall be permitted for a business on a one-time basis for a period of up to 40 days to be utilized within six months of the first day of the business opening to the public. Such signage shall not be limited by the provisions of § 153.064(l)(2).

(4) Businesses or organizations with their activities located in the CCD, Central Business District, may display temporary, off-premise signs by express permit issued by the City Council or the Council's designee where access to commercial areas requires directional signage from the city's arterial roads. Signs allowed under this section shall be considered to be in addition to any other sign allowances, including permanent signage, other on-site temporary signs, or "sandwich board" signs displayed pursuant to § 153.064(C)(7). Signs allowed under this section may, at the discretion of the Council, be permitted under the following conditions:

(a) Off-premise, temporary signs shall be no more than four square feet in area.

(b) Off-premise temporary signs shall be no more than three feet in height.

(c) Off-premise temporary signs shall be limited to no more than one sign every 75 lineal feet of street frontage, but no more than three signs per parcel.

(d) Notwithstanding other regulations to the contrary, such signs may be placed upon the public sidewalk within a city street right-of-way. Any such sign placed on the public sidewalk shall be located so as to avoid impeding pedestrian traffic, and to avoid visual interference with vehicular traffic.

(e) An application for an off-premise, temporary sign shall be accompanied by a written statement of permission from the owner of the private property on which the sign is located. Such statement shall include an express grant of permission for city inspectors to enter the property for the purpose of inspecting and/or removing said signs.

(f) An application for signs subject to the provisions of this section may be made for a single period of display, or in the alternative, the city may grant approval for annual license for the display of such signs in accordance with § 153.028(K). Separate fees may be established for single-period or annual-period permits.

(g) Eligible days for the display of signs subject to this section shall be Thursday, Friday, Saturday, or Sunday only.

(5) All signs comprised of non-commercial speech are permitted on private property in any zoning district with an established principal commercial, industrial, institutional, or public use, with the express consent of the owner of such property.

(a) The total area of such sign devices shall not exceed 40 square feet in total.

(b) Signs may be placed for up to 21 days per 30-day period.

(c) Signs may not be placed within the public right-of-way or easements.

(d) Such signs shall be spaced a minimum of 75 linear feet from any other sign on the site.

(e) No permit shall be required for such signage.

(6) Temporary signage may be located on a vacant parcel adjacent to a parcel occupied by an active and permitted principal use, when such properties are held in the same ownership.

(J) *District regulations.* In addition to the signs allowed by §153.064(C) and § 153.064(l), the following signs shall be allowed within the specific zoning districts:

(1) Within residential zoning districts (see table 3-1), the following additional regulations apply:

(a) Except for the uses specified in § 153.064(J)(1)(b) and § 153.064(J)(1)(c) below, not more than one sign shall be allowed provided that:

1. The area of the sign shall not exceed four square feet.
2. Freestanding signs shall be limited to a maximum height of four feet.

(b) In addition to the sign allowed by §153.064(J)(1)(a) above, residential uses shall be allowed one monument sign per collector or arterial street access. Such sign shall meet the requirements of this chapter and shall be constructed at the time of plat or phased plat development adjacent to the collector or arterial access.

(c) Civic and institutional uses shall be allowed two monument signs per lot meeting the requirements of this chapter.

(2) Within business and industrial zoning districts (see table 3-1), the following additional regulations shall apply:

(a) *Total area of signs.* The total area of all signs (with the exclusion of freestanding signs as may be allowed by this code) displayed on a lot shall not exceed 15% of the total building facade fronting not more than two public streets.

(b) *Freestanding signs.*

1. Unless otherwise specified in this section, one sign is allowed per lot. The area of a freestanding sign may not exceed 100 square feet each side with a maximum height of 22 feet.

2. If a monument, rather than pylon sign is utilized, an additional 100 square feet of area beyond the total area calculated in § 153.064(J)(2)(a) above, devoted to wall, canopy or marquee signs shall be granted.

3. In addition to the sign allowed by divisions 1. and 2. above, additional signage may be allowed per lot in an amount not to exceed three signs with an individual square footage maximum of ten square feet each and 30 total square feet. Such signage shall not exceed three feet in height. Signage shall be setback at least six feet from adjacent property lines and shall not be located within a public right-of-way or easement without a license agreement approved by the City Council. Such signs may not include changeable copy or dynamic displays.

4. For shopping centers greater than 150,000 square feet of aggregate building square footage and greater than 20 acres in site area, two freestanding signs may be permitted. Two pylon signs may be constructed or, as an alternative, one pylon and one monument sign may be constructed. When the latter option is chosen, the monument sign shall be no greater than 14 feet in height nor more than 100 square feet in area. The pylon sign may be no greater than 25 feet in height and 300 square feet in area.

(c) *Wall, canopy, or marquee signs.*

1. Wall, canopy, projecting, and marquee signs shall be consistent with the maximum area requirements of § 153.064(J)(2)(a).

2. Wall, canopy and marquee signs are permitted on any building facade except those which abut properties zoned for residential use.

(d) *Multiple occupancy commercial and industrial buildings.* When a single principal building is devoted to two or more commercial or industrial principal uses, signs shall be allowed subject to review and approval of the Community Development Department based upon the following requirements:

1. The maximum individual sign sizes for multiple occupancy buildings and individual businesses that may display a sign shall not exceed the maximum provisions in the same zoning district in § 153.064(J).

2. Commercial retail, office, or mixed use multiple occupancy buildings may display a single freestanding sign consistent with the applicable zoning district provisions in § 153.064(J).

3. Individual tenants of a multiple occupancy building within a commercial or industrial zoning district may display separate wall, canopy, or marquee signs subject to the following requirements:

a. Such sign shall be limited to the maximum wall sign size permitted in the applicable zoning district provisions in § 153.064(J). Sign area shall be calculated based on the facade area of each individual tenant space.

b. Such signs shall be located on exterior walls facing residentially zoned properties or properties on which a residential use exists.

c. A comprehensive sign plan is submitted that includes all of the following information:

(i) A site plan to scale showing the location of lot lines, buildings, structures, parking areas, existing and proposed signs, and any other physical features of the area included within the proposed comprehensive sign plan.

(ii) Elevations to scale of buildings included within the comprehensive sign plan including the location of existing or proposed wall, canopy, or marquee signs.

(iii) To scale plans for all existing and proposed signs of any type included within the comprehensive sign plan indicating area, dimensions, height, materials, colors, and means of illumination (if any).

d. No permit shall be issued for a new or replacement sign for an individual tenant except upon a determination by the Community Development Department that it is consistent with the approved comprehensive sign plan.

(Ord. 799, passed 2-27-2023)

§ 153.060 LANDSCAPING AND SCREENING.

(A) *Section organization.* The Monticello landscaping and screening standards are organized into the following main divisions:

- (1) *Division (B), Purpose and Intent.* Sets out the purpose and intent for the standards;
- (2) *Division (C), General Requirements for Landscaping.* Includes the applicability provisions, requirements for landscaping plans, and standards for new plantings;
- (3) *Division (D), Landscaping Plan Requirements.* Outlines the specific information that must be supplied to the city anytime a landscape plan is required by this chapter;
- (4) *Division (E), Standards for Site Landscaping.* Introduces standards for foundation plantings around some buildings;
- (5) *Division (F), Alternative Landscaping Plan.* Includes the procedures and standards for review of alternative landscaping plans;
- (6) *Division (G), Standards for Vehicular Use Area Landscaping.* Includes the standards for landscaping around the perimeter and within vehicular use areas;
- (7) *Division (H), Standards for Perimeter Buffers.* Includes the landscaping buffer standards applied to the edges of some base zoning districts;
- (8) *Division (I), Standards for Required Screening.* Includes the screening requirements for site features like refuse, loading, and service areas ;
- (9) *Division (J), Zoning Specific Landscaping Standards.* Includes specific landscaping standards specific to zoning district.
- (10) *Division (K), Landscaping Installation and Maintenance Standards.* Includes the other standards for landscaping installation, timing, maintenance, monitoring for compliance, and incentives.

(B) *Purpose and intent.* It is the purpose of this section to promote and protect the public health, safety and general welfare by providing for the planting and maintenance of trees, shrubs, and other plants within the city. The intent of this section is to promote this purpose by:

- (1) Ensuring and encouraging the planting, maintenance, restoration and survival of trees, shrubs, and groundcover;
- (2) Ensuring the protection of community residents and visitors from personal injury and property damage, and the protection of the city from property damage, caused or threatened by the improper planting, maintenance or removal of trees, shrubs, or other plants;
- (3) Mitigating against erosion and sedimentation;
- (4) Reducing stormwater runoff and the costs associated therewith;
- (5) Preserving and protecting the water table and surface waters;
- (6) Reducing audible noise from automobiles and land uses;
- (7) Restoring soils and land denuded as a result of construction or grading;
- (8) Increasing the tree canopy to provide shade and moderate the effect of urban heat islands;
- (9) Limiting glare created by exterior lighting;
- (10) Reducing visual pollution from the urban environment and increasing privacy between incompatible uses;
- (11) Protecting and enhancing property values and aesthetic qualities;
- (12) Helping to differentiate streets and other areas of the public realm from private lands;
- (13) Providing additional improvements to air quality through the carbon dioxide uptake process provided by trees and landscaping; and
- (14) Providing visual screening, where appropriate.

(C) *General requirements for landscaping.*

(1) *Applicability of landscaping standards.*

(a) *General.* Except as exempted by § 153.060(C)(1)(b) below, the standards in § 153.060 shall apply to all development in the city.

(b) *Exemptions.* Development in the CCD shall be exempt from the perimeter vehicular use area landscaping standards in § 153.060(F)(3).

(c) *Landscape plan.* To ensure compliance with the standards of this section, a landscape plan demonstrating how

landscaping will be planted on a development site shall be included as a part of any application when required by the Community Development Department.

(2) *Planting standards.* Plantings provided in accordance with this section shall comply with the following standards:

(a) Deciduous canopy or shade trees shall be a minimum of two caliper inches in size at the time of planting, as determined in the American Standard for Nursery Stock, ANSI Z60.1-2004, as amended.

(b) Evergreen canopy trees shall be a minimum of six feet in height above ground level at the time of planting.

(c) Understory or ornamental trees shall have a caliper of one-and-one half inches at time of planting, as determined in the American Standard for Nursery Stock, ANSI Z60.1-2004, as amended.

(d) Deciduous or evergreen shrubs shall be upright in nature and be a minimum of 24 inches in height at the time of planting.

(e) In cases where an aggregate caliper inch (ACI) requirement is utilized to derive a required amount of vegetation, and the ACI figure includes a fraction, an applicant may:

1. Utilize a tree or trees with a caliper inch measurement exceeding the minimum size at time of planting standard of § 153.060(C) in order to meet the required ACI; or

2. Round the ACI figure upwards until the figure corresponds with a whole number of trees meeting the minimum size at time of planting standard. When trees exceeding the minimum size at time of planting standard are proposed, the minimum calipers of such trees shall be clearly noted on the Landscaping Plan.

(f) In cases where application of landscaping requirements result in a fraction in the number of shrubs to be provided, the minimum number of shrubs or trees to be provided shall be rounded upwards to the next highest whole number.

(g) All landscape plant materials shall conform to the latest version of the American Standard of Nursery Stock (ANSI Z60.1, as amended). Plant material shall be of standard quality or better, true to name and type of species or variety.

(h) The use of native, drought tolerant vegetation is encouraged to reduce dependency upon irrigation.

(i) To curtail the spread of disease or insect infestation in a plant species, new tree plantings shall comply with the following standards:

1. When fewer than 20 trees are required on a site, at least two different species shall be utilized, in roughly equal proportions.

2. When more than 20 but fewer than 40 trees are required to be planted on site, at least three different species shall be utilized, in roughly equal proportions.

3. When 40 or more trees are required on a site, at least four different species shall be utilized, in roughly equal proportions.

4. Nothing in this division shall be construed so as to prevent the utilization of a larger number of different species than specified above.

(j) *Required species.*

1. All trees used in site developments shall be indigenous to the appropriate hardiness zone and physical characteristics of the site.

2. All deciduous trees proposed to satisfy the minimum requirements of this policy shall be long-lived hardwood species.

(3) *Existing vegetation.*

(a) It is the policy of the City of Monticello to preserve the natural forest and woodland areas throughout the city; and with respect to specific site development, to retain, as far as practicable, substantial tree stands which should be incorporated into the site.

(b) Existing healthy, well-formed canopy and understory trees as well as healthy shrubs shall be credited toward the requirements of this section, provided the vegetation meets the minimum size standards of this chapter, is protected before and during development of the site in accordance with § 153.061(B), Tree Protection During Construction, and is maintained thereafter in a healthy growing condition.

(4) *Stabilization.* All required landscape planting areas and required yards shall be stabilized and maintained with lawn, ground covers, mulches, or other approved materials to prevent soil erosion and allow rainwater infiltration.

(5) *Berms.*

(a) The slope of all berms shall not exceed a two-to-one ratio (horizontal to vertical), shall have a top width at least one-half the berm height, and a maximum height of four feet above the toe of the berm.

(b) All berms, regardless of size, shall be stabilized with a ground cover or other suitable vegetation.

(c) Berms proposed to be placed along street right-of-way shall be designed and constructed to provide adequate sight distances at intersections and shall not impair safe operation of vehicles.

(d) Berms shall in no case damage the roots or trunks of existing healthy vegetation designated to be preserved.

(6) *Easements.* Nothing except groundcover shall be planted or installed within any underground or overhead utility, drainage, gas easement, or within three feet of a fire protection system without the consent of the utility provider, easement holder, or the city, as appropriate.

(7) *Ground cover when no landscaping or site plan is required.* All areas not otherwise improved in accordance with approved site or landscaping plans shall be seeded or sodded with lawn cover, except for managed natural landscapes as defined in M.S. § 412.925. Other exceptions to this criterion may be approved by the Community Development Department as follows:

(a) Undisturbed areas containing existing viable natural vegetation which can be maintained free of foreign and noxious plant materials.

(b) Areas designated as open space or future expansion areas properly planted and maintained with prairie grass.

(c) Use of mulch materials such as bark, rock mulch over four mil poly, and wood chips in support of shrubs and foundation plantings.

(D) *Landscaping plan requirements.*

(1) Detailed landscape plans shall be required as specified in this chapter and in all cases where site plan approval is specified by either this chapter or the subdivision ordinance.

(a) The landscape plan should illustrate planned development on the site; and

(b) The landscape plan shall be produced on a separate sheet or sheets from other required plans such as grading, drainage, and utility plans.

(2) Detailed landscape plans shall include the following information:

(a) *In general.*

1. Name and address of developer/owner.
2. Name and address of architect/designer.
3. Date of plan preparation.
4. Dates and description of all revisions.
5. Name of project or development.
6. Scale of plan (engineering scale only, at one inch equals 50 feet or less).
7. North point indication.

(b) *Site analysis.*

1. Boundary lines of property with dimensions based upon certified survey.
2. Name and alignment of proposed and existing adjacent on-site streets.
3. Location of existing and proposed utility rights-of-way, easements, and lines (water, gas, electric).
4. Location of existing and proposed building.
5. Topographic contours of the minimum interval of two feet, extending at least 100 feet beyond the site boundaries.
6. Location of existing and proposed parking facilities, including curbing detail and traffic island delineators.
7. Location of existing and proposed water bodies.
8. Location of existing and proposed sidewalks, trail corridors, and fire lanes.
9. Other existing or proposed conditions which would be expected to affect landscaping.
10. Percentage of gross site area not covered by structures and pavement and percentage of gross site area covered by pervious and impervious surfaces.

(c) *Landscape data.*

1. Planting schedule (table) containing symbols, quantities, common names, botanical names, sizes of plant material, root specification (b.r., B & B, potted, etc.) and special planting instructions.
2. Existing trees and shrubbery, locations, common names, and approximate size.

3. Planting detail (show all species to scale at normal mature crown diameter or spread for local hardiness zone).
4. Typical sections in details of fences, tie walls, planter boxes, tot lots, picnic areas, berms, and the like.
5. Typical sections of landscape islands and planter beds with identification of materials used.
6. Details of planting beds and foundation plantings.
7. Note indicating how disturbed soil areas will be restored through the use of sodding, seeding, or other techniques.
8. Delineation of both sodded and seeded areas with respective areas in square feet.
9. Coverage plan for underground irrigation system, if any.
10. Exterior lighting plan (as applicable).

(E) *Standards for site landscaping.*

(1) *Purpose and intent.* Site landscaping material is intended to soften the visual impact of building foundations and provide for the even dispersal of trees across a development site.

(2) *No exceptions.* The site landscaping provisions of § 153.060(H) shall be required for all development.

(3) *Distinguished from other required landscaping.* Site landscaping, for the purpose of this section, is exclusive of required perimeter buffer and screening landscaping. Plantings required to meet vehicular use area and perimeter vehicular use area landscaping standards can be counted towards meeting site landscaping requirements.

(4) *Site landscaping standards.* Site landscaping shall be supplied in the amounts identified in Table 4-4: Required Site Landscaping Plantings. Site landscaping shall meet the minimum size standards for new planting specified in § 153.060(C) (2), Planting Standards.

TABLE 4-4: REQUIRED SITE LANDSCAPING PLANTINGS	
Use Type [1]	Required Plantings Per Site [2][3][4]
TABLE 4-4: REQUIRED SITE LANDSCAPING PLANTINGS	
Use Type [1]	Required Plantings Per Site [2][3][4]
General Standards	
Single-family detached and Multi-family dwellings with less than five (5) units [5] [6]	4.0 ACI of canopy trees OR [7]
Multi-Family Dwellings with five (5) or more units	16.0 ACI of canopy trees (including at least 3 evergreen trees) per acre + at least 2 shrubs per each 10 feet of building perimeter, or as may be otherwise specified in the zoning district
Civic & Institutional Uses	14.0 ACI of canopy trees (including at least 2 evergreen trees) per acre + at least 1 shrubs per each 10 feet of building perimeter
Office & Commercial Uses	10.0 ACI of canopy trees (including at least 1 evergreen tree) per acre + at least 2 shrubs per each 10 feet of building perimeter
Industrial Uses	4.0 ACI of canopy trees (including at least 1 evergreen tree) per acre + at least 1 shrub per every 10 feet of a building wall facing a public right-of-way
District Specific Standards	
TN District lot standards (all plantings must be in the front or side yards, and all shrub and flower plantings must be in the front yard)	See § 153.060(J)(2)
CCD lot standards	See § 153.060(J)(3)
IBC District lot standards	See § 153.060(J)(4)

NOTE: ACI = Aggregate Caliper Inches

[1]: See Table 5-1, Uses By District.

[2]: At least ½ of the required shrubs shall be of an evergreen variety.

[3]: Each evergreen tree meeting the minimum size standards of this section shall count as two caliper inches towards the total number of required canopy tree caliper inches.

[4]: Credits towards required landscaping are available for the retention of non-specimen trees per the provisions of § 153.61(D), Tree Preservation Incentives.

[5]: Required landscaping trees shall be planted within the boulevard.

[6]: Lots in the T-N District shall not adhere to these standards, but instead to the specific standards listed in § 53.61(J) (2).

[7]: Required Plantings for corner lots shall be double the listed requirements (8.0 ACI of canopy trees)

(5) *Shrub placement.* Required shrubs shall be placed around the building perimeter, a minimum of three feet from the building, with emphasis placed on screening building foundations visible from the public right-of-way. Required shrubs may be planted up to ten feet from the building, or up to 15 feet from the building if there is a sidewalk located between the planting area and the building wall.

(6) *Tree placement.* Trees serving as site landscaping shall be dispersed across a site in accordance with good planting practice and the following priority listing:

- (a) In yards between a building façade and a street right-of-way where no vehicular use area landscaping is required;
- (b) Between a building and an adjacent lot with an existing use that provides more than 50% of the vegetative material associated with a required perimeter buffer;
- (c) Between a building façade and an abutting lot with the same or a more intense zoning district classification (where no perimeter buffering is required);
- (d) Within open-space set-aside areas with no existing or reforested trees;
- (e) Adjacent to on-site areas of pedestrian or vehicular circulation where no other vegetative material is required (e.g., drive-thrus or stacking lanes); or
- (f) Other areas near accessory structures or accessory uses.

(F) *Alternative landscaping plan.*

(1) *Purpose.* In cases where development conditions require a deviation from the landscaping standards in this section or the tree protection standards in § 153.061, Tree Protection, an alternative landscaping plan shall be required. Submission of an alternative landscaping plan shall be required for managed natural landscape. Nothing in § 153.060(F) shall prohibit a development configuration that meets or exceeds the landscaping and tree protection standards in this chapter or the allowances of M.S. § 412.925.

(2) *Justification.* Alternative plans, materials, or methods may be justified due to:

- (a) Natural conditions, such as streams, natural rock formations, or topography;
- (b) The likelihood that landscaping material would be ineffective at maturity due to topography, placement, or other existing site conditions;
- (c) Lot size or configuration;
- (d) The presence of utility or other easements;
- (e) The potential for interference with public safety;
- (f) Installation and maintenance of managed natural landscapes; and
- (g) Other situations where strict adherence to the landscaping or tree protection standards in this Chapter are determined to be impractical by the Community Development Department.

(3) *Allowable deviations.* The Community Development Department shall approve any managed natural landscape that satisfies the definition thereof in M.S. § 412.925. The Community Development Department may also approve any alternative landscape plan if it meets the purpose and intent of § 153.060, Landscaping and Screening, or § 153.061, Tree Protection, as appropriate. Allowable deviations from the standards of this section include, but are not limited to the following:

(a) *Reduced planting rates due to public facilities.* An adjustment to planting locations or reduction of up to 20% in the type or total number of required caliper inches may be allowed when underground connections to public facilities, public utilities, or public easements or right-of-way cause difficulty in meeting the required standards.

(b) *Reduction in standards due to nature of parcel.* A reduction in the count, spacing, or species variety standards by up to 20% may be allowed where the reduction is desirable in terms of protection of existing natural resources, better consistency with the goals of the comprehensive plan, or a site design that exceeds the quality of what would otherwise result under a strict application of the standards in this chapter, in the opinion of the Community Development Department.

(c) *Installation of managed natural landscapes and/or a native landscapes restoration plan.*

1. Installation of a managed natural landscape shall be allowed when in conformance with the definitions of M.S. § 412.925.

2. Managed natural landscapes shall not be exempt from any applicable minimum planting requirements of this chapter for required site landscaping, perimeter buffer yard, required screening, and vehicular use area plantings.

3. For managed natural landscapes, property owners are encouraged to review Minnesota Board of Soil and Water Conservation natural landscape resources and meet with representatives of the Community Development Department prior to developing the alternative landscaping plan.

4. For native landscape restoration, a reduction of up to 10% in the type or total number of required caliper inches may be allowed where the reduction is desirable as an incentive to encourage the use of native plantings and/or the restoration of native plantings on lands dedicated for open space.

(d) *Planting on adjacent or alternative sites.* In cases where required plantings cannot be easily sited on the subject parcel, alternative locations on adjacent or nearby parcels may be proposed.

(4) *Alternative landscape plan informational requirements.* Alternative landscape plans shall provide the same information required by a general landscape plan as outlined in § 153.060(D).

(G) *Standards for vehicular use area landscaping.* Except where exempted by § 153.060(G)(1) below, all vehicular use areas shall include landscaping both within the interior of the vehicular use area and around its perimeter, as a means of mitigating the parking area's microclimate and visual impacts. Vehicular use area landscaping, including perimeter vehicular use areas, may be counted toward overall site landscaping requirements.

(1) *Exemptions.* The following uses shall be exempt from the requirements to provide vehicular use area landscaping:

- (a) Single-family detached residential development;
- (b) Two- to four-family dwellings;
- (c) Off-street surface vehicular use areas with four or fewer spaces;
- (d) Parking structures; and
- (e) Vehicle display areas for commercial vehicle sales and rental uses.

(2) *Interior vehicular use area landscaping standards.*

(a) Where islands are proposed for drainage and stormwater management, such islands shall be landscaped in accordance with this section.

(b) All vehicular use areas shall provide and maintain landscaped planting areas within the interior of the vehicular use area in accordance with this section.

(c) *Configuration.* Interior planting areas shall be designed in accordance with the following standards:

1. Islands shall be located at the end of parking bays and have a minimum size of 180 square feet when adjacent to single loaded parking spaces, and a minimum size of 360 square feet when adjacent to double loaded parking spaces (see Figure 4-1: Interior Parking Islands).

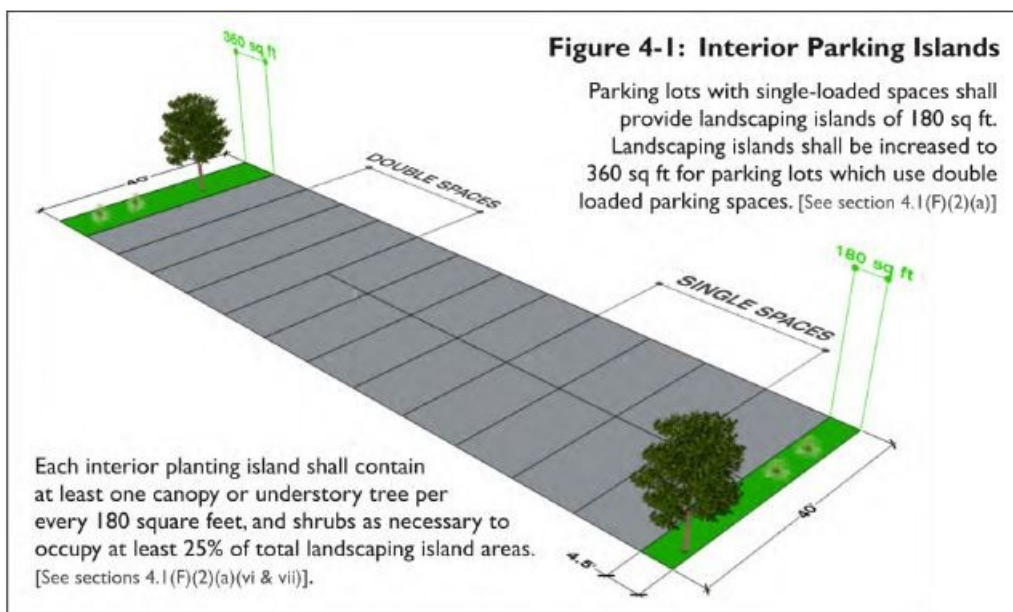
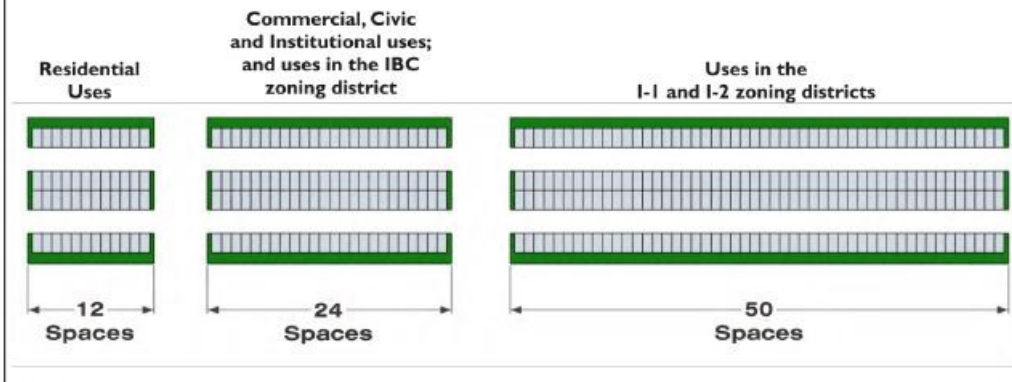


Figure 4-2: Landscaped Islands Spacing

Per section 4.1(F)(2)(a)(ii) and Table 4-1, the maximum number of parking spaces between landscaped islands differ depending on the use or zoning district as shown here.



2. The maximum length of a parking bay to be bounded by interior planting islands shall be in accordance with Table 4-1.

TABLE 4-1: LANDSCAPED ISLAND REQUIREMENTS	
Use Type	Maximum Number of Parking Stalls Between Islands
TABLE 4-1: LANDSCAPED ISLAND REQUIREMENTS	
Use Type	Maximum Number of Parking Stalls Between Islands
Residential Uses	
Multi-family Uses	12 stalls between islands
Commercial, Civic, and Institutional Uses	
Commercial Uses	24 stalls between islands
Civic & Institutional Uses	24 stalls between islands
Industrial Uses	
Industrial & Business Campus District Uses	24 stalls between islands
All Other Industrial Uses	50 stalls between islands

3. Landscaped planting areas shall be distributed throughout the parking area for the purpose of heat abatement.

4. Driveway and primary drive aisle medians shall have a minimum width of four feet for medians containing shrubs and six feet for medians containing both shrubs and understory trees.

5. Each interior planting island shall contain at least one canopy or understory tree per every 180 square feet, or portion thereof, of the total landscape island area.

6. Shrubs shall be planted within landscaping islands at a minimum rate necessary to ensure that at least 25% of the total land area occupied by landscaping islands is planted with shrubs.

(b) *Protection of planting areas.* Except as exempted by the Community Development Department, all planting areas shall be protected from vehicle damage by the installation of curbing, wheel stops, or other comparable methods. This standard shall not prohibit the use of planting areas as on-site stormwater management devices.

(3) *Perimeter vehicular use area landscaping standards.* Where a vehicular use area serving a use subject to these standards abuts a street right-of-way, vacant land, or any other development (except another vehicular use area), perimeter landscaping strips shall be provided and maintained between the vehicle use area and the abutting right-of-way or property line in accordance with the following standards (perimeter vehicular use area landscaping counts towards overall required site landscaping, see division (E)(3)).

(a) *Location.*

1. Perimeter landscaping strips shall be located on the same land where the vehicular use area is located, and shall be placed to assure visibility and safety of pedestrians on the public street, as well as those within the vehicular use area.

2. Perimeter landscaping strips may not be placed within future street rights-of-way as may be identified on the City's Official Map.

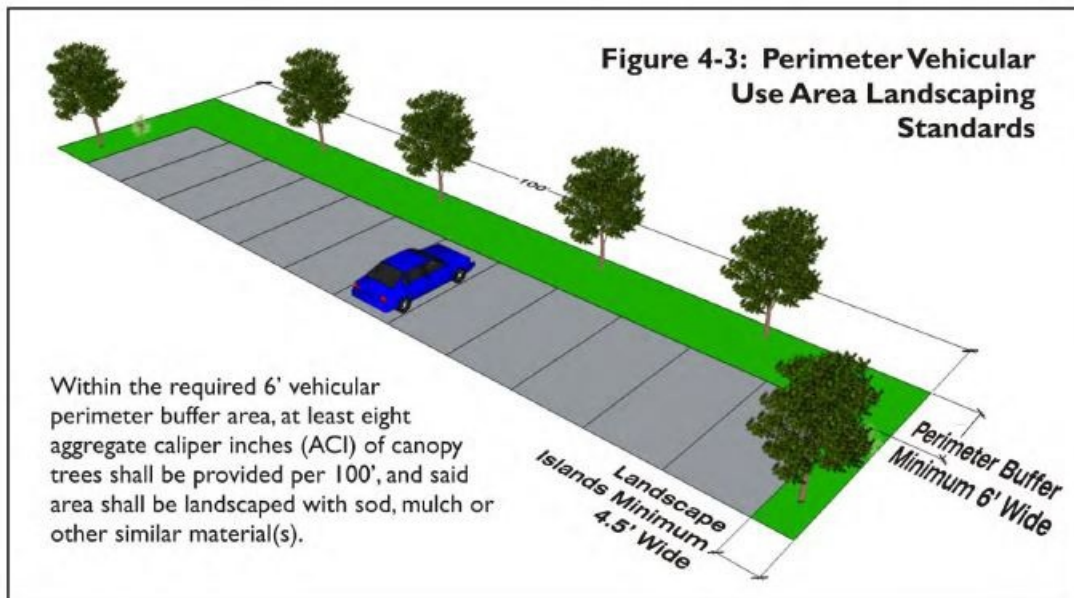
(b) *Minimum width.* When a vehicular use area is located within 50 feet of a street right-of-way, the perimeter landscaping shall be located within a planting strip at least six feet wide. In all other instances, the strip shall be the minimum width necessary to assure required landscaping is not damaged by vehicles or other on-site activity. In no instance shall the strip be less than three feet wide.

(c) *Protection of landscaping strip.* Except as exempted by the Community Development Department, the perimeter landscaping strip shall be protected from vehicle damage by the installation of curbing, wheel stops, extra width in the landscaping strip, or other comparable methods. This standard shall not prohibit the use of perimeter landscaping strips as on-site stormwater management devices.

(d) *Required Materials (see Figure 4-3).* Each perimeter landscaping strip shall include at least eight aggregate caliper inches (ACI) of canopy trees per 100 linear feet of landscaping strip, and the remaining ground shall be landscaped (sod, mulch, etc).

(e) *Adjacent to perimeter buffers.* Perimeter landscape strips associated with a vehicle use area may be credited towards perimeter buffer standards [See § 153.060(H), Standards for Perimeter Buffers], provided the minimum buffer standards of this section are met.

(f) *Adjacent to off-street surface parking on other lots.* Where two or more off-street surface vehicular use areas are located adjacent to one another, but upon different lots, no perimeter landscaping strip shall be required between the two vehicular use areas.



(4) *Incentives for improved design.*

(a) The total aggregate caliper inch requirements for canopy and understory trees in §153.060(F) may be reduced by 5% when:

1. At least 65% of the provided parking is located to the side or rear of the building;
2. At least 30% of the total required parking is subject to a shared parking agreement; and
3. When pervious parking surfacing is used for 20% or more of the total vehicular use area.

(b) The above incentives may be combined to achieve a cumulative reduction in the amount of required tree ACI.

(H) *Standards for perimeter buffers.*

(1) *Purpose and intent.* Perimeter landscape buffers are intended to mitigate potential negative effects of different contiguous uses.

(2) *Applicability.* Except for adjoining single-family detached residential uses, adjoining commercial and industrial uses occurring within the same zoning district boundary, and uses in the CCD district, all development shall provide a perimeter landscape buffer to separate it from uses in a different use classification in accordance with Table 4-2: Buffer Types, and Table 4-3: Buffer Type Application.

(3) *Types of buffers.* Table 4-2: Buffer Types, describes four different buffering types in terms of their function, opacity, width, and planting requirements. Where a particular buffer type is required in Table 4-3: Buffer Type Application, the requirement may be met with the combination of minimum buffer width and minimum screening requirements specified

under either Option 1 or Option 2. Where an option utilizing a fence or wall is selected, the fence or wall shall comply with the standards of Section 4.3, Fences and Walls.

TABLE 4-2: BUFFER TYPES		
ACI=AGGREGATE CALIPER INCHES		
	Minimum Screening Requirements Within the Perimeter Buffer [1][2][3][4]	
Buffer Type and Configuration	Option 1: Minimum Width of 20 feet	Option 2: Minimum Width of 10 feet [5]
TABLE 4-2: BUFFER TYPES		
ACI=AGGREGATE CALIPER INCHES		
	Minimum Screening Requirements Within the Perimeter Buffer [1][2][3][4]	
Buffer Type and Configuration	Option 1: Minimum Width of 20 feet	Option 2: Minimum Width of 10 feet [5]
TYPE A - BASIC BUFFER		
This perimeter buffer functions as basic edge demarcating individual properties with a slight visual obstruction from the ground to a height of ten feet.	2 ACI of canopy trees + 10 ACI of understory trees + 15 small shrubs per 100 linear feet	
TYPE B – AESTHETIC BUFFER		
This perimeter buffer functions as an intermittent visual obstruction from the ground to a height of at least 20 feet, and creates the impression of special separation without eliminating visual contact between uses.	8 ACI of canopy trees + 10 ACI of understory trees + 15 small shrubs per 100 linear feet	2 ACI of canopy trees + 14 ACI of understory trees + 35 small shrubs per 100 linear feet
TYPE C – SEMI-OPAQUE BUFFER		
This perimeter buffer functions as a semi-opaque screen from the ground to at least a height of six feet.	12 ACI of canopy trees + 14 ACI of understory trees + 25 small shrubs per 100 linear feet	One 4-foot high berm or one 4-foot high solid fence + 2 ACI of canopy trees + 16 ACI of understory trees per 100 linear feet
TYPE D – OPAQUE BUFFER		
This perimeter buffer functions as an opaque screen from the ground to a height of at least six feet. This type of buffer prevents visual contact between uses and creates a strong impression of total separation.	18 ACI of canopy trees + 20 ACI of understory trees + 55 small shrubs per 100 linear feet	One 6-foot high solid fence + 12 ACI of canopy trees per 100 linear feet
<p>[1]: Any required perimeter buffer width can be reduced to five feet with the provision of a solid masonry wall at least five feet in height along with ten large shrubs per every 100 linear feet.</p> <p>[2]: Perimeter buffer widths (but not vegetation amounts) may be reduced in accordance with § 153.028(G) upon approval of an Alternate Landscape Plan under the provisions of §153.060(F) if adhering to these requirements is not possible.</p> <p>[3]: In cases where an adjacent use is designed for solar access, understory trees can be substituted for canopy trees.</p> <p>[4]: Required plantings shall conform to the planting standards outlined in §153.060(C)(2).</p> <p>[5]: Fences and walls shall comply with the standards in §153.062, Fences and Walls.</p>		

(4) *Determination of required buffer type.* Table 4-3 specifies the type of perimeter landscape buffer that new development shall provide between it and adjacent property, based on the uses present on the development site and that on the adjacent property. The buffer type is indicated by a letter corresponding to one of the four buffer types depicted in Table 4-2, Buffer Types.

TABLE 4-3: BUFFER TYPE APPLICATION

	Existing Use Type on Abutting Land [1]				
Proposed Use Type	Single-Family Residential	All Other Residential	Civic and Institutional Uses	Office and Commercial Uses	Industrial Uses

TABLE 4-3: BUFFER TYPE APPLICATION

	Existing Use Type on Abutting Land [1]				
Proposed Use Type	Single-Family Residential	All Other Residential	Civic and Institutional Uses	Office and Commercial Uses	Industrial Uses
Single-family residential	n/a	A	B	C	D
All other residential	A	n/a	A	B	D
Civic and institutional uses	B	A	n/a	A	D
Office and commercial uses	C	B	A	n/a	C
Industrial uses	D	D	D	C	n/a

[1]: Letters in cells correspond to the buffer types listed in Table 4-2, Buffer Types.

[2]: Multi-family, townhouse, multi-building campus or shopping center type developments shall provide buffers around the perimeter of the development instead of around individual buildings.

(5) *Location of perimeter buffers.*

(a) Perimeter buffers required by this section shall be located only along the outer perimeter of the parcel where it abuts the adjacent impacted another parcel, and shall extend to the parcel boundary line or right-of-way line.

(b) In an industrial district, perimeter buffers are not required along lot lines abutting streets except as provided for in Tables 4-2 and 4-3 when abutting non-industrial districts. In such cases, the outdoor operation or storage components shall include perimeter buffers as necessary to screen outdoor use areas from off-site views.

(c) A perimeter buffer may be located along shared access easements between parcels in nonresidential developments.

(6) *Responsibility for buffer installation.*

(a) *Vacant parcels.* Where a developing parcel is adjacent to a vacant parcel and a perimeter buffer is required in accordance with this section, the developing parcel shall provide a minimum of one-half of the perimeter buffer required adjacent to the vacant land.

(b) *Existing land uses.* Where a developing parcel is adjacent to an existing use and a perimeter buffer is required in accordance with this section, the developing parcel shall provide the full perimeter buffer required adjacent to the existing use in accordance with Table 4-2, Buffer Types, and Table 4-3: Buffer Type Application, unless a portion or all of a perimeter buffer that complies with the standards of this section already exists between the lots. Where all or part of a perimeter buffer exists, but the buffer does not fully comply with the standards of this section, the developing parcel shall be responsible for providing all the additional planting material necessary to meet the standards of this section.

(7) *Development within required buffers.*

(a) The required buffer shall not contain any development, impervious surfaces, or site features (except fences or walls) that do not function to meet the standards of this section or that require removal of existing vegetation, unless otherwise permitted in this chapter.

(b) Sidewalks, trails, and other elements associated with passive recreation may be placed in perimeter buffers if all required landscaping is provided and damage to existing vegetation is minimized to the maximum extent practicable.

(c) Overhead and underground utilities required or allowed by the city are permitted to cross a required buffer in a perpendicular fashion, but shall minimize the impact to vegetation to the maximum extent practicable. Where required landscaping material is damaged or removed due to utility activity within a required buffer, the landowner shall be responsible for replanting all damaged or removed vegetation necessary to ensure the buffer meets the standards in this chapter.

(8) *Sight triangles.* Fencing, berms, walls, and all other landscaping features shall adhere to the requirements of § 153.042(D)(2)(b), Corner Visibility.

(9) *Credit for existing vegetation.* Existing vegetation meeting the size standards of §153.060(C)(2), Planting

Standards, located within the perimeter buffer area may be preserved and credited toward the perimeter buffer standards.

(l) *Standards for required screening.*

(1) *General requirements.* In addition to the other forms of required landscaping, screening shall be required to conceal specific areas of high visual or auditory impact or hazardous areas from off-site views. Such areas shall be screened at all times, unless otherwise specified, regardless of adjacent uses, districts, or other proximate landscaping material.

(2) *Items to be screened.* The following areas shall be screened in accordance with this section:

- (a) Anything specifically called out by this chapter as requiring screening.
- (b) Large trash handling and recycling collection areas (e.g., dumpsters and cardboard recycling containers).
- (c) All loading and service areas shall be screened and landscaped from abutting and surrounding residential uses and public rights-of-way.
- (d) Allowed outdoor storage areas adjacent to a public right-of-way.
- (e) New construction, demolition, or other site conditions that could be unsafe for pedestrians or vehicles.

(3) *Screening methods.* The following items are permitted for use as screening materials, and more than one method may be used on a lot or site.

- (a) Vegetative materials that can provide a 90% opacity-year round screen and which are the minimum height necessary to screen the facility from offsite views; or
- (b) An opaque fence or wall meeting the following requirements:
 - 1. The fence or wall shall be consistent with the standards in §153.062, Fences and Walls.
 - 2. The fence or wall shall be constructed of masonry, brick, wood, masonry free vinyl or steel constructed to be similar in appearance to materials commonly sold as fence material.
 - 3. The fence or wall shall provide a solid screening effect and not exceed the maximum height allowed for fences or walls in the underlying zoning district, or be less than six feet in height.
 - 4. The design and materials used in constructing a required screening fence shall be subject to the approval of the Community Development Department.
- (c) Alternative screening materials that are not listed above or alternative configurations may be proposed as part of an alternative landscaping plan [see § 153.060(E)], if the alternative materials or configuration provide an equivalent or superior screening function.

(4) *Configuration of vegetative materials.* In cases where vegetative materials are used for screening in accordance with this division, the vegetative materials shall:

- (a) Be planted around the perimeter of the site feature to be screened in a manner that screens the site feature from all off-site views;
- (b) Be configured in two staggered rows or other arrangement that provides maximum screening;
- (c) Be upright, large evergreen shrubs and capable of reaching at least six feet in height within three years of planting; and
- (d) Be spaced no farther than three feet on-center.

(5) *Rooftop screening.*

(a) *General roof penetrations.* All roof vents, pipes and/or other roof penetrations (except chimneys), shall be fully screened, located on the rear elevations, or be otherwise configured to the maximum extent practicable to have a minimal visual impact as seen from a public street.

(b) *Exceptions.* Rooftop screening standards shall not apply to I-1 or I-2 zoned properties.

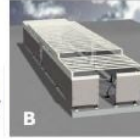
(c) *Roof-based mechanical equipment.*

1. Parapet walls or other techniques included as an integral part of the building design shall be used to totally screen any roof-based mechanical equipment from public rights-of-way or adjacent lands.

2. In cases where roof-based mechanical equipment are too tall to be screened by a parapet wall, or if changes in the surrounding grade make rooftops with parapets visible from public rights-of-way or adjacent lands, a rooftop screening system shall be used for screening (see Figure 4-4).

Figure 4-4: Rooftop Screening System Examples

Rooftop screening systems shall be subject to approval of the Community Development Department, and shall be of similar design to the examples shown here. Example "A" illustrates a metal louver wall for general screening from below. Example "B" illustrates the use of lattice to even screen from above. The before and after photos provide further illustration of proper rooftop screening design.



(J) *Zoning specific landscaping standards.*

(1) *Residential Amenities (RA) District Landscaping Requirements.* RESERVED.

(2) *Traditional Neighborhood (TN) District Landscaping Requirements.* Lots in the TN district shall adhere to the following additional landscaping requirements:

(a) No less than 60% of the square footage of the front yard area shall be planted in garden meeting the following requirements:

1. Four caliper inches of canopy trees, which must be no less than three caliper inches at DBH at time of planting, plus two ornamental trees. Trees may be planted in front or side yard.
2. No less than one shrub per 20 square feet of front yard area.
3. No less than one deciduous flower planting per 20 square feet of front yard area.

(b) No private driveway leading to a garage may be more than 24 feet in width at the front yard property line.

(c) Lot area that is not covered by shrubs and trees may be covered with lawn, gardens, and patios or decks.

(d) A landscaping plan must be approved by the Community Development Department prior to issuance of a building permit.

(e) A landscape security shall be provided to ensure the landscaping of each lot in accordance with this section.

(3) *CCD District Landscaping Requirements.*

(a) No less than 10% of any parcel shall consist of landscaping, including plant materials, decorative paved surfaces, landscape structures, public art, water features, or other similar site improvements. This percentage shall not include required landscaping within parking lots or circulation areas, but may include pedestrian areas on private property. Tree and shrub planting shall be as required by § 153.060(H), but may include trees planted within the public right-of-way abutting the property line toward meeting this replacement.

(b) Landscaping within parking and circulation areas shall be as required by §153.060(F).

(c) All other landscaping requirements of §153.060 shall apply within the CCD.

(4) *Industrial and Business Campus (IBC) District Landscaping Requirements.* All IBC lots must include and maintain an operational irrigation system for the full site at time of certificate of occupancy unless excluded by an approved alternative landscaping plan for native plantings.

(K) *Landscaping installation and maintenance standards.*

(1) *Time for installation of required landscaping.*

(a) *Time limit.* All required landscaping (including mulching and seeding) shall be installed in accordance with the required planting standards set forth in this section prior to issuance of a certificate of occupancy unless the Community Development Department grants an extension to this time limit in accordance with § 153.060(K)(1)(b) below.

(b) *Extensions.*

1. The Community Development Department may, for good cause shown, grant extensions to the above time limit, allowing a developer/owner to delay the installation of required landscaping. Circumstances that may warrant an extension include but are not limited to the following:

- a. Unusual environmental conditions such as drought, ice, or over-saturated soil (deep mud);
 - b. It is not yet the appropriate planting season for the approved plant species;
 - c. Credible evidence that the approved plant species or required plant sizes are not commercially available and cannot be substituted within a reasonable time despite an applicant's diligent effort to secure the required materials; or
 - d. Completion of utility work occurring in a proposed landscaped area is incomplete or delayed.
2. Upon receipt of a performance guarantee, the city may issue a temporary certificate of occupancy for a maximum period of up to 180 days.

(2) *Maintenance of landscaping materials.* The owner shall be responsible for the maintenance of all required landscaping. Such areas shall be maintained in accordance with the approved landscape plan or alternative landscape plan and shall present a healthy and orderly appearance free from refuse and debris. All plant life shown on an approved landscape plan or alternative landscape plan shall be replaced if it dies, is seriously damaged, or removed.

(a) *Damage due to natural occurrence.* In the event that any vegetation or physical element functioning to meet the standards of this section is severely damaged due to an unusual weather occurrence or natural catastrophe, or other natural occurrence such as damage by wild or domestic animals, the owner or developer may be required to replant if the landscaping standards are not being met. The owner shall have one growing season to replace or replant. The Community Development Department shall consider the type and location of the landscape buffer or required vegetation area as well as the propensity for natural re-vegetation in making a determination on the extent of replanting requirements.

(b) *Protection during operations.* The owner or developer shall take actions to protect trees and landscaping from unnecessary damage during all facility and site maintenance operations. Plants shall be maintained in a way that does not obstruct sight distances at roadway and drive intersections, obstruct traffic signs or devices, or interfere with the use of sidewalks or pedestrian trails.

(c) *Maintain shape.* All required trees (whether canopy, understory, or otherwise) shall be maintained in their characteristic natural shape, and shall not be severely pruned, sheared, topped, or shaped as shrubs. Trees that have been severely pruned, sheared, topped, or shaped as shrubs which no longer serve the intended buffering or screening function shall be considered as damaged vegetation in need of replacement in accordance with § 153.060(K)(2)(a) Damage Due to Natural Occurrence, and shall be replaced within one growing season.

(d) *Natural death.* The natural death of existing vegetation within any required landscape area does not necessarily constitute a violation and does not require re-vegetation to replace the plant material unless the required landscape area no longer complies with the required standards of this section. Further, the screening is expected to remain effective continually, so any plant material which dies or ceases to function as a screen shall be replaced or reinforced immediately to conform to city ordinance.

3) *Agreement and security.* A landscaping security shall be submitted with the building permit application. Such security guarantees that in exchange for building permit, the owner will construct, install and maintain all items shown on the approved plan and that they will replace and or correct any deficiencies or defaults that occur in the plan for a period of one complete year or two complete growing seasons subsequent to the complete installation according to approved landscaping plan.

(Ord. 799, passed 2-27-2023; Ord. 812, passed 10-9-2023)

1300.0220

CERTIFICATE OF OCCUPANCY

Subpart 1. Use and occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building, structure, or portion of a building or structure shall be made until the building official has issued a certificate of occupancy for the building or structure under this part. Issuance of a certificate of occupancy is not approval of a violation of the code or other ordinances of the municipality. Certificates presuming to give authority to violate or cancel the code or other ordinances of the municipality are not valid.

Exception: A municipality has the option of requiring certificates of occupancy for:

- A. "U" occupancies constructed under the *International Building Code*;
- B. Accessory structures constructed under the *International Residential Code*; or
- C. Used manufactured homes moved into or within a jurisdiction.

Subp. 2. Existing structures. The legal occupancy of any structure existing on the date of adoption of the code shall be permitted to continue without change.

Subp. 3. Change in use. Changes in the character or use of an existing structure must comply with Chapter 1305 or 1311.

Subp. 4. Moved buildings. Buildings or structures moved into or within a jurisdiction shall comply with the provisions of the code for new buildings or structures.

Exception:

- A. Buildings designed to comply with Chapter 1311; or
- B. A residential building relocated within or into a municipality need not comply with the *Minnesota Energy Code* or Minnesota Statutes, Section 326B.439.

Subp. 5. Certificate issued. After the building official inspects a building or other laws that are enforced by the Department of Building Safety, the building official shall issue a certificate of occupancy containing the following:

- A. The building permit number;
- B. The address of the structure;

- C. The name and address of the owner;
- D. A statement that the described portion of the structure has been inspected for compliance with the requirements of the code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified;
- E. The name of the building official;
- F. The edition of the code under which the permit was issued;
- G. The use and occupancy classification;
- H. The type of construction;
- I. If an automatic sprinkler system is provided; and
- J. Any special stipulations and conditions of the building permit.g or structure and finds no violations of the

[A] CHANGE OF OCCUPANCY. A change in the use of a building or a portion a building which results in one of the following:

1. A change of occupancy classification.
2. A change from one group to another group within an occupancy classification.
3. Any change in use within a group for which there is a change in application of the requirements of this code.