



Mayer Community Center – Council Chambers - 413 Bluejay Avenue, Mayer, MN 55360

**PLANNING COMMISSION
REGULAR MEETING**

**Tuesday
January 6, 2025
6:30 PM**

- 1. Call the meeting to order.**
- 2. Approval of the agenda.**
- 3. Election of the Planning Commission Chairperson and Vice-Chairperson for 2026.**
- 4. Approval of the minutes from the December 2, 2025 Planning Commission meeting.**
- 5. PUBLIC HEARING - Text amendment to amend Title XV: Land Usage, Chapter 152: Zoning and Chapter 153: Floodplain Management of the municipal code for the City of Mayer.**
- 6. Next Meeting - Tuesday, February 3, 2026.**
- 7. Commissioners Report.**
- 8. Adjournment.**

City of Mayer
Planning Commission
Meeting Minutes
Tuesday, December 2, 2025

Commission Members Present: Chairperson Michael Sommerfeld, Commissioner Sarah Strand, Commissioner Ryan Kusske and Commissioner Daniel Levitz.

Commission Members Absent: Vice-Chairperson Tom Stifter and City Council Liaison Chad Heldt.

Staff Present: City Administrator Nicholas Johnson and Consulting Planner John Anderson of Municipal Development Group.

Others Present: None.

CALL MEETING TO ORDER.

Meeting called to order at 6:30 PM by Chairperson Sommerfeld.

ADOPT AGENDA.

A motion to approve the agenda was made by Commissioner Kusske and seconded by Commissioner Strand. Motion carried 4/0.

APPROVAL OF MINUTES.

A motion to approve the November 4, 2025 Planning Commission meeting minutes was made by Commissioner Levitz and seconded by Commissioner Strand. Motion carried 4/0.

A MINOR SUBDIVISION OF PROPERTY LOCATED AT 404 4TH STREET NE IN ORDER TO DIVIDE PORTION OF THE LOT WHERE THE DIVISION IS TO PERMIT THE ADDING OF THE PARCEL OF LAND TO PROPERTY AT 325 RIDGE ROAD SO THAT NO ADDITIONAL LOTS ARE CREATED AND BOTH NEW LOTS CONFORM TO ZONING ORDINANCE MINIMUM STANDARDS.

At 6:33 PM Planning Consultant Anderson presented the information for the minor subdivision.

A motion was made by Commissioner Levitz and seconded by Commissioner Kusske to approve the minor subdivision request. Motion carried 4/0.

ZONING ORDINANCE UPDATE DISCUSSION.

At 6:40 PM, Planning Consultant Anderson presented the entire zoning ordinance and went over some of the items that were changed or added based on previous discussion by the Planning Commission. The item that was discussed by the Planning Commission was the idea of allowing river rock with a sand base and edging as a semi-improved parking pad in the side yard along the side of the garage and rear yard. No consensus was reached but it was discussed that when the public hearing is held and the full Planning Commission is in attendance, that this item could be discussed further.

Commissioner Levitz did state that he is fine leaving the language as is in the current zoning ordinance which requires these parking pads to be paved.

Planning Consultant Anderson stated that the public hearing would be scheduled for the next Planning Commission meeting on January 6, 2026.

NEXT MEETING.

Next scheduled meeting is Tuesday, January 6, 2026.

COMMISSIONERS REPORT.

None.

ADJOURNMENT.

A motion was made by Commissioner Kusske and seconded by Commissioner Levitz to adjourn the meeting at 6:57 PM. Motion carried 4/0.



APPLICATION DATA

Meeting/Public

Hearing Date: January 6, 2026

Applicant: This is a City of Mayer initiated text amendment.

ACTION REQUESTED

Approval of a text amendment updating the Zoning Ordinance for the City of Mayer under Title XV: Land Usage, Chapter 152: Zoning and Chapter 153 Floodplain Management of the City Code for the City of Mayer, by repealing and replacing those chapters.

BACKGROUND DATA

Background: The City of Mayer has scheduled a public hearing for the zoning ordinance update. Staff has been working with the Planning Commission reviewing the sections over the past year and has a final version of the zoning ordinance updates for review. This included rearranging the sections, adding new sections such as a I-1 Light Industrial District, and amending text for current sections such as amending the storage container language that was recently discussed at the Planning Commission. The draft ordinance is included with this memo for review at the public hearing.

PLANNING COMMISSION ACTION REQUIRED

After the public hearing is closed and review and discussion by the members of the Planning Commission, a motion is in order to make a recommendation to the City Council to approve or deny the text amendment request.

Possible action items - Text Amendment

1. Recommend approval of the text amendment.
2. Table the text amendment to a date specific, and provide direction on the issues that have been discussed.
3. Recommend denial of the text amendment.
4. Other specific action as requested by the Planning Commission such as continuing the public hearing.

If you have any questions relating to the zoning ordinance update text amendment prior to the Planning Commission meeting, please feel free to contact me at jandersonmdg@gmail.com or call my cell phone at 612-598-4987.

Sincerely,

MUNICIPAL DEVELOPMENT GROUP, LLC

John Anderson

John Anderson, Associate
Consulting Planner, City of Mayer

CHAPTER 152: ZONING

Section

Title and Application

- 152.001 Title and Purpose
- 152.002 Legal Authority
- 152.003 Deadline for Actions
- 152.004 Scope, Interpretation
- 152.005 Rules and Definitions

Administration and Enforcement

- 152.010 Variances
- 152.011 Appeals
- 152.012 Conditional Use Permits (CUP)
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- 152.014 Amendment, Text & Map (Rezoning)
- 152.015 Site Plan Review Required
- 152.016 Administrative Permits
- 152.017 General Administration

Performance Standards

- 152.025 Performance Standards Purpose
- 152.026 Dwelling Unit Restriction
- 152.027 Single-Family Dwelling Requirements
- 152.028 Platted and Unplatted Property
- 152.029 Erosion and Drainage
- 152.030 Exterior Lighting
- 152.031 Smoke
- 152.032 Dust and Other Particulate Matter
- 152.033 Air Pollution
- 152.034 Noise
- 152.035 Vibration
- 152.036 Bulk Storage (Liquid)
- 152.037 Waste
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- 152.050 Nonconforming Buildings, Structures and Uses
- 152.051 Home Occupations
- 152.052 Temporary Structures
- 152.053 Essential Services
- 152.054 Building Relocation/Moving
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- 152.056 Landscaping
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- 152.059 Lot Provisions
- 152.060 Public Property/Rights of Way
- 152.061 General Yard and Lot Area Regulations
- 152.062 Land Excavation and Mining

- 152.063 Building Design Standards
- 152.064 Accessory Structures
- 152.065 Commercial Wireless Telecommunication Service Towers and Antennae
- 152.066 Alternative Energy Systems
- 152.067 Off-street Parking and Driveway Requirements
- 152.068 Off-street Loading Requirements
- 152.069 Animals
- 152.070 Sexual Oriented Businesses and Uses
- 152.071 Sign Regulations

Zoning Districts and Maps

- 152.080 Zoning Districts Established
- 152.081 Geographic Jurisdiction
- 152.082 Official Zoning Map
- 152.083 Interpretation of Zoning Districts Map
- 152.084 Annexations
- 152.085 (A-1) Agriculture District
- 152.086 (R-1) Single-Family Residential District
- 152.087 (R-2) Single and Two-Family Residential District
- 152.088 (R-3) Two-Family and Townhouse Residential District
- 152.089 (R-4) Multiple-Family Residential District
- 152.090 (C-1) Highway Business District
- 152.091 (C-2) Central Business District
- 152.092 (C-I) Commercial-Industrial District
- 152.093 (I-1) Light Industrial District
- 152.094 (P-I) Public-Institutional District
- 152.095 Zoning Standards Table
- 152.096 (SL) Shoreland Overlay District
- 152.097 (FP) Floodplain Overlay District
- 152.098 (PUD) Planned Unit Development Overlay District

Cross-references:

Excavations, see Chapter 153

Sexually oriented uses, see Chapter 114

TITLE AND APPLICATION

§ 152.001 TITLE AND PURPOSE.

- (A) This Chapter shall be known as the MAYER ZONING ORDINANCE except as referred to herein, where it shall be known as “this Chapter.”
- (B) Intent and Purpose: The intent of this Chapter is to protect the public health, safety and general welfare of the community and its people through the establishment of minimum regulations in regard to the location, erection, construction, alteration and use of structures and land. Such regulations are established to protect such use areas; to promote orderly development and redevelopment; to provide adequate light, air and convenience of access to property; to prevent congestion in the public right of way; to prevent overcrowding of land and undue concentration of structures by regulating land, building, yards and density of population; to provide for compatibility of different land uses; to provide for administration of this Chapter; to provide for amendments; to prescribe penalties for violation of such regulations; and to define powers and duties of the city staff, the Board of Adjustment and Appeals, the Planning Commission, and the City Council in relation to this Chapter.
- (C) Relation To the City's Comprehensive Plan: Pursuant to Minnesota statutes 473.858, as may be amended, and city policy, the city's adopted comprehensive plan shall serve as the basis upon which land use and development shall be regulated. This Chapter shall not conflict with and shall be based upon and implement the city's comprehensive plan.
- (D) Standard, Requirement: Where the conditions imposed by any provision of this Chapter are either more or less restrictive than comparable conditions imposed by other ordinance, rule or regulation of the city, the ordinance, rule or regulation which imposes the more restrictive condition, standard, or requirement shall prevail.
- (E) Application: The provisions of this Chapter shall be the minimum requirements for the promotion of the public health, safety and welfare.

§ 152.002 LEGAL AUTHORITY.

This Chapter is enacted in accordance with authority granted by M.S. § 462.351 to 462.363, as amended.

§ 152.003 DEADLINE FOR ACTIONS.

It is the intent of the city to comply with state requirements for timely review and actions requiring formal approval by the city. Information submissions and applications must be determined by the city to be complete before a timeline for action is initiated. The review for completeness will be conducted within ten business days of receipt of an application. In the event the city cannot act upon a request within a timeframe of sixty (60) days, the city will notify an applicant in writing that action will be completed within one hundred and twenty (120) days of the date the application was accepted by the city. In the event that multiple approvals are involved in any action, such as a site plan review requiring a variance or a zoning ordinance amendment requiring a Comprehensive Plan amendment, each action shall require a separate, independent timeline for action.

§ 152.004 SCOPE, INTERPRETATION.

- (A) Building Compliance. No building, structure or part thereof, shall hereafter be erected, converted, enlarged, reconstructed, altered or moved without a permit approved by the city, and no building, structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this chapter.
- (B) Relationship to Comprehensive Plan. Interpretation and enforcement of the provisions of this chapter are intended to be consistent with the implementation of goals, policies and land use elements of the Mayer Comprehensive Plan to the extent practical or required by law. The application of or amendments to this chapter which are determined to be inconsistent with the Comprehensive Plan shall require amendments to the Comprehensive Plan, this chapter, or both.
- (C) Minimum requirements. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.
- (D) Uses Not Provided for Within Zoning Districts. Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such cases the City Council or the Planning Commission, on their own initiative or upon request, may conduct a study to determine if the use is acceptable and if so, what zoning district would be most appropriate and the determination as to conditions and standards relating to development of the use. The City Council, Planning Commission or property owner, upon receipt of the study shall, if appropriate, initiate an amendment to this zoning chapter to provide for the particular use under consideration or shall find that the use is not compatible for development within the City.
- (E) Monuments. For the purpose of this chapter, all international, federal, state, county and other official monuments, bench

marks, triangulation points, and stations shall be preserved in their precise locations; and it shall be the responsibility of the applicant to ensure that these markers are maintained in good condition during and following construction and development. All section, one-quarter section and one-sixteenth section corners shall be duly described and tied.

- (F) Separability. It is hereby declared to be the intention of the city that the several provisions of this chapter are separable in accordance with the following:
- (1) If any court of competent jurisdiction shall adjudge any provision of this chapter to be invalid, such judgment shall not affect any other provisions of this chapter not specifically included in said judgment.
 - (2) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this chapter to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.
- (G) Comprehensive Revision. The City Council intends this chapter to be a comprehensive revision to Title XV: Land Usage, Chapter 152: Zoning of the Mayer Code of Ordinances. Any act done, offense committed, rights accruing or accrued, liability, or penalty incurred or imposed prior to the effective date of this chapter is not affected by its enactment.
- (H) Opt Out of Minnesota Statutes Section 462.3593. Pursuant to authority granted by Minnesota statutes section 462.3593, subdivision 9, the City of Mayer opts out of the requirements of Minnesota statutes section 462.3593, which defines and regulates temporary family care dwellings.

§ 152.005 RULES AND DEFINITIONS.

- (A) Rules. The language set forth in the text of this chapter shall be interpreted in accordance with the following rules of construction.
- (1) The singular number includes the plural, and the plural the singular, unless such use or reference is otherwise specifically stated.
 - (2) The present tense includes the past and the future tenses, and the future the present.
 - (3) The word "shall" is mandatory while the word "may" is permissive.
 - (4) The masculine gender includes the feminine and neuter unless otherwise specifically noted.
 - (5) For terminology not defined in this chapter, this code, the Minnesota state building code or the Webster's dictionary shall be used to define such terms.
 - (6) The catchlines of the sections of this chapter are intended as mere catchwords to indicate the content of the section, and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning, or intent of the provisions of any sections.
- (B) For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABUTTING. Making contact with or separated only by public arterial, railroad, public utility right-of-way or navigable waters.

ACCESSORY USE OR BUILDING. A subordinate building or use which is located on the same lot on which the principal building or use is situated and which is reasonably necessary and incidental to the conduct of the principal building or use.

ADDITION. A physical enlargement of an existing structure.

ADMINISTRATOR. The City Administrator of the City of Mayer or his or her designee. The person designated by the City Council to administer this chapter.

AGRICULTURAL BUILDING. All buildings, other than dwellings and accessory garages, which are incidental to agricultural purposes, including, but not limited to, barns, granaries, silos, farm implement storage buildings, and milk houses.

AGRICULTURAL USES. Those uses 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; roadside stand for sale of in season products grown on premises; and livestock raising and feeding, but not including fur farms, commercial animal feedlots, retail nurseries and garden centers, and kennels.

ALLEY. A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.

ALTERNATIVE ENERGY SYSTEM. A ground source heat pump, hydronic furnace, wind or solar energy system.

ANIMAL FEEDLOT. A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for feeding and rearing of poultry (poultry ranges), and barns, dairy farms, swine facilities, beef lots and barns, and horse stalls shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots.

ANIMAL KENNEL. Any place where more than three (3) domestic animals of one type, over six (6) months of age, are kept, sold, boarded, bred, or exhibited, except hospitals, clinics, and other premises operated by a licensed veterinarian exclusively for the care and treatment of animals.

ANIMAL UNIT. A unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer for an animal feedlot or manure storage area, calculated by multiplying the number of animals of each type by the respective multiplication factor and summing the resulting values for the total number of animal units, as established by the State of Minnesota.

ANIMAL. Any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as a part of the animal kingdom. Animals shall be classified as follows.

- (1) **DOMESTIC ANIMALS.** Those animals commonly accepted as domesticated household pets. Unless otherwise defined, domestic animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar animals.
- (2) **FARM ANIMALS.** Those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, farm animals shall include members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees, and other animals associated with a farm, ranch, or stable.
- (3) **NON-DOMESTIC ANIMALS.** Those animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, non-domestic animals shall include:
 - (a) Any member of the large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats.
 - (b) Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.
 - (c) Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.
 - (d) Any member or relative of the rodent family including any skunk (whether or not descended), raccoon, squirrel, or ferret, but excluding those members otherwise defined or commonly accepted as domesticated pets.
 - (e) Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.
 - (f) Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this section, including but not limited to bears, deer, monkeys and game fish.

ANTENNA. Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennae, such as panels, microwave dishes, and satellite dishes, and omni-directional antennae, such as whip antennae.

ANTENNA, ACCESSORY AND/OR SECONDARY USE. Those antennas including radio and television receiving antennas, satellite dishes, TVROs two meters (2 m) or less in diameter, shortwave radio dispatching antennas, or those necessary for the operation of electronic equipment such as radio receivers, ham radio transmitters and television receivers that are customary and incidental to allowed principal uses within the various zoning districts of the city.

ANTENNA, PERSONAL WIRELESS SERVICE. A device consisting of metal, carbon fiber, or other electromagnetically conductive rods or elements, usually arranged in a circular array on a single supporting pole or other structure, and used for the transmission and reception of wireless communication radio waves including cellular, personal communication service (PCS), enhanced specialized mobilized radio (ESMR), paging and similar services and including the support structure thereof.

ANTENNA, PUBLIC UTILITY MICROWAVE. A parabolic dish or cornucopia shaped electromagnetically reflective or conductive element used for the transmission and/or reception of point to point UHF or VHF radio waves in wireless telephone communications, and including the support structure thereof.

ANTENNA, RADIO AND TELEVISION, BROADCAST TRANSMITTING. A wire, set of wires, metal or carbon fiber rod

or other electromagnetic element used to transmit public or commercial broadcast radio, or television programming, and including the support structure thereof.

ANTENNA, RADIO AND TELEVISION RECEIVING. A wire, set of wires, metal or carbon fiber element(s), other than satellite dish antennas, used to receive radio, television, or electromagnetic waves, and including the support structure thereof.

ANTENNA, SATELLITE DISH. A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device is used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition shall include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs (television, receive only) and satellite microwave antennas and the support structure thereof.

ANTENNA, SATELLITE DISH HEIGHT. The height of the antenna or dish measured vertically from the highest point of the antenna or dish when positioned for operation, to the top of the foundation which supports the antenna.

ANTENNA, SHORTWAVE RADIO TRANSMITTING AND RECEIVING. A wire, set of wires or a device, consisting of a metal, carbon fiber, or other electromagnetically conductive element used for the transmission and reception of radio waves used for shortwave radio communications, and including the support structure thereof.

ANTENNA SUPPORT STRUCTURE. Any building or other structure other than a tower which can be used for location of antennas.

ANTENNA, TEMPORARY MOBILE. 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).

ANTENNA TOWER. A self-supporting lattice, guyed or monopole structure constructed from grade which supports personal wireless service antennas. The term antenna tower shall not include amateur radio operators' equipment, as licensed by the FCC.

- (1) Commercial Receiving or Transmitting Antenna. Any antenna erected for the commercial use of information.
- (2) Private Receiving or Transmitting Antenna. Any antenna erected for the noncommercial use of information.

APPLICANT. The owner, their agent or person having legal control, ownership and/or interest in land for which the provisions of this chapter are being considered or reviewed.

AUTOMOBILE RECYCLING BUSINESS. Any open area where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, kept, stored or handled, including but not limited to scrap metals or scrap materials, or the abandonment or dismantling of machinery, motor vehicles, or other vehicles, or parts thereof.

AUTOMOBILE REPAIR, MAJOR. General repair, rebuilding or reconditioning of engines, motor vehicles, motorcycles, boats, recreational vehicles and/or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint job; vehicle steam cleaning.

AUTOMOBILE REPAIR, MINOR. Installation, including electronics systems, minor repairs, upholstery, replacement of parts (tires, glass, etc.), exterior and interior detailing, window tinting, and minor motor services to passenger automobiles and trucks classified by the Federal Highway Administration as Class 3 or smaller, but not including any operation specified under the definition of "automobile repair, major" in this section.

AUTOMOBILE REPAIR SHOP. Any structure or building where major or minor repair of motor vehicles is conducted for profit.

AUTOMOBILE SERVICE STATION. Any building or premises used for the dispensing or sale of automobile fuels, lubricating oil or grease, tires, batteries, or minor automobile accessories. Services offered may include the installation of tires, batteries, or minor accessories; minor automobile repairs; and greasing or washing of individual automobiles.

AUTOMOBILE WRECKING OR JUNK YARD. Any place where two (2) or more vehicles not in running condition and/or not licensed, or parts thereof, are stored in the open and are not being restored to operation on any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof, and including any commercial salvaging and scavenging of any other goods, articles or merchandise.

AWNING. A roof-like cover, often of fabric, plastic, metal or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure primarily over a window, walk, or the like. Any part of an awning which also projects over a door shall be counted as an awning.

BASE FLOOD. The flood having a one percent (1%) chance of being equaled or exceeded in any given year. See also "Regional Flood."

BASE FLOOD ELEVATION. The elevation of the regional flood. The term *BASE FLOOD ELEVATION* is used in the flood insurance survey.

BASEMENT. That portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is more than the vertical distance from grade to ceiling. (See definition of story.)

BED AND BREAKFAST ESTABLISHMENT. A building, typically residential in character, where for compensation lodging is provided to transient guests, and where meals and/or beverages may be offered in connection with the provision of sleeping accommodations.

BILLBOARD. An advertising sign, which directs attention to a business, commodity, service or entertainment not exclusively, related to premises where such sign is located or to which it is affixed.

BLOCK. An area of land within a subdivision which is entirely bounded by streets or by street, rail right-of-way, waterway or exterior boundary of the subdivision.

BOARD OF APPEALS AND ADJUSTMENTS. The City Council of the City of Mayer.

BOARDING HOUSE. A building other than a hotel where, for compensation and by prearrangement for definite periods, lodging and/or meals are provided to persons not of the principal family therein, pursuant to previous arrangements and not to anyone who may apply.

BOULEVARD. The portion of the street right-of-way between the curb and the property line.

BUFFER. The use of land, topography, difference in elevation, space, fences or landscape plantings to screen or partially screen a use or property from another use or property or to shield or mitigate noise, lights or other impacts.

BUFFER YARD. A strip of land utilized to screen or partially screen a use or property from another use or property or to shield or mitigate noise, lights, or other impacts.

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

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING, COMPLETELY ENCLOSED. A building separated on all sides from the adjacent open space or from other buildings or structures by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance and exit doors.

BUILDING, DETACHED ACCESSORY. A building surrounded by open space on the same lot as the principal building, clearly subordinate and incidental to the principal use.

BUILDING HEIGHT. A distance to be measured from the mean ground level to the top of a flat roof, to the mean distance of the highest gable on a pitched or hip roof, to the deck line of a mansard roof, to the uppermost point on all other roof types.

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM. A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building including, but not limited to, photovoltaic or hot water solar systems contained within roofing materials, windows, skylights and awnings.

BUILDING LINE. A line parallel to a lot line or the ordinary high-water level at the required setback beyond which a structure may not extend.

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

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

CANOPY OF TREE. The horizontal extension of a tree's branches and foliage in all directions from its trunk and upper layer of green crown.

CELLAR. The portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

CEMETERY. A parcel or tract of land used or intended to be used for the burial of the dead including columbariums, crematories, mausoleums and mortuaries when operated within the boundaries of such cemetery.

CITY/COMMUNITY. The City of Mayer, Minnesota.

CITY ATTORNEY. The person designated by the city council to be the city attorney for the city of Mayer.

CITY BUILDING OFFICIAL. The person designated by the city council to be the city building official for the city of Mayer.

CITY COUNCIL. The governing body for the city of Mayer.

City Engineer. The person designated by the city Council to be the city engineer for the City of Mayer.

CLEARCUTTING. The complete (as opposed to selective) removal of vegetation or a stand of trees within an area.

CLINIC, MEDICAL. A building in which a group of physicians, dentists or combination thereof and professional assistants are associated for carrying on their profession. The clinic may include a dental or medical laboratory, but shall not include in-patient care or operating rooms for major surgery.

CLOSED LOOP GROUND SOURCE HEAT PUMP SYSTEM. A system that circulates a heat transfer fluid, typically food-grade antifreeze, through pipes or coils buried beneath the land surface or anchored to the bottom in a body of water.

CLUB OR LODGE. A nonprofit association of persons who are bona fide members paying annual dues, with the use of premises being restricted to members and their guests for receptions, social recreation, and other gatherings.

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

COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES. Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

COMMISSION. The Planning Commission of the City of Mayer.

COMMON AREA. Common areas belong to all the owners equally, as does the physical and financial responsibility to maintain them and owners have the irrevocable right to enter and use the common areas during reasonable hours for the use and enjoyment of the owner and for the purpose of maintenance or repair.

COMMUNITY SOLAR ENERGY SYSTEM. A solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system.

CONDITIONAL USE.

(1) A specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in this chapter's official zoning controls or building regulations and upon a finding that:

(a) Certain conditions as detailed in this chapter exist; and

(b) The structure and/or land use conform to the Comprehensive Land Use Plan if one exists and are compatible with the existing neighborhood.

CONDITIONAL USE PERMIT. A permit issued by the city council in accordance with procedures specified in this chapter, as a flexibility device to enable the city council to assign dimensions to a proposed use or conditions surrounding it after consideration of adjacent uses and their functions and the special problems which the proposed use present.

COMPREHENSIVE PLAN. The Mayer comprehensive plan, which includes various chapters addressing land use, transportation, water system, sanitary sewer, water resources, parks, trails and open space and capital improvements.

CONDOMINIUM. A multiple-family dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of the Minnesota condominium law, Minnesota statutes sections 515.01 through 515.29.

CONDOMINIUM OR COMMON INTEREST COMMUNITIES. A development containing individually owned units and jointly owned and shared areas wherein the boundaries are defined by a condominium plan or common interest community in accordance with Minnesota statutes chapters 515, 515A or 515B, as amended.

CONIFEROUS TREE. A woody plant bearing seeds and cones oftentimes, but not always, retaining foliage throughout the year.

COOPERATIVE (HOUSING). A multiple-family dwelling owned and maintained by the residents and subject to the provisions of Minnesota statutes 290.09 and 290.13. 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.

CRITICAL FACILITIES. Facilities necessary to a community's public health and safety, those that store or produce highly volatile, toxic or water-reactive materials, and those that house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of **CRITICAL FACILITIES** include hospitals, correctional facilities, schools, daycare facilities, nursing homes, fire and police stations, wastewater treatment facilities, public electric utilities, water plants, fuel storage facilities, and waste handling and storage facilities.

DAYCARE FACILITY. Any facility licensed by the State Department of Human Services, public or private, which, for gain or otherwise, regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation or developmental guidance on a regular basis, for periods of less than twenty-four (24) hours per day, in a place other than the person's own home, including head start and early education programs.

DECIDUOUS TREE. A woody plant which has a defined crown, and which loses leaves annually.

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

DEVELOPMENT. Any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

DIAMETER OF CONIFEROUS TREE. Every two (2) feet in height of a coniferous tree is equivalent to one (1) caliper inch of diameter.

DIAMETER OF DECIDUOUS TREE. The length of a straight line measured in caliper inches through the trunk of a tree at four and one-half (4.5) feet above the ground.

DISTRICT. A section or sections of the City for which the regulations and provisions governing the use of buildings and lands are uniform for each class of use permitted therein.

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

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

DRIP LINE OR ROOT ZONE OF TREE. An imaginary vertical line which extends from the outermost branches of a canopy to the ground.

DRIVE-THROUGH FACILITY. An establishment (principal or accessory use) at which patrons may purchase products or receive service without having to leave the motor vehicle.

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, boarding houses, bed and breakfast, mobile homes or trailers.

DWELLING, ATTACHED. A dwelling that is attached to another at one or more sides by a common wall.

DWELLING, DETACHED. A dwelling which is completely surrounded by open space on the same lot.

DWELLING, EFFICIENCY APARTMENT. A dwelling unit consisting of one principal room exclusive of bathroom, hallway, closets, or dining alcove.

DWELLING, MULTIPLE-FAMILY (APARTMENT). A building designed with three (3) or more dwelling units exclusively for occupancy by three (3) or more families living independently of each other, but accessing individual units via common entrances, hallways, stairways, or enclosed garages.

DWELLING, NURSING HOME. A state licensed facility or that part of a facility which provides nursing care pursuant to Minnesota statutes chapter 144A.01.

DWELLING, SENIOR HOUSING. A dwelling with open occupancy limited to persons over fifty-five (55) years of age.

DWELLING, SINGLE FAMILY. A dwelling unit designed exclusively for and occupied exclusively by one family.

DWELLING, TOWNHOUSES. Structures housing three (3) or more dwelling units contiguous to each other by the sharing of one or more common walls, floors, or ceilings with each unit having separate entrance/exit via individual exterior doors from individual or shared attached garages, with dwelling units arranged in a row, quad, back-to-back, or stacked arrangement.

DWELLING, TOWNHOUSES, DETACHED. A structure having the characteristics of a multiple-unit townhouse structure that has been separated into single dwelling units at the common side wall, typically with structure dimensions that have a narrow front and deep side walls and are typically without windows or features on at least one of the side walls and may include common owned land around the dwelling.

DWELLING, TWO-FAMILY. A structure having two (2) dwelling units contiguous to each other only by the sharing of one or more common walls (without an interior connection) with each unit having a separate entrance/exit designed exclusively for occupancy by two (2) families living independently of each other.

- (1) Duplex: A two-family dwelling with one unit above the other.
- (2) Twin home: A two-family dwelling with two (2) units side by side.

DWELLING UNIT. A residential building or portion thereof intended for occupancy by one or more persons with facilities for living, sleeping, cooking and eating, but not including hotels, motels, nursing homes, tents, seasonal cabins, boarding or rooming houses, motor homes, or travel trailers except within the shoreland overlay district where these uses shall be considered dwelling units.

EASEMENT. A grant by a property owner for the use of a strip of land and for the purpose of constructing and maintaining streets, trails, sidewalks, drives, and/or utilities, including, but not limited to, wetlands, stormwater basins, sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainageways, and gas lines.

ELEVATION. The view of the side, front, or rear of a given structure(s).

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

EROSION. The wearing away of the land surface by the action of natural elements.

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

ESSENTIAL SERVICES. The erection, construction, alteration, or maintenance by private or public utilities, or Municipal departments of underground or overhead telephone, gas, electrical, steam, hot water, communication, waste, or water transmission, distribution, collection, supply or disposal systems, including water towers, wells, poles, wires, radio receivers and transmitters, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, utility substations and other similar equipment, accessories and related structures in connection therewith for the furnishing of adequate service by such private or public utilities or Municipal departments. Essential services shall not include waste facilities or personal wireless service antennas or support structures.

EXTRACTIVE USE. The use of the land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes sections 93.44 through 93.51.

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 (2) or more persons each related to the other by blood, marriage, domestic partnership, adoption, legal guardianship, foster children, and/or cultural or educational exchange program participants hosted by the principal family; or
- (2) Not more than four (4) unrelated persons.

FARM. A tract of land of more than ten (10) acres in size usually with a house and barn plus other buildings on which crops and often livestock are raised for a principal source of livelihood.

FARM FENCE. A fence as defined by M.S. § 344.02, Subd. 1.(a)-(d). An open type fence of posts and wire is not considered to be a structure under this chapter. Fences that have the potential to obstruct flood flows, such as chain link fences and rigid walls, are regulated as structures under this chapter.

FENCE. Any lineal structure, including any partition, structure, wall, gate or similar barriers, erected as a dividing mark, barrier or enclosure, used to prevent access by persons or animals or prevent visual or sound transference.

FORESTER. A person holding at least a Bachelor's Degree in Forestry from an accredited four (4) year college of forestry or any official appointed by the City.

FARMING. Process of operating a farm for the growing and harvesting of crops which shall include those necessary accessory buildings, related to operating the farm, and the keeping of common domestic farm animals.

FENCE. Any partition, structure, wall or gate erected as a dividing mark, barrier or enclosure.

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 rise in a stream flow or stage which results in inundation of the areas adjacent to the channel.

- (1) Flood Frequency: The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded. By strict definition, such estimates are designated "exceedence frequency", but in practice the term "frequency" is used. The frequency of a particular stage of discharge is usually expressed as having a probability of occurring once within a specific number of years.
- (2) Flood Fringe: That portion of the floodplain outside of the floodway.
- (3) Floodplain: The areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.
- (4) Flood Profile: A graph or a longitudinal plot of water surface elevation of a flood event along a reach of a stream or river.
- (5) Floodway: The channel of the watercourse and those portions of the adjoining floodplains which are reasonably required to carry and discharge the regional flood.

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 Special Flood Hazard Area (1% annual chance flood) located outside of the floodway. **FLOOD FRINGE** is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Carver County, Minnesota.

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

FLOOD PRONE AREA. Any land susceptible to being inundated by water from any source.

FLOOD PROOFING. A combination of structural provisions, changes, or adjustments to properties, structures, water and sanitary facilities and contents of structures subject to flooding, primarily for the reduction or elimination of flood damages.

FLOOD, REGIONAL. 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 magnitude of the one percent (1%) chance or one hundred (100) year recurrence interval. **REGIONAL FLOOD** is synonymous with the term "base flood" used in a flood insurance study.

FLOOD, REGULATORY FLOOD PROTECTION. An elevation not less than one foot (1') above the elevation of the regional floodplain plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

FLOODPLAIN. The channel or beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood. **FLOODPLAIN** areas within the city shall encompass all areas designated as Zone A on the Flood Insurance Rate Map.

FLOODWAY. The bed of a 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. The sum of the gross horizontal areas of the several floors of a building or buildings on a zoning lot measured from the exterior faces of exterior walls or from the centerline of party walls separating two buildings. In particular, floor area will include:

- (1) Basement space (see "basement" defined herein);
- (2) Attic floor space where the structural headroom exceeds seven and one-half feet;
- (3) Interior balconies and mezzanines;
- (4) Enclosed porches, but not terraces and breezeways;
- (5) Stairwells at each level;
- (6) Accessory structures.

FLOOR AREA, LIVABLE. The same area as defined in "floor area," excluding all areas occupied by basements, garages, porches, attics, stairways and storage, utility and heating rooms and other accessory uses.

FLOOR AREA RATIO (F.A.R.). The floor area of the building or buildings on a zoning lot divided by the area of the zoning lot, or in the case of planned development, by the net site area. The **F.A.R.** requirements, as set forth in each zoning district, shall determine the maximum floor area allowable (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot.

FOUNDATION. The basis on which a structure stands, is founded, or is supported.

FUNERAL HOME OR MORTUARY. An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funerals.

GARAGE, PRIVATE (RESIDENTIAL). A detached accessory building or attached accessory portion of the principal building which is primarily intended for and used to store the private motor vehicles of the family resident upon the premises.

GARAGE, PUBLIC. A building or portion of a building, except any herein defined as a private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire.

GARAGE SALE. An infrequent display of used goods and sale of the goods on a property customarily used as a residence. The persons conducting the sale shall be residents of the property.

GEOHERMAL ENERGY. Renewable energy generated from the interior of the earth and used to produce energy for heating buildings or serving building commercial or industrial processes.

GRADE. The final ground elevation after construction. Earth mounding criteria for landscaping and screening is not part of the final grade for sign height computation.

GRADING. Changing the natural or existing topography of the land.

GREENHOUSE. An enclosed building, permanent or portable, which is used for the growing of small plants.

GROUND MOUNTED SES. Freestanding solar energy system (panels) that are mounted to the ground by use of stabilizers or similar apparatus.

GROUND SOURCE HEAT PUMP SYSTEM (GSHPs). A system that uses the relatively constant temperature of the earth or a body of water to provide heating in the winter and cooling in the summer. System components include closed loops of pipe, coils or plates; a fluid that absorbs and transfers heat; and a heat pump unit that processes heat for use or disperses heat for cooling; and an air distribution system. The energy must be used on-site.

HARDWOOD DECIDUOUS TREE. Includes ironwood, catalpa, oak, maple (hard), walnut, ash, hickory, birch, black cherry, hackberry, locust and basswood.

HEALTHY TREE. Average or better condition and vigor for area as may be determined by the forester.

HEAT TRANSFER FLUID. A non-toxic and food grade fluid such as potable water, aqueous solutions of propylene glycol not to exceed twenty percent (20%) by weight or aqueous solutions of potassium acetate not to exceed twenty percent (20%) by weight.

HISTORIC STRUCTURE. See also "Substantial Improvement."

HOME OCCUPATION. Any occupation or profession engaged in by the occupant of a residential dwelling unit, which is clearly incidental and secondary to the residential use of the premises and does not change the character of said premises.

HOME OFFICE. A home occupation consisting of a room or group of rooms used for conducting affairs of a recognized business, profession or service solely by the occupant of the dwelling and which does not involve the on-site sale of products or client/patron site visitations.

HORIZONTAL GROUND SOURCE HEAT PUMP SYSTEM. A closed loop ground source heat pump system where the loops or coils are installed horizontally in a trench or series of trenches no more than 20 feet below the land surface.

HOSPITAL. An institution providing persons with intensive medical or surgical care and devoted primarily to the diagnosis and treatment of disease or injury, maternity cases, or mental illness.

HOTEL. A principal commercial use providing temporary lodging of transient persons and guest related services for compensation, whether the compensation be paid directly or indirectly.

IMPERVIOUS SURFACE. An artificial or natural surface that is highly resistant to infiltration by water. It includes, but is not limited to surfaces such as compacted sand, clay or gravel as well as most conventionally surfaced streets, roofs, swimming pools, sidewalks in excess of three feet in width, parking lots, and other similar structures, but not including decks or platforms where one-quarter inch gaps are provided between deck boards for water to drain.

INDIVIDUAL SEWAGE TREATMENT SYSTEM. A sewage treatment system or part thereof, serving a dwelling, building, structure or other establishment, or group thereof, and using sewage tanks or advanced treatment followed by soil treatment and disposal. Individual sewage treatment system includes holding tanks.

INDUSTRIAL USE. The use of land or buildings for the production, manufacture, warehousing, storage or transfer of goods, products, commodities, or other wholesale items.

INSTITUTIONAL. Relating to an institution such as, public buildings, schools, or religious institutions.

INTERIM USE. A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit.

INTERIM USE PERMIT. A permit issued in accordance with procedures specified in this chapter, as a flexible device to enable the City Council to assign time limits and conditions to a proposed use after consideration of current or future adjacent uses and their functions.

INTERMITTENT. A stream or portion of a stream that flows only in direct response to precipitation.

LAND/SEA CONTAINERS. Fully enclosed metal or other prefabricated material structures, containers, holders, or receptacles greater than five feet (5') in length with an opening for access, which may or may not have a door attached, and which are used for purposes of, but not limited to, storage, transportation of freight, or holding for sale or lease.

LANDSCAPE ARCHITECT. A person licensed by the state of Minnesota as a landscape architect.

LANDSCAPING. Plantings such as trees, flowers, grass and shrubs and improvements directly related thereto.

LOADING SPACE (OFF STREET). A formally delineated space, area, or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a vehicle or truck while loading or unloading merchandise or materials.

LOT. Land occupied or to be occupied by a building and its accessory buildings, having not less than the minimum area required by this chapter for a building site in the district in which such lot is situated and having its principal frontage on a public street.

LOT AREA. The area of a horizontal plane within the front, side, and rear lot lines.

LOT, BASE. Lots meeting all the specifications in the zoning district prior to being subdivided into unit lots.

LOT, CORNER. A lot situated at the junction of and abutting on two (2) or more intersecting streets. On such a lot both yards fronting a street shall be deemed front yards.

LOT COVERAGE. The area of a lot occupied by the principal building or buildings, accessory structures, driveways, sidewalks, off-street parking areas, parking pads and other impervious surface areas.

LOT DEPTH. The mean horizontal distance between the front lot line and the rear lot line of a lot (the greater frontage of a corner lot shall be deemed its depth and the lesser frontage its width).

LOT FRONTAGE. The narrowest lot boundary abutting a public street that meets minimum lot width requirements. If none of the boundaries abutting a public street meet minimum lot width requirements, then the lot frontage is the widest boundary abutting a street.

LOT, INTERIOR. A lot other than a corner lot, including through or double frontage lots.

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.

LOT LINE, FRONT. The lot line separating a lot from the street right of way along the lot frontage having the least width. On a corner lot, from which street access is gained that lot line will be the front lot line.

LOT LINE, REAR. The lot line opposite and most distant from the lot frontage which connects the side lot lines.

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

LOT OF RECORD. A lot which is part of a subdivision or plat, an auditor's subdivision or a registered land survey or a parcel of land not so platted, which has been approved by the City or meets the following conditions:

- (1) Was a separate parcel of record April 1, 1945 or the date of adoption of subdivision regulations under Laws 1945, Chapter 287, whichever is later, or of the adoption of subdivision regulations pursuant to a home rule charter;
- (2) Was the subject of a written agreement to convey entered into prior to such time;
- (3) Was a separate parcel of not less than two and one-half (2 ½) acres in area and one hundred and fifty feet (150') in width on January 1,
- (4) Was a separate parcel of not less than five (5) acres in area and three hundred feet (300') in width on July 1, 1980.

- (5) Is a single parcel of commercial or industrial land of not less than five (5) acres and having a width of not less than three hundred feet (300') and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than five (5) acres in area or three hundred feet (300') in width;
- (6) Is a single parcel of residential or agricultural land of not less than twenty (20) acres and having a width of not less than five hundred feet (500') and its conveyance does not result in the division of the parcel into two (2) or more lots or parcels, any one of which is less than twenty (20) acres in area or five hundred feet (500') feet in width.

LOT, SUBSTANDARD. A lot or parcel of land which does not meet the minimum lot area, structure setbacks or other dimensional standards of this chapter.

LOT, THROUGH. A lot fronting on two (2) parallel streets. Also defined as a "double frontage lot".

LOT, TRIANGULAR. A lot in which the side lot lines converge into a single vertex. The vertex shall be deemed to be the rear lot line.

LOT, UNIT. Lots created from the subdivision of a base lot for the purpose of developing detached townhouse, two-family, attached townhouse or condominium residential, commercial or industrial developments or developments with more than one principal structure on a lot whereby the individual units have title to the portion of land that is generally underlying the structure.

LOT WIDTH. the minimum required horizontal distance between the side lot lines measured at right angles to the lot depth, at the front setback line. For cul-de-sac lots or other lots of record where the front lot line is a curve or irregular line, "lot width" shall mean the minimum required horizontal distance between the side lot lines, measured along a straight line at the midpoint of the front setback line.

LOT, ZONING. A single tract of land which consists of one or more lots of record and which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a separate unit under single ownership or control. A zoning lot may or may not coincide with a single lot of record, but in no case shall a zoning lot include a portion of a lot of record.

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

MANUFACTURED HOME. A structure, transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of state and complies with the standards established under Minnesota statutes chapter 327.

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

METES AND BOUNDS DESCRIPTION. A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineating a fractional portion of a section, lot or area by described lines or portions thereof.

MINING. All or any part of the process involved in the extraction of minerals by removing the overburden and extracting directly from the mineral deposits thereby exposed.

MODEL HOME. A home which is similar to others in a development and which is open to public inspection for the purpose of selling said other homes.

MOTEL. An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom, located on a single zoning lot and designed for short term use by transient automobile tourists.

MOTOR VEHICLE. A self-propelled vehicle for personal or business use defined in M.S. § 169.011.

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

NEW CONSTRUCTION. Structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of this chapter.

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

NON-CONFORMING STRUCTURE OR USE, ILLEGAL. A structure or use that has been established in a manner that does not conform to the applicable conditions required by the regulations in place at the time the structure or use was established.

NON-CONFORMING STRUCTURE OR USE, LEGAL. Any lawfully established structure or use which on the effective date of this chapter does not conform to the applicable conditions if the structure or use was to be erected under the guidance of this chapter.

OBSTRUCTION. Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, dredged spoil, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, stockpile, or matter in, along, across, or projecting into any channel, watercourse, lake bed, or regulatory floodplain which may impede, retard, or change the direction of flow of water, either in itself or by catching or collecting debris carried by such water.

ONE HUNDRED YEAR FLOODPLAIN (100 YEAR FLOODPLAIN). Lands inundated by the "Regional Flood" (see definition).

OFFICE. An establishment located within a building or portion of a building for the conduct of business activities involving predominantly professional, or administrative service operations including attorneys, financial advisors, consultants, insurance, and other uses of similar character.

OPEN LOOP GROUND SOURCE HEAT PUMP SYSTEM. A system that uses groundwater as a heat transfer fluid by drawing groundwater from a well to a heat pump and then discharging the water over land, directly in a water body or injection well.

ORDINARY HIGH-WATER LEVEL. The boundary of public waters and 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.

OUTLOT. A parcel of land included in a plat identified by a capital letter and is land that is not part of a block.

OUTDOOR HYDRONIC FURNACE. A freestanding accessory structure housing a wood or other approved solid fuel burning furnace, with a smoke stack, used to provide heat or hot water to a building, or accessory structure, designed to:

- (1) Burn wood or other approved solid fuels;
- (2) That the manufacturer specifies for outdoor installation or installation in structures not normally occupied by humans; and
- (3) Heat building space and/or water via the distribution, typically through pipes, of a fluid heated in the device, typically water or a water/antifreeze mixture. This includes, without limitation, any structure, equipment, device, or apparatus, or any part thereof, which is installed, affixed, constructed or located outdoors for the primary purpose of combustion of solid fuel, including but not limited to wood, to produce heat or energy used as a component of a heating system.

OUTDOOR WOOD BOILER. See **OUTDOOR HYDRONIC FURNACE.**

OWNER. In the case of a lot, the legal owner of the lot as officially recorded by Carver County, and including fee owners, contract for deed purchasers and ground lessees. In the case of a sign, the owner of the sign including any lessees.

PARAPET (WALL). That portion of building wall that rises above the roof level.

PARKING LOT. A structure utilized for the temporary storage of motor vehicles.

PARKING PAD. A pad used for parking vehicles not considered part of the driveway, which shall be constructed of appropriate surface materials depending on location.

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

PASSIVE SOLAR ENERGY SYSTEM. A system that captures solar light or heat without transferring it to another form of energy or transferring the energy via a heat exchanger.

PENNANT. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

PERFORMANCE STANDARDS. Criteria established to control noise, odor, toxic or noxious matter, vibration, fire and explosive hazards, glare or heat, or other potential impacts generated by or inherent in uses of land and buildings.

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.

PERSON. Any individual, firm, partnership, corporation, company, association, joint stock association, or political body or organization of any kind; and includes any trustee, receiver, assignee or other similar representative.

PERVIOUS SURFACE. A surface that water can infiltrate into or percolate through.

PHOTVOLTAIC SYSTEM. A solar energy system that converts solar energy directly into electricity.

PLANNED UNIT DEVELOPMENT. A development consisting of clustering or mixed uses in which variations from conventional zoning standards may be permitted in exchange for the protection of natural areas; creation of additional parks, park facilities and pedestrian ways; and similar public benefits.

PLANNING COMMISSION. The Planning Commission of the City of Mayer.

PORCH. An architectural feature relating to a floor-like platform structure attached to the front or back entrance of a residence. It is external to the walls of the main building proper, but may be enclosed by screen, latticework, broad windows, or other light frame walls extending from the main structure.

PRINCIPAL USE/BUILDING. The main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use or building" may be either permitted, interim, conditional, or allowed by administrative permit.

PUBLIC NOTICES. Official notices posted by public officers, employees or their agents in the performance of their duties, or as directed by such officers, employees or agents.

PUBLIC STREET RIGHT-OF-WAY. The entire right-of-way for a public street.

PUBLIC USES. Uses owned or operated by municipal, school districts, county, state, or other governmental units.

PUBLIC UTILITY. Persons, corporations, or governments supplying gas, electric, transportation, water, sewer, or land-line telephone services to the general public. For the purpose of this Ordinance, commercial wireless telecommunication services shall not be considered public utility uses, and are defined separately.

PUBLICATION. Notice placed in the official city newspaper stating time, location and date of meeting and description of the topic.

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

RECREATION FIELD OR BUILDING. An area of land, water, or any building in which amusement, recreation or athletic sports are provided for public or semipublic use, whether temporary or permanent, except a theater, whether provision is made for the accommodation of an assembly or not. A golf course, arena, baseball park, stadium, or gymnasium is a recreation field or building for the purpose of this chapter.

RECREATIONAL VEHICLE AND EQUIPMENT. Any type of operable and licensed vehicle as required by the state, either self-powered or drawn by another vehicle that is used primarily for purposes of recreation or transportation of recreational vehicles, equipment, and the like. A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use, including but not limited to campers, motor homes, travel trailers, slide in campers, airplanes, converted buses, snowmobiles and trailers, camper trailers, motorcycle trailers, snowmobile trailers, horse trailers, boats/watercraft and trailers, fish house, all-terrain vehicles, and the like. A fish house boat, snowmobile, or other **RECREATIONAL VEHICLE** when stored or kept on a trailer shall be considered as one recreational vehicle. for purposes of this chapter, the term **RECREATIONAL VEHICLE** is synonymous with the term "travel trailer/travel vehicle."

RELIGIOUS INSTITUTION. A church, synagogue, mosque, or other religious organization organized under Minnesota Statutes Chapter 315.

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

RESIDENTIAL CARE FACILITY. Any residential care program, defined by Minnesota Statutes section 245A.02 and licensed by the State of Minnesota.

RESIDENTIAL DISTRICT. Any district zoned for residential uses.

RESIDENTIAL FACILITY, STATE LICENSED. Any residential care program, defined by Minnesota Statutes section 245A.02 and licensed by the State of Minnesota.

RESIDENTIAL SHELTER. A facility providing short term housing, food, and protection for individuals for purposes such as chemical dependency and domestic abuse, but not including provision of on-site supportive services to residents, including the following: mental health services; clinical rehabilitation services; social services; medical, dental, nutritional and other health care services; financial management services; legal services; vocational services; and other similar supportive services, and not including state licensed residential care facilities, community correctional facilities, daycare facilities, or hotels.

RESTAURANT (CONVENIENCE). An establishment that serves food and/or beverages, in or on disposable or edible containers, for consumption on or off premises, including drive-in restaurants, and including drive-through facilities.

RESTAURANT (GENERAL). An establishment which serves food in or on non-disposable dishes to be consumed primarily while seated at tables or booths within the building.

RETAIL BUSINESS. An establishment engaged in the display and sale of products produced off site directly to consumers within a building or portion of a building, excluding any exterior display and sales.

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

ROOF LINE. The upper-most edge of the roof or in the case of an extended facade or parapet, the upper-most height of the facade.

ROOF OR BUILDING MOUNTED SES. A solar energy system (panels) that are mounted to the roof or building using brackets, stands or other apparatus.

ROOF PITCH. The final exterior slope of a building roof calculated by the rise over the run, typically, but not exclusively, expressed in twelfths such as 3/12, 9/12 or 12/12.

ROTOR DIAMETER. The diameter of the circle described by the moving rotor blades on a (WECS).

SCHOOL. A building used for the purpose of elementary or secondary education, which meets all the requirements of compulsory education laws of the state of Minnesota, and not providing residential accommodations.

SCHOOL, PRIVATE. Any building or group of buildings, not operated by a public agency or unit of government, the use of which meets compulsory education laws of the state of Minnesota, for elementary school, middle school (junior high school), secondary (senior high school), or higher education and which use does not secure the major part of its funding directly from any governmental source.

SCHOOL, PUBLIC. Any building or group of buildings, the use of which meets compulsory education laws of the state of Minnesota, for elementary school, middle school (junior high school), secondary (senior high school), or higher education and which secures all or the major part of its funding from governmental sources and is operated by a public agency or governmental unit.

SECONDARY USE. A use of land or of a building or a portion thereof which is subordinate to and does not constitute the primary use of the land or building.

SETBACK. The minimum horizontal distance between a structure and lot line, ordinary high-water mark, or right-of-way easement. Distances are to be measured from the most outwardly extended portion of the structure at ground level.

SETBACK, FRONT. The minimum horizontal distance permitted between the public right-of-way and a structure on the premises. In instances in which a property fronts on more than one street, front setbacks are required on all street frontages.

SETBACK, REAR. The minimum horizontal distance permitted between the property line opposite the principal street frontage and a structure on the premises.

SETBACK, SIDE. The minimum horizontal distance permitted between the side lot line and a structure on the premises.

SEXUALLY ORIENTED USES. (See definitions in § 114.02.)

SHORELAND. Land located within the following distances from public waters: 1,000 feet from the ordinary high-water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain as designated by ordinance, on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distance and when approved by the Commissioner of the Department of Natural Resources.

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, 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. Signs which are present because of being legally established nonconforming signs or signs which have required a conditional use permit or a variance shall also be subject to the definition of abandoned sign.

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 twenty-four inches (24") in diameter.

SIGN, BANNER. A strip of fabric, cloth, vinyl, plastic or other material upon which a sign is displayed.

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

SIGN, CABINET. Any wall sign that is not of channel or individually mounted letter construction.

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 SIGN. 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 SIGN, ELECTRONIC. A sign or portion thereof that displays electronic, nonpictorial 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.

SIGN, COMMERCIAL. Any sign wording, logo, or other representation that, directly or indirectly, names advertises, or calls attention to a business, product, service, or other commercial activity.

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.

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

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, GROUND. 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 eight feet (8').

SIGN, HEIGHT OF. The height of the sign shall be computed as the vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.

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

SIGN, INCIDENTAL. A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking", "entrance", "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

SIGN, INTERIOR. A sign which is located within the interior of any building, or within an enclosed lobby or court of any building, and a sign for and located within the inner or outer body, court or entrance of any theater.

SIGN, LEGALLY ESTABLISHED NONCONFORMING SIGN. Any sign and its support structure lawfully erected prior

to the effective date of this chapter which fails to conform to the requirements of this chapter. A sign which was erected in accordance with a variance granted prior to the adoption of this chapter and which does not comply with this chapter shall be deemed to be a legal nonconforming sign.

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 height exceeding eight feet (8').

SIGN, MULTIVISION. 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 (2) or more images.

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.

SIGN, OFF-PREMISE. Any sign that with a message that is related to an establishment, merchandise, service, or entertainments which is not sold produced, manufactured, or furnished at the property on which said sign is located, e.g. billboards, or outdoor advertising.

SIGN, ON-PREMISE. A sign which message is related to the premises or the activity and use occurring on the premises on which the sign is located.

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 (2') beyond the surface or such building or wall face.

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. Pylon signs may be referred to as a pole sign.

SIGN, READER BOARD. A sign on which copy is designated so that it can be changed manually. This may include but is not limited to a panel on which individual letters or pictorials are mounted, or displayed.

SIGN, RESIDENTIAL. Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the zoning ordinance.

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

SIGN, SANDWICH BOARD. A freestanding temporary sign, with no moving parts or flashing lights, no larger than eight square feet total sign size per side (no taller than four feet from grade), displayed outside an establishment during business hours. It is not intended as permanent business signage.

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

SIGN STRUCTURE. Any structure including the supports, uprights, bracing and framework which supports or is

capable of supporting any sign.

SIGNAGE, TOTAL SITE. The maximum permitted combined area of all freestanding and wall identification signs allowed on a specific property.

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

SIGN, TEMPORARY. Any sign, balloon, banner, blimp, flag, free-standing sign, pennant, poster, reader board, or advertising display which is intended to be displayed for a limited period of time and that is not permanently fixed to the land or a structure. Temporary signs may be constructed of paper, cloth, canvas, cardboard or any other light and nondurable material. Signs other than temporary signs shall be considered permanent signs.

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 (2') 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, pictures, 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 window panes or glass and is visible from the exterior of the window.

SIGNIFICANT TREE. A healthy deciduous hardwood tree measuring a minimum of six (6) caliper inches in diameter, a healthy softwood deciduous tree measuring a minimum of twelve (12) caliper inches, or a healthy coniferous tree measuring a minimum of twelve (12) feet in height.

SITE. A plot or parcel of land, or combination of contiguous lots or parcels of land, which are intended, designated, and/or approved to function as an integrated unit.

SOFTWOOD DECIDUOUS TREE. Includes cottonwood, poplars/aspens, box elder, willow, silver maple and elm.

SOLAR ACCESS. A view of the sun, from any point on the collector surface that is not obscured by any vegetation, building, or object located on parcels of land other than the parcel upon which the solar collector is located, between the hours of 9:00 a.m. and 3:00 p.m. standard time on any day of the year.

SOLAR COLLECTOR. A device, or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, mechanical, chemical or electrical energy.

SOLAR ENERGY. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

SOLAR ENERGY SYSTEM (SES). A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection of storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating.

SOLAR FARM. A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A **SOLAR FARM** is the primary land use for the parcel on which it is located.

SOLAR MOUNTING DEVICES. Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or ground.

SOLAR SKYSPACE. The space between a solar energy collector and the sun, which must be free of obstructions that shade the collector to an extent which precludes its cost effective operation.

SOLAR SKYSPACE EASEMENT. A right, expressed as an easement, covenant, condition, or other property interest in any deed or other instrument executed by or on behalf of any landowner, which protects the solar skyspace of an actual, proposed, or designated solar energy collector at a described location by forbidding or limited activities or land uses that interfere with access to solar energy. The solar skyspace must be described as the three dimensional space in which obstruction is prohibited or limited, or as the times of day during which direct sunlight to the solar collector may not be obstructed, or as a combination of the two methods.

SOLAR STORAGE UNIT. A component of a solar energy device that is used to store solar generated electricity for later use.

SPECIAL FLOOD HAZARD AREA. A term used for flood insurance purposes synonymous with “One Hundred (100) Year Floodplain.”

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

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 of three to one (3:1) or greater, as measured over horizontal distances of fifty feet (50') or more, that are not defined as bluffs.

STORAGE, OUTDOOR. Storage of any property not fully enclosed in a building or completely screened so as not to be visible from adjoining properties or street rights of way.

STORMWATER POND. These are ponds created for stormwater treatment. A stormwater pond shall not include wetlands created to mitigate the loss of other wetlands.

STORY. The portion of a building including beneath the upper surface of a floor and upper surface of floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar, or unfinished underfloor space is more than six feet (6') above “grade” as defined herein for more than fifty percent (50%) of the total perimeter or is more than twelve feet (12') above “grade” as defined herein at any point, such basement, cellar, or unused underfloor space shall be considered a story.

STREET FRONTAGE. The proximity of a parcel of land to one or more streets. An interior lot has one street frontage and corner lots and through lots have two (2) frontages.

STRINGER. A line of string, rope, cording, or an equivalent to which is attached a number of pennants.

STRUCTURE. Anything which is built, constructed or erected; an edifice or building of any kind; or any piece of work artificially built up and/or composed of parts joined together in some definite manner whether temporary or permanent in character.

STRUCTURE HEIGHT. A distance to be measured from the mean ground level to the top of the structure.

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

SUBSTANTIAL IMPROVEMENT. Within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure. For the purpose of this chapter, *HISTORIC STRUCTURE* is as defined in 44 Code of Federal Regulations, Part 59.1.

SURFACE, IMPROVED. A surface that is either concrete, asphalt, or made of pavers.

SURFACE, SEMI-IMPROVED. A surface that is gravel, class five gravel, crushed rock, or made of similar composite.

SURFACE, UNIMPROVED. A surface that is grass, compacted earth, or naturally occurring.

TEMPORARY STRUCTURE. A structure that is not permanently erected on a site.

TOWER. Any ground or roof mounted pole, spire, structure, or combination thereof taller than fifteen feet (15'), including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade (except amateur radio antennas).

TOWER, MULTI USER. A tower to which is attached the antennas of more than one commercial wireless telecommunication service provider or governmental entity.

TRAVEL TRAILER. A vehicular portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreation and vacation uses.

UNDUE HARDSHIP. The same as that term is defined in Minnesota statutes chapter 462.357, as may be amended, meaning that the property in question cannot be put to a reasonable use if used under the conditions allowed by this chapter, the plight of the landowner is due to circumstances unique to the property not caused by the landowner and a variance, if granted, shall not alter the character of the locality. Economic considerations alone shall not constitute an undue hardship if a reasonable use of the property exists under the terms of this chapter. Undue hardship may also include inadequate access to direct sunlight for solar energy systems.

USABLE OPEN SPACE. That required portion of a lot at ground level, which is graded, developed, landscaped and equipped and intended and maintained for either active or passive recreation or both, available and accessible to and useable by all persons occupying a dwelling unit or rooming unit on the lot or a development project, and their guests. This space of minimum prescribed dimensions shall not be devoted to service driveways or off-street parking space and or loading berths but shall be usable for greenery, recreational space and other leisure activities normally carried on outdoors.

USE. The purpose or activity for which the land or building thereon is designated, arranged or intended, or for which it is occupied or maintained, and shall include any manner of performance of such activity with respect to the performance standards of this chapter.

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

VARIANCE. A modification of or variation from the provisions of this chapter consistent with the state enabling statute for municipalities, as applied to a specific property and granted pursuant to the standards and procedures of this chapter, except that a variance shall not be used for modification of the allowable uses within a district and shall not allow uses that are prohibited.

VERTICAL GROUND SOURCE HEAT PUMP SYSTEM. A closed loop ground source heat pump system where the loops or coils are installed vertically in one or more borings below the land surface.

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 sixty degrees (60°) or greater with the horizontal plane.

WAREHOUSING. The commercial storage of merchandise and personal property.

WATERBODY. A body of water (lake, pond) or a depression of land or expanded part of a river, or an enclosed basin that holds water and is surrounded by land.

WATERCOURSE. A channel or depression through which water flows year round or intermittently, such as rivers, streams, or creeks.

WETLANDS.

- (1) Hydric Soils. Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.
- (2) Hydrophytic Vegetation. Macrophytic plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.
- (3) Wetlands. 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 have the following three (3) attributes.
 - (a) Have a predominance of hydric soils.
 - (b) Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.
 - (c) Under normal circumstances, support a prevalence of such vegetation.

WHOLESALE. A business engaged in selling to retailers or jobbers rather than consumers.

WIND ENERGY CONVERSION SYSTEM (WECS). An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations, and metrological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed to the electrical grid.

WIND ENERGY CONVERSION SYSTEM (WECS), COMMERCIAL. A WECS of equal to or greater than 40kW in total nameplate generating capacity.

WIND ENERGY CONVERSION SYSTEM (WECS), NON-COMMERCIAL. A WECS of less than 40kW in total nameplate generating capacity.

WIND ENERGY CONVERSION SYSTEM, ROOF-MOUNTED. A WECS affixed to the roof of a building or other structure.

WIND ENERGY CONVERSION SYSTEM (WECS), TOTAL HEIGHT. The highest point above ground reached by a rotor tip or any other part of the WECS.

WIND ENERGY CONVERSION SYSTEM (WECS), TOWER. A vertical structure that supports an electrical generator, rotor blades, and/or meteorological equipment used in the operation of a WECS.

WIND ENERGY CONVERSION SYSTEM (WECS), TOWER HEIGHT. The total height of the WECS exclusive of the rotor blades.

WINERY. A winery operated by the owner of a Minnesota farm producing table, sparkling or fortified wines from grapes, grape juice, other fruit bases or honey with a majority of the ingredients produced on the premises.

YARD. Any open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

YARD ABUTTING A STREET, SIDE. A yard adjacent to a street which extends along a side lot line between the front yard and rear property line. For the purposes of determining the required setbacks, a side yard abutting a street is identified as a front yard in the dimensional standards of the district in which the yard is located.

YARD, FRONT. The area extending along the full length of a front lot line between side lot lines and to the depth required in the yard regulations for the district in which it is located. In the case of a corner lot abutting one or more streets, both yards shall be considered front yards unless a specific standard is established by this chapter for a side yard of a corner lot abutting a public right-of-way.

YARD, REAR. A yard extending across the full width of the lot lying between the rear lot line of the lot and the nearest line of the principal building.

YARD, REQUIRED. That distance specified in the yard requirements pertaining to setbacks. Setbacks and required yards are used interchangeably.

YARD, SIDE. A yard between the side line of the lot and the nearest line of the principal building and extending from the front yard to the rear yard.

ZONING MAP. The map setting forth the boundaries of the zoning districts of the City of Mayer which map is a part of this chapter.

ZONING ADMINISTRATOR. The Zoning Administrator of the City of Mayer until otherwise designated by the City Council.

ZONING DISTRICT. An area or areas of the City (as delineated on the zoning map) set aside for specific uses with specific regulations and provisions for use and development as defined by this chapter.

ZONING DISTRICT OVERLAY. A zoning district containing regulations superimposed upon other zoning district regulations and superseding the underlying zoning district use regulations.

ZONING DISTRICT UNDERLYING (BASE). All zoning districts except overlay zoning districts.

ADMINISTRATION AND ENFORCEMENT

§ 152.010 VARIANCES.

- (A) Intent and Purpose. The purpose of this section is to provide for deviations from the literal provisions of this chapter in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter.
- (B) Board of Appeals and Adjustments. The City Council of the City of Mayer shall act as the Board of Appeals and Adjustments for the City and shall have the powers granted under M.S. §§ 462.357, subd. 6, and 462.359, subd. 4, as they may be amended from time to time.
- (C) Review Criteria. The Board of Appeals and Adjustments shall not approve any variance request unless they find failure to grant the variance will result in practical difficulties. "Practical difficulties" means that the property owner proposes to use the property in a reasonable manner not permitted by this chapter. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. The following criteria must also be met.
- (1) That the variance would be consistent with the comprehensive plan.
 - (2) That the variance would be in harmony with the general purposes and intent of this chapter.
 - (3) That the plight of the landowner is due to circumstances unique to the property not created by the landowner.
 - (4) That the purpose of the variance is not exclusively economic considerations.
 - (5) That the granting of the variance will not alter the essential character of the neighborhood in which the parcel of land is located.
 - (6) That the requested variance is the minimum action required to eliminate the practical difficulty.
 - (7) Variances may not be approved for any use that is not allowed under this chapter for property in the zone where the affected person's land is located.
- (D) Procedures. Pursuant to Minnesota statutes 15.99, an application for a variance shall be approved or denied within sixty (60) days from the date of its official and complete submission unless extended by the City pursuant to statute or a time waiver is granted by the applicant. Additional city requirements are as follows.
- (1) Processing.

- (a) Request for a variance or appeal shall be filed with the City Administrator on an official application form. Such application shall be accompanied by a fee as established by City Council resolution. This fee shall not be refunded. Unless modified by the City Administrator, such application shall also be accompanied by detailed written and graphic materials necessary for the explanation of the request, and a list of property owners located within three hundred and fifty feet (350') of the subject property obtained from and certified by an abstract company.
 - (b) The application shall be considered as being officially submitted complete when the applicant has complied with all the specified informational requirements, which shall include the following.
 - 1. A written description of the request for the variance, including an explanation of compliance with the variance criteria set forth in this section.
 - 2. Supporting materials, as outlined in section 152.015 (G) Information Requirement of this chapter, as determined by the City Administrator as applicable to be necessary for the complete and clear definition and understanding of the request.
 - (c) In cases when an application is judged to be incomplete, the City Administrator or their designee shall notify the applicant, in writing, of what information must be provided for the application to be deemed complete within fifteen (15) business days from the date of submission.
 - (d) Failure of a property owner to receive notice shall not invalidate any such proceedings as set forth within this chapter.
 - (e) The City Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation on the action to the Board of Appeals and Adjustments.
 - (f) The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors. Said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this chapter. Failure of the applicant to supply all necessary supportive information may be grounds for denial of the request.
 - (g) Unless excused by the Planning Commission Chair, the applicant or a representative thereof shall appear before the Planning Commission to answer questions concerning the proposed variance.
 - (h) The Planning Commission shall make findings of fact and recommend approval or denial of the request. The Planning Commission's recommendation and the City staff's report shall be presented to the Board of Appeals and Adjustments, and shall be entered in and made part of the permanent written record of the Board of Appeals and Adjustments meeting.
 - (i) The Board of Appeals and Adjustments shall not act upon the variance until the Planning Commission has held a public hearing on the request. The Board of Appeals and Adjustments shall act upon the request within sixty (60) days from the date of submission, unless an extension has been provided, pursuant to Minnesota statutes 15.99.
 - (j) Subject to limitations of Minnesota statutes 15.99, if, upon receiving said reports and recommendations of the Planning Commission and City staff, the Board of Appeals and Adjustments finds that specific inconsistencies exist in the review process and thus the final determination of the Board of Appeals and Adjustments may differ from that of the Planning Commission, the Board of Appeals and Adjustments may, before taking final action, refer the matter back to the Planning Commission for further consideration. The Board of Appeals and Adjustments shall provide the Planning Commission with a written statement detailing the specific reasons for referral. This procedure shall be followed only one time on a singular action.
 - (k) In granting any variance under the provisions of this section, the Board of Appeals and Adjustments shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulations or provisions to which the adjustment or variance is granted, as to light, air, and the public health, safety, comfort, convenience and general welfare.
 - (l) The City Administrator shall serve a copy of the final order of the Board of Appeals and Adjustments upon the applicant by mail.
- (2) All decisions made by the City regarding a variance shall be final, except that any aggrieved person shall have the right to appeal per section 152.011 Appeals of this chapter.
 - (3) Whenever an application for a variance has been considered and denied by the Board of Appeals and Adjustments, a similar application for a variance affecting substantially the same property shall not be considered again by the Planning Commission or Board of Appeals and Adjustments for at least six (6) months from the date of its denial; and a subsequent application affecting substantially the same property shall likewise not be considered again by the Planning Commission or Board of Appeals and Adjustments for an additional six (6) months from the date of the second denial unless a decision to reconsider such matter is made by a four-fifths (4/5th) vote of the full Board of Appeals and Adjustments.
- (E) Expiration. Unless the Board of Appeals and Adjustments specifically approves a different time when action is officially taken on the request, approvals which have been issued under the provisions of this section shall expire without further

action by the Planning Commission or the Board of Appeals and Adjustments, unless the applicant commences the authorized use or improvement within one year of the date the variance is issued; or, unless before the expiration of the one year period; the applicant shall apply for an extension thereof by completing and submitting a request for extension, including the renewal fee as established by City Council resolution. The request for extension shall state facts showing a good faith attempt to complete or utilize the approval permitted in the variance. On matters involving a major variance approval, should a second extension of time or any extension of time longer than one year be requested by the applicant, it shall be presented to the Planning Commission for a recommendation and to the Board of Appeals and Adjustments for a decision.

- (F) Certification of Taxes Paid. Prior to approving an application for a variance, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the variance application relates.

§ 152.011 APPEALS.

- (A) Board of Appeals and Adjustments. The City Council of the City of Mayer shall act as the Board of Appeals and Adjustments for the City and shall have the powers granted under M.S. §§ 462.357, subd. 6, and 462.359, subd. 4, as they may be amended from time to time.
- (B) Applicability. An appeal shall only be applicable to an administrative order, requirement or interpretation of intent of provisions of this chapter. Opinions and evaluations as they pertain to the impact or result of a request are not subject to the appeal procedure.
- (C) Filing. An appeal from the action of an administrative officer of the City shall be filed by the property owner or their agent with the City Administrator within ten (10) days after the making of the order, requirement, or interpretation being appealed.
- (D) Stay of Proceedings. An appeal stays all proceedings and the furtherance of the action being appealed unless it is certified to the Board of Appeals and Adjustments after the notice of appeal is filed, that by reason of facts stated in the certificate a stay would cause imminent peril to life and property.
- (E) Procedure. The procedure for making an appeal shall be as follows:
- (1) The property owner or their agent shall file with the City Administrator a notice of appeal stating the specific grounds upon which the appeal is made. Said application shall be accompanied by a fee as established by City Council resolution. In cases where the application is judged to be incomplete, the City Administrator or their designee shall notify the applicant, in writing, of what information must be provided for the application to be deemed complete within fifteen (15) business days of the date of submission.
 - (2) The City Administrator shall instruct the appropriate staff persons to prepare technical reports when appropriate and shall provide general assistance in preparing a recommendation on the action to the Board of Appeals and Adjustments.
 - (3) Pursuant to Minnesota statutes 15.99, the Board of Appeals and Adjustments shall make its decision by resolution within sixty (60) days from the date on which a completed application is filed.
 - (4) The City Administrator shall serve a copy of the final order of the Board of Appeals and Adjustments upon the applicant by mail.
 - (5) All decisions made by the City regarding an appeal shall be final, except that any aggrieved person shall have the right to appeal within thirty (30) days after delivery of the decision to the appellant, to the District Court in Carver County. Any person seeking judicial review under this chapter must serve the City and all necessary parties, including any landowners, within the thirty (30) day period defined above.

§ 152.012 CONDITIONAL USE PERMITS (CUP).

- (A) Intent and Purpose. The purpose of a conditional use permit is to provide the City with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare, public health and safety. In making this determination, whether or not the conditional use is to be allowed, the city may consider the nature of the adjoining land or buildings, the effect upon traffic into and from the premises, or on any adjoining roads, and all other or further factors as the City shall deem a prerequisite of consideration in determining the effect of the use on the general welfare, public health and safety.
- (B) Procedures. Pursuant to Minnesota statutes 15.99, an application for a conditional use permit shall be approved or denied within sixty (60) days from the date of its official and complete submission unless extended by the City pursuant to statute or a time waiver is granted by the applicant. Additional City requirements are as follows:
- (1) Request for conditional use permits, as provided within this section, shall be filed with the City Administrator on an official application form. Unless modified by the City Administrator, such application shall be accompanied by a fee as provided for by City Council resolution. The request shall be considered as being officially submitted when all the information requirements are satisfied. In cases where an application is judged to be incomplete, the City

Administrator shall notify the applicant, in writing, of what information must be provided for the application to be deemed complete within fifteen (15) business days from the date of submission.

- (2) Upon receipt of said application, the City Clerk shall set a public hearing following proper hearing notification. The Planning Commission shall conduct the hearing, report its findings and make recommendations to the City Council. Notice of said hearing shall consist of a legal property description, description of request and property location, and be published in the official newspaper at least ten (10) days prior to the hearing. Written notification of said hearing shall be mailed at least ten (10) days prior to all owners of land within three hundred and fifty feet (350') of the boundary of the property in question.
 - (3) Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this section.
 - (4) The City Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation on the action to the City Council.
 - (5) The Planning Commission shall consider possible effects of the proposed use with its judgment based upon, but not limited to, the following factors:
 - (a) The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City comprehensive plan.
 - (b) The proposed use is or will be compatible with present and future land uses of the area.
 - (c) The proposed use conforms with all performance standards contained in this code.
 - (d) The proposed use can be accommodated with existing public services and will not overburden the City's service capacity.
 - (e) Traffic generation by the proposed use is within capabilities of streets serving the property.
 - (6) The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors. Said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this chapter. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.
 - (7) Unless excused by the Planning Commission chair, the applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed request.
 - (8) The Planning Commission shall make findings of fact and recommend such actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of this section. Such recommendation shall be in writing and accompanied by the report and recommendation of the City staff, and shall be entered in and made part of the permanent written record of the City Council meeting.
 - (9) The City Council shall not grant a conditional use permit until the Planning Commission has held a public hearing on the request. The City Council shall act upon the conditional use permit within sixty (60) days from the date of submission of a complete application, unless an extension has been provided, pursuant to Minnesota statutes 15.99.
 - (10) Upon receiving the report and recommendation of the Planning Commission and the City staff, the City Council shall make recorded findings of fact and may impose any condition it considers necessary to protect the public health, safety and welfare.
 - (11) Subject to limitations of Minnesota statutes 15.99, if, upon receiving said report and recommendations of the Planning Commission and City staff, the City Council finds that specific inconsistencies exist in the review process and thus the final recommendation of the City Council may differ from that of the Planning Commission, the City Council may, before taking final action, refer the matter back to the Planning Commission for further consideration. The City Council shall provide the Planning Commission with a written statement detailing the specific reasons for referral. This procedure shall be followed only one time on a singular action.
 - (12) Approval of a request shall require passage by a majority vote of the City Council.
 - (13) All decisions made by the City regarding a conditional use permit shall be final, except that any aggrieved person shall have the right to appeal per section 152.011 Appeals of this chapter.
 - (14) Whenever an application for a conditional use permit has been considered and denied by the City Council, a similar application for the conditional use permit affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at least six (6) months from the date of its denial; and a subsequent application affecting substantially the same property shall likewise not be considered again by the Planning Commission or City Council for an additional six (6) months from the date of the second denial unless a decision to reconsider such matter is made by a majority vote of the City Council.
- (C) Information Requirement. The information required for all conditional use permit applications shall be as specified in subsection 152.015 Site Plan Review Required (G) Information Requirement of this chapter.
- (D) General Performance Standards. In reviewing applications for conditional use permits, the Planning Commission and the City Council may attach whatever reasonable conditions they deem necessary to mitigate anticipated adverse impacts associated with these uses, to protect the value of other property within the district, and to achieve the goals and objectives of the comprehensive plan. Such conditions may include, but are not limited to, the following:

- (1) The use and the site in question shall be served by a street of sufficient capacity to accommodate the type and volume of traffic which would be generated and adequate right of way shall be provided.
 - (2) The site design for access and parking shall minimize internal as well as external traffic conflicts and shall be in compliance with section 152.067 Off-Street Parking and Driveway Requirements of this chapter.
 - (3) If applicable, a pedestrian circulation system shall be clearly defined and appropriate provisions made to protect such areas from encroachment by parked or moving vehicles.
 - (4) Adequate off-street parking and off-street loading shall be provided in compliance with sections 152.067 Off-Street Parking and Driveway Requirements and 152.068 Off-Street Loading Requirements, both of this chapter.
 - (5) Loading areas and drive-up facilities shall be positioned so as to minimize internal site access problems and maneuvering conflicts, to avoid visual or noise impacts on any "adjacent" residential use or district, and provided in compliance with section 152.68 Off-Street Loading Requirements of this chapter.
 - (6) Whenever a nonresidential use is adjacent to a residential use or district, a buffer area with screening and landscaping shall be provided in compliance with section 152.055 Screening, section 152.056 Landscaping and section 152.057 Fences, all of this chapter.
 - (7) General site screening and landscaping shall be provided in compliance with section 152.055 Screening, section 152.056 Landscaping and section 152.057 Fences, all of this chapter.
 - (8) All exterior lighting shall be so directed so as not to cast glare toward or onto the public right of way or neighboring residential uses or districts, and shall be in compliance with section 152.030 Exterior Lighting of this chapter.
 - (9) Potential exterior noise generated by the use shall be identified and mitigation measures as may be necessary shall be imposed to ensure compliance with section 152.034 Noise of this chapter.
 - (10) The site drainage system shall be subject to the review and approval of the City Engineer.
 - (11) The architectural appearance and functional design of the building and site shall not be so dissimilar to the existing or potential buildings and area so as to cause a blighting influence. All sides of the principal and accessory structures are to have essentially the same or coordinated, harmonious exterior finish materials and treatment.
 - (12) Provisions shall be made for daily litter control, an interior location for recycling, and trash handling and storage or an outdoor, enclosed receptacle area shall be provided in compliance with section 152.064 Accessory Structures of this chapter.
 - (13) All signs and informational or visual communication devices shall be in compliance with section 152.071 Sign Regulations of this chapter.
 - (14) The use and site shall be in compliance with any federal, state or county law or regulation that is applicable and any related permits shall be obtained and documented to the City.
 - (15) Any applicable business licenses mandated by this code are approved and obtained.
 - (16) The hours of operation may be restricted when there is judged to be an incompatibility with a residential use or district.
 - (17) The use complies with all applicable performance standards of the zoning district in which it is located and where applicable.
- (E) Annual review/revocation. The City may require the annual review of any conditional use permit to ensure that its conditions are being complied with. Failure to comply with any condition set forth in a conditional use permit shall constitute a violation of this section and shall be cause for the revocation of the conditional use permit. The Planning Commission may recommend, and the City Council may direct, the revocation of any conditional use permit for cause upon determination that the authorized conditional use is not in conformance with the conditions of the permit or is in continued violation of this chapter, Mayer Code of Ordinances, or other applicable regulations. The City Council or Planning Commission shall initiate an application and the City Administrator shall notify the responsible person that they have an opportunity to show cause why the permit should not be revoked. The application shall be processed and considered pursuant to subsection (B) Procedures of this section. The City Administrator shall provide the responsible person a copy of the proceedings and findings of the Planning Commission and City Council.
- (F) Expiration. Unless the City Council specifically approves a different time when action is officially taken on the request, conditional use permits which have been issued under the provisions of this section shall expire without further action by the Planning Commission or the City Council, unless the applicant commences the authorized use within one year of the date the conditional use permit is issued; or, unless before the expiration of the one year period; the applicant shall apply for an extension thereof by completing and submitting a request for extension, including the renewal fee as established by City Council resolution. The request for extension shall state facts showing a good faith attempt to complete or utilize the use permitted in the conditional use permit. A request for an extension not exceeding one year shall be subject to the review and approval of the City Administrator. Should a second extension of time or any extension of time longer than one year be requested by the applicant, it shall be presented to the Planning Commission for a recommendation and to the City Council for a decision.
- (G) Permit Modifications. Holders of a conditional use permit may propose modifications to the permit at any time. No changes in the approved plans or scope of the conditional use shall, however, be undertaken without prior approval of those changes by the City. Requests for permit modifications shall be processed according to subsection (B) Procedures of this section and shall be subject to all requirements and standards of this chapter.

(H) Certification of Taxes Paid. Prior to approving an application for a conditional use permit, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the conditional use permit application relates.

§ 152.013 INTERIM USE PERMITS (IUP).

(A) Intent and Purpose. The purpose and intent of allowing interim uses is:

- (1) To allow a use for a temporary period of time until a permanent location is obtained or while the permanent location is under construction.
- (2) 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.
- (3) 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.
- (4) To allow a use that is presently judged to be acceptable by the City Council based on the characteristics and circumstances of the specific location, property, or use for which the interim use permit is proposed such that the use will be consistent with the comprehensive plan, complies with the requirements of the zoning ordinance, and is compatible with surrounding land uses, which may be effected as a result of any change to the nature of the interim use or existing uses and development in the area.

(B) Procedure. Uses defined as "interim uses" shall be processed according to the standards and procedures for a conditional use permit as established by subsection 152.012 Conditional Use Permits (B) Procedures of this chapter.

(C) General Standards. An interim use shall comply with the following.

- (1) Meet the standards of a conditional use permit set forth in subsection 152.012 Conditional Use Permits (B) Procedures (5) of this chapter.
- (2) Conform to the applicable general performance standards of subsection 152.012 Conditional Use Permits (D) General Performance Standards of this chapter.
- (3) The use is allowed as an interim use in the respective zoning district.
- (4) The date or event that will terminate the use can be identified with certainty.
- (5) The use will not impose additional unreasonable costs on the public.
- (6) The user agrees to any conditions that the City Council deems appropriate for permission of the use.

(D) Conditions. The City may attach conditions to approval of a permit to mitigate anticipated adverse impacts associated with the use, to ensure compliance with the standards of approval, to protect the value of other property, and to achieve the goals and objectives of the Comprehensive Plan.

(E) Annual review/revocation. The Planning Commission may require the annual review of any interim use permit to ensure that its conditions are being complied with. Failure to comply with any condition set forth in an interim use permit shall constitute a violation of this section and shall be cause for the revocation of the interim use permit. The Planning Commission may recommend, and the City Council may direct, the revocation of any interim use permit for cause upon determination that the authorized interim use is not in conformance with the conditions of the permit or is in continued violation of this chapter, Mayer Code of Ordinances, or other applicable regulations. The City Council or Planning Commission shall initiate an application and the City Administrator shall notify the responsible person that they have an opportunity to show cause why the permit should not be revoked. The application shall be processed and considered pursuant to subsection 152.012 Conditional Use Permits (B) Procedures of this chapter. The City Administrator shall provide the responsible person a copy of the proceedings and findings of the Planning Commission and City Council.
~~by the City~~

(F) Termination. All interim use permits shall terminate on the happening of any of the following events, whichever first occurs.

- (1) The termination date stated in the permit.
- (2) A violation of the conditions under which the permit was issued.
- (3) A change in the city's zoning regulations that renders the use nonconforming.

(G) Certification of Taxes Paid. Prior to approving an application for an interim use permit, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the interim use permit application relates.

(H) Expiration. Unless the City Council specifically approves a different time when action is officially taken on the request, permits which have been issued under the provisions of this chapter shall expire without further action by the Planning Commission or the City Council, unless the applicant commences the authorized use within one year of the date the interim use permit is issued; or, unless before the expiration of the one year period; the applicant shall apply for an extension thereof by completing and submitting a request for extension, including the renewal fee as established by City Council resolution. The request for extension shall state facts showing a good faith attempt to complete or utilize the use permitted in the interim use permit. A request for an extension not exceeding one year shall be subject to the

review and approval of the City Administrator. Should a second extension of time or any extension of time longer than one year be requested by the applicant, it shall be presented to the Planning Commission for a recommendation and to the City Council for a decision.

§ 152.014 AMENDMENT, TEXT & MAP (REZONING).

- (A) The City Council or Planning Commission may, upon their own motion, initiate a request to amend the text or the district boundaries of this chapter. The procedural requirements of this chapter shall not apply to such proposed amendments except to the extent required by state statute. Any person owning real estate within the city may initiate a request to amend the district boundaries or text of this chapter so as to affect the said real estate.
- (B) Procedure. Pursuant to Minnesota statutes 15.99, an application for an amendment shall be approved or denied within sixty (60) days from the date of its official and complete submission unless extended by the City pursuant to statute or a time waiver is granted by the applicant. Additional City requirements are as follows.
 - (1) Request for text and map amendments to the zoning ordinance shall be filed with the City Administrator on an official application form. Such application shall be accompanied by a fee as provided by City Council resolution. The request shall be considered as being officially submitted when all the information requirements are complied with as determined by the City Administrator. In cases when an application is judged to be incomplete, the City Administrator or their designee shall notify the applicant, in writing, of what information must be provided for the application to be deemed complete within fifteen (15) business days from the date of submission.
 - (2) Upon receipt of a complete application, as determined by staff review, and following preliminary staff analysis of the application and request, the City Clerk, when appropriate, shall set a public hearing following proper hearing notification. The Planning Commission shall conduct the hearing, report its findings and make recommendations to the City Council. Notice of said hearing shall consist of a legal property description, description of request and a general description of the property location, and be published in the official newspaper at least ten (10) days prior to the hearing. Written notification of said hearing shall be mailed at least ten (10) days prior to all owners of land within three hundred and fifty feet (350') of the boundary of the property in question, if notification is required by state statute.
 - (3) Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this chapter.
 - (4) The City Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation of action to the City Council.
 - (5) The Planning Commission shall consider possible effects of the proposed amendment. Its judgment shall be based upon, but not limited to, the following factors:
 - (a) The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official city comprehensive plan.
 - (b) The proposed use is or will be compatible with present and future land uses of the area.
 - (c) The proposed use conforms with all performance standards contained in this code.
 - (d) The proposed use can be accommodated with existing public services and will not overburden the City's service capacity.
 - (e) Traffic generation by the proposed use is within capabilities of streets serving the property.
 - (6) The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors. Said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this chapter. Failure on the part of the applicant to apply all necessary supportive information may be grounds for denial of the request.
 - (7) Unless excused by the Planning Commission chair, the applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed request.
 - (8) The Planning Commission shall, as appropriate, make findings of fact and shall recommend approval or denial of the request. Such recommendation shall be accompanied by the report and recommendation of the City staff.
 - (9) The City Council shall not act upon an amendment until the Planning Commission has held a public hearing on the request. The City Council shall act upon the amendment within sixty (60) days from the date of submission of a complete application, unless an extension has been provided, pursuant to Minnesota statutes section 15.99.
 - (10) Subject to limitations of Minnesota statutes section 15.99, if, upon receiving said reports and recommendations of the Planning Commission and City staff, the City Council finds that specific inconsistencies exist in the review process and thus the final recommendation of the City Council may differ from that of the Planning Commission, the City Council may, before taking final action, refer the matter back to the Planning Commission for further consideration. The City Council shall provide the Planning Commission with a written statement detailing the specific reasons for referral. This procedure shall be followed only one time on a singular action.
 - (11) Approval of an amendment shall require a majority vote of all members of the City Council. Amendments which

change all or part of the existing classification of a zoning district from residential to either commercial or industrial require a two-thirds (2/3rds) majority vote of all the members of the City Council.

- (12) The amendment shall not become effective until such time as the City Council approves an ordinance reflecting said amendment.
 - (13) All decisions made by the City regarding an amendment shall be final, except that any aggrieved person shall have the right to appeal per section 152.011 Appeals of this chapter.
 - (14) Whenever an application for an amendment has been considered and denied by the City Council, a similar application for the amendment affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at least six (6) months from the date of its denial; and a subsequent application affecting substantially the same property shall likewise not be considered again by the Planning Commission or City Council for an additional six (6) months from the date of the second denial unless a decision to reconsider such matter is made by not less than four-fifths (4/5ths) vote of the full City Council.
- (C) Certification of Taxes Paid. Prior to approving an application for rezoning, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the rezoning application relates.

§ 152.015 SITE PLAN REVIEW.

- (A) Purpose. The purpose of this section is to establish a formal site plan review procedure and provide regulations pertaining to the enforcement of site design standards consistent with the requirements of this chapter.
- (B) Exceptions To Review. Except in those cases specifically cited within this chapter, the following shall be excepted from the foregoing requirements of this section.
- (1) Agricultural uses and developments.
 - (2) Single-family detached dwellings.
 - (3) Two-family attached dwellings.
- (C) Sketch Plan.
- (1) Prior to the formulation of a site plan, applicants may present a sketch plan to the City Administrator prior to filing of a formal application. The plan shall be conceptual but shall be drawn to scale with topography of a contour interval not greater than two feet (2') and may include the following:
 - (a) The proposed site with reference to existing development, topography, and drainage conditions on adjacent properties, at least to within two hundred feet (200').
 - (b) Natural features.
 - (c) General location of existing and proposed structures including signs.
 - (d) Tentative access, circulation and street arrangements, both public and private.
 - (e) Amenities to be provided such as recreational areas, open space, walkways, landscaping, etc.
 - (f) General location of parking areas.
 - (g) Proposed public sanitary sewer, water and storm drainage.
 - (h) Other items as may be deemed necessary by the City Administrator.
 - (2) Any opinions or comments provided to the applicant by the City Administrator in relation to the sketch plan shall be considered advisory only and shall not constitute a binding decision on the request.
- (D) Procedure. Pursuant to Minnesota statutes 15.99, an application for site plan approval shall be approved or denied within sixty (60) days from the date of its official and complete submission unless extended by the City pursuant to statute or a time waiver is granted by the applicant. Additional City requirements are as follows.
- (1) Filing of Request. Request for site plan approval, as provided within this chapter, shall be filed with the City Administrator on an official application form. Such application shall be accompanied by a fee as established by City Council resolution. Such application shall also be accompanied by detailed written and graphic materials, the number and size as prescribed by the City Administrator, fully explaining the proposed change, development, or use. The request shall be considered as being officially submitted and complete when the applicant has complied with all specified information requirements. In cases where an application is judged to be incomplete, the City Administrator or their designee shall notify the applicant, in writing, of what information must be provided for the application to be deemed complete within fifteen (15) business days of the date of submission.
 - (2) Proof of Ownership or Authorization. The applicant shall supply proof of title and the legal description of the property for which the site plan approval is requested, and if needed, an abstract of title and as applicable supply documented authorization from the owner(s) of the property in question to proceed with the requested site plan application.
 - (3) Technical Reports. The City Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in conducting an evaluation of the request.
 - (4) Additional Information. City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert assistance with the consent and at the expense of the applicant concerning operational factors. Said information is to be declared necessary to evaluate the request and/or to establish performance conditions in relation to all pertinent sections of this chapter. Failure on the part of the

- applicant to supply all necessary supportive information may be grounds for denial of the request.
- (5) Meeting With City Administrator and/or Staff. The applicant or a representative thereof shall meet with the City Administrator and/or city staff in order to present information and answer questions concerning the proposed requests.
 - (6) The Planning Commission shall consider possible effects of the proposed use with its judgment.
 - (7) The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors. Said information is to be declared necessary to establish in relation to all pertinent sections of this chapter. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.
 - (8) Unless excused by the Planning Commission chair, the applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed request.
 - (9) The Planning Commission shall make findings of fact and recommend such actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of this section. Such recommendation shall be in writing and accompanied by the report and recommendation of the City staff, and shall be entered in and made part of the permanent written record of the City Council meeting.
 - (10) Upon receiving the report and recommendation of the Planning Commission and the City staff, the City Council shall make recorded findings of fact and may impose any condition it considers necessary to protect the public health, safety and welfare.
 - (11) Subject to limitations of Minnesota statutes 15.99, if, upon receiving said report and recommendations of the Planning Commission and City staff, the City Council finds that specific inconsistencies exist in the review process and thus the final recommendation of the City Council may differ from that of the Planning Commission, the City Council may, before taking final action, refer the matter back to the Planning Commission for further consideration. The City Council shall provide the Planning Commission with a written statement detailing the specific reasons for referral. This procedure shall be followed only one time on a singular action.
 - (12) Approval of a request shall require passage by a majority vote of the City Council.
 - (13) All decisions made by the City regarding a site plan review shall be final, except that any aggrieved person shall have the right to appeal per section 152.011 Appeals of this chapter.
 - (14) Whenever an application for a site plan review has been considered and denied by the City Council, a similar application for the site plan review affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at least six (6) months from the date of its denial; and a subsequent application affecting substantially the same property shall likewise not be considered again by the Planning Commission or City Council for an additional six (6) months from the date of the second denial unless a decision to reconsider such matter is made by a majority vote of the City Council.
- (E) Certification of Taxes Paid. Prior to approving an application for a site plan review, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the site plan review application relates.
- (F) Evaluation Criteria. The City Administrator shall evaluate the proposed site plan based upon compliance with the City comprehensive plan, provisions of this chapter, and other applicable sections of this code.
- (G) Information Requirement. The information required for all site plan applications generally consists of the following items, and shall be submitted unless waived, modified or reduced by the City Administrator, if it is found that the absence of such information will not inhibit the City's ability to evaluate the compliance of the proposed site plan application with the standards of this chapter and any other requirements of the code for the City.
- (1) Site boundaries, buildings, structures and other improvements shall be identified on site with a current certificate of survey, prepared and signed by a Minnesota licensed land surveyor, depicting the following.
 - (a) Scale of plan (engineering scale only), at one inch equals fifty feet (1" = 50') or less.
 - (b) North point indication.
 - (c) Existing boundaries with lot dimension and area.
 - (d) Existing site improvements.
 - (e) All encroachments.
 - (f) Easements of record.
 - (g) Legal description of the property.
 - (h) Ponds, lakes, springs, rivers or other waterways bordering on or running through the subject property.
 - (2) A site plan utilizing a copy of the current certificate of survey as a base for the site in question, depicting the following.
 - (a) Name and address of developer/owner.
 - (b) Name and address of architect/designer.
 - (c) Date of plan preparation.
 - (d) Dates and description of all revisions.
 - (e) Name of project or development.
 - (f) All proposed improvements, including:

1. Required and proposed setbacks.
 2. Location, setback and dimensions of all proposed buildings and structures.
 3. Location of all adjacent buildings located within one hundred feet (100') of the exterior boundaries of the property in question.
 4. Location, number, dimensions, and setbacks of proposed parking spaces and drive aisles.
 5. Location, number, and dimensions of proposed loading spaces.
 6. Location, width, and setbacks of all curb cuts and driveways.
 7. Vehicular circulation.
 8. Sidewalks, walkways, trails.
 9. Location and type of all proposed lighting, including details of all proposed fixtures.
 10. Location of recreation and service areas.
 11. Location of rooftop equipment and proposed screening.
 12. Provisions for storage and disposal of waste, garbage, and recyclables, including details for screening exterior trash/recycling enclosures.
 13. Location, sizing, and type of water and sewer system mains and proposed service connections.
- (3) Grading/stormwater drainage plan, utilizing a copy of the current certificate of survey as a base for the site in question, prepared and signed by a Minnesota licensed engineer, depicting the following.
- (a) Existing contours at two foot (2') intervals (may be prepared by a Minnesota licensed surveyor).
 - (b) Proposed grade elevations at two foot (2') maximum intervals.
 - (c) Drainage plan, including the configuration of drainage areas and calculations.
 - (d) Storm sewer, catch basins, invert elevations, type of castings, and type of materials.
 - (e) Spot elevations (may be prepared by a Minnesota licensed surveyor).
 - (f) Proposed driveway grades.
 - (g) Surface water ponding and treatment areas.
 - (h) Erosion control measures.
- (4) Landscaping plan, utilizing a copy of the current certificate of survey as a base for the site in question, depicting the following.
- (a) Planting schedule (table) containing.
 1. Symbols.
 2. Quantities.
 3. Common names.
 4. Botanical names.
 5. Sizes of plant material.
 6. Root specification (bare root, balled and burlapped, potted, etc.).
 7. Special planting instructions.
 - (b) Location, type and size of all existing significant trees to be removed or preserved.
 - (c) Planting detail (show all species to scale at normal mature crown diameter or spread for local hardiness zone).
 - (d) Typical sections with details of fences, tie walls, planter boxes, tot lots, picnic areas, berms and the like.
 - (e) Typical sections with details of landscape islands, planter beds, and foundation plantings with identification of materials used.
 - (f) Note indicating how disturbed soil areas will be restored through the use of sodding, seeding, or other techniques.
 - (g) Delineation of both sodded and seeded areas with respective areas in square feet.
 - (h) Coverage plan for underground irrigation system, if any.
 - (i) Where landscape or manmade materials are used to provide screening from adjacent and neighboring properties, a cross-through section shall be provided showing the perspective of the site from the neighboring property at the property line elevation.
 - (j) Other existing or proposed conditions which could be expected to affect landscaping.
- (5) Other plans and information as required by the City Administrator including, but not limited to.
- (a) Architectural elevations of all principal and accessory buildings (type, color, and materials used in all external surfaces).
 - (b) "Typical" floor plan and "typical" room plan drawn to scale with a summary of square footage for each use or activity.
 - (c) Fire protection plan.
 - (d) Type, location and size (area and height) of all signs to be erected upon the property in question.
 - (e) Lighting plan.
- (H) Plan Modifications. An amended site plan involving major changes as determined by the City Administrator shall be applied for and administered as required for a new site plan.
- (I) Lapse Of Approval.
- (1) Unless otherwise specified by the City Administrator, the site plan approval shall become null and void one year

after the date of approval, unless the property owner or applicant has substantially started the construction of any building, structure, addition or alteration, or use requested as part of the approved plan. The property owner or applicant shall have the right to submit an application for time extension in accordance with this section.

- (2) In making its determination on whether an applicant has made a good faith attempt to utilize the site plan approval, the City Administrator shall consider such factors as the type, design, and size of the proposed construction, any applicable restrictions on financing, or special and/or unique circumstances beyond the control of the applicant which have caused the delay.
 - (3) The request for an extension of site plan approval shall be determined by the City Administrator within fifteen (15) days from the receipt of a complete request.
- (J) Site Improvement Performance Agreement and Financial Guarantee. Following the approval of the site plan required by this chapter and before issuance of a building permit, the applicant, as determined to be necessary by the City Administrator, shall guarantee to the City the completion of all improvements as shown on the approved site plan and as required by the site plan approval. This guarantee shall be made by means of a site improvement performance agreement and a financial guarantee as provided below.
- (1) The applicant shall execute the site improvement performance agreement on forms provided by the city. The agreement shall be approved as to form and content by the City Attorney and shall define the required work and reflect the terms of this section as to the required guarantee for the performance of the work by the applicant.
 - (2) The required work includes, but is not limited to, private exterior amenities such as landscaping, private driveways, parking areas, recreational fields, structures or buildings, drainage systems, stormwater basins, wetland mitigation, wetland buffers, erosion control, curbing, fences and screening, and other similar facilities. The required work shall also include all aspects of a tree preservation plan and reforestation plan, if applicable.
 - (3) A financial guarantee shall be submitted with the executed site performance agreement as provided herein.
 - (a) Financial guarantees acceptable to the city include cash escrow; an irrevocable letter of credit; or other financial instruments which provide equivalent assurance to the city and which are approved by the City Administrator.
 - (b) The term of the financial guarantee shall be for the life of the site improvement performance agreement, and it shall be the responsibility of the applicant to ensure that a submitted financial guarantee shall continue in full force and effect until the City Administrator shall have approved and accepted all of the work undertaken to be done and shall thereby have released the guarantee or reduced the amount of the guarantee as provided in this section.
 - (c) When any instrument submitted as a financial guarantee contains a provision for an automatic expiration date, after which the instrument may not be drawn upon, notwithstanding, the status of the site performance agreement or of the required work, the expiration date shall be October 31; further, it shall be the responsibility of the applicant to notify the City in writing, by certified mail, at least sixty (60) days in advance of the expiration date of the intention to renew the instrument or to not renew the instrument. If the instrument is to be renewed, a written notice of extension shall be provided thirty (30) days prior to the expiration date; if the instrument is not to be renewed, and has not been released by the City Administrator, another acceptable financial guarantee in the appropriate amount shall be submitted at least thirty (30) days prior to the expiration. The term of any extension shall be approved by the City Administrator. Upon receipt of an acceptable substitute financial guarantee, the City Administrator may release the original guarantee.
 - (d) The amount of the financial guarantee shall be established by the City Administrator based upon an itemized estimate of the cost of all required work as provided by the applicant. A cash escrow or irrevocable letter of credit shall be in the amount of one hundred twenty five percent (125%) of the approved estimated cost. The amount of any other approved financial instrument shall be determined by the City Administrator.
 - (e) At the option of the City, the applicant may submit a separate financial guarantee for that portion of the required work consisting solely of landscaping improvements with another financial guarantee for all other exterior amenities and improvements which comprise the work. All trees shall be warranted to be alive, of good quality, and disease free for twelve (12) months from the time of planting. Any subsequent replacement shall be warranted for twelve (12) months from the time of planting.
 - (4) The time allowed for completion of the required improvements shall be set out in the site improvement performance agreement. The agreement and the financial guarantee shall provide for forfeiture to the City to cure a default or reimburse the City the cost of enforcement measures. As various portions of such required work are completed by the applicant, are in compliance with city requirements, and are approved by the City, the City Administrator may release such portion of the financial guarantee as is attributable to such completed work. Landscaping improvements shall not be deemed complete until the City has verified survivability of all required plantings through one "winter season" which is defined for the purpose of this section as the period October 31 through April 30.
 - (5) The applicant shall notify the City Administrator in writing when all or a portion of the required improvements have been completed in accordance with the approved plan and may be inspected. Upon receipt of such notice, the City Administrator shall be responsible for the inspection of the improvements to determine that the useful life of all work performed meets the standards for the particular industry, profession, or material used in the performance of the work. Any required work failing to meet such standards shall not be deemed to be complete and the applicant shall

be notified in writing as to required corrections. Upon determination that the work has been completed, including the winter season survivability of all landscape improvements, a notice of the date of actual completion shall be given to the applicant and appropriate action, to release or to reduce the amount of the financial guarantee shall be taken by the City Administrator.

- (K) Building Codes. The review and approval of site improvements pursuant to the requirements of City adopted building and fire codes shall be in addition to the site plan review process established under this section. The site plan approval process does not imply compliance with the requirements of these building and fire codes.
- (L) Plan Agreements. All site and construction plans officially submitted to the City shall be treated as a formal agreement between the applicant and the City. Once approved, no changes, modifications or alterations shall be made to any plan detail, standard, or specifications without prior submission of a plan modification request to the City Administrator for review and approval.
- (M) Plan Referral. The City Administrator shall have the authority to refer a sketch plan or site plan to the Planning Commission and/or City Council for discussion, review, and informal comment. Any opinions or comments provided to the applicant by the City Administrator, Planning Commission, and/or City Council shall be considered advisory only and shall not constitute a binding decision on the request.

§ 152.016 ADMINISTRATIVE PERMITS.

- (A) Purpose. The purpose of this section is to establish regulations and procedures for the processing and consideration of activities allowed by administrative permit (also referred to as a zoning permit), and of matters requiring the approval of the City Administrator with the goal of protecting the health, safety, and welfare of the citizens of the City.
- (B) Administrative Permits.
 - (1) Procedure.
 - (a) Application for an administrative permit shall be filed by the property owner or designated agent with the City Administrator on forms to be provided by the City.
 - (b) The application shall be accompanied by a fee as established by City Council resolution. Applications for amending administrative permits shall be accompanied by a fee as established by City Council resolution.
 - (c) The City Administrator shall review the application and related materials and shall determine whether the proposal is in compliance with all applicable evaluation criteria, codes, ordinances, and applicable performance standards set forth in this chapter. In cases where the application is judged to be incomplete, the City Administrator or their designee shall notify the applicant, in writing, of what information must be provided for the application to be deemed complete within fifteen (15) business days of the date of submission.
 - (d) The City Administrator's review shall be based upon the following factors.
 - 1. Compliance with and effect upon the comprehensive plan and public facilities plans.
 - 2. The establishment, maintenance or operation of the use, event or activity will not be detrimental to or endanger the public health, safety, or welfare.
 - 3. The establishment of the use, event or activity will not conflict with existing uses and will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
 - 4. Adequate public facilities and services are available or can be reasonably provided to accommodate the use, event or activity which is proposed.
 - 5. The use, event or activity shall, in all other respects, conform to the applicable regulations of the district in which it is located and to the performance standards as outlined in subsection 152.012 Conditional Use Permits (D) General Performance Standards of this chapter and all other applicable provisions of this chapter.
 - (e) The City Administrator shall make a determination on approval or denial of the administrative permit within sixty (60) days from the date of submission of a complete application.
 - (f) A written permit shall be issued to the applicant when a determination of compliance has been made. Specific conditions to assure compliance with applicable evaluation criteria, codes, ordinances, and the standards of this chapter shall be attached to the permit.
 - (g) Determination of noncompliance with applicable codes, ordinances, and the standards in this section shall be communicated to the applicant in writing and the application for the permit shall be considered denied.
 - (h) Unresolved disputes as to administrative application of the requirements of this section shall be subject to appeal as defined by section 152.011 Appeals of this chapter.
 - (2) Information Requirement. The information required for all administrative permit applications shall include.
 - (a) A concise statement describing the proposed use, event or activity, including the purpose, type of merchandise involved, dates and times of operation, number of employees involved, provisions for on-site security, provisions for trash containment, provisions for on-site parking, and other pertinent information required by the City Administrator to fully evaluate the application.
 - (b) A copy of the approved site plan for the property or an "as built" survey which accurately represents existing conditions on the site, including entrances and exits, bona fide parking and driving areas, and which accurately

indicates any proposed temporary structures, including tents, stands, and signs.

- (c) An accurate floor plan, when in the judgment of the City Administrator, such a plan is necessary to properly evaluate the location of the event and the effectiveness of available entrances and exits.
 - (d) Information identified in subsection 152.015 Site Plan Review Required (G) Information Requirement of this chapter, as may be applicable.
- (3) Performance Standards. All structures, uses, events or activities allowed by administrative permit shall conform to the applicable standards outlined in the zoning district in which such structure, use, event or activity is proposed, as well as the applicable standards in subsection 152.012 Conditional Use Permits (D) General Performance Standards of this chapter.
- (4) Administration and Enforcement.
- (a) The City Administrator shall keep a record of applications and administrative permits.
 - (b) A copy of all administrative permits issued shall be forwarded to appropriate staff as determined by the City Administrator.
 - (c) Enforcement of the provisions of this section shall be in accordance with section 152.017 General Administration of this chapter. Violation of an issued permit or of the provisions of this chapter also shall be grounds for denial of future permit applications.
- (5) Certification of Taxes Paid. Prior to approving an application for an administrative permit, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the administrative permit application relates.
- (6) Non-permit Approvals. In cases where the City Administrator is given approval authority without a requirement for an administrative permit, determinations shall be based upon the criteria outlined in subsection 152.012 Conditional Use Permits (D) General Performance Standards of this chapter.
- (C) Lapse of Approval.
- (1) Unless otherwise specified by the City Administrator, an administrative permit approval and non-permit approvals of the City Administrator shall become null and void one (1) year after the date of approval, unless the property owner or applicant has substantially started the construction of any building, structure, addition or alteration, or use requested as part of the approved administrative permit. The property owner or applicant shall have the right to submit an application for time extension in accordance with this section.
 - (2) In making its determination on whether an applicant has made a good faith attempt to utilize the administrative permit approval, the City Administrator shall consider such factors as the type, design, and size of the proposed construction, any applicable restrictions on financing, or special and/or unique circumstances beyond the control of the applicant which have caused the delay.
 - (3) The request for an extension of an administrative permit approval shall be determined by the City Administrator within fifteen (15) days from the receipt of a complete request.

§ 152.017 GENERAL ADMINISTRATION.

(A) Fees, Charges and Expenses.

- (1) Fees and charges, as well as expenses incurred by the City for engineering, planning, attorney, and other services related to the processing of applications required by this chapter, as well as for public hearings, special meetings, or other such City Council or Planning Commission actions as are necessary to process applications, shall be determined annually by the City Council through the City fee schedule.
- (2) Escrow: An escrow deposit required for the processing of applications required by this chapter shall be used for payment of all costs incurred for City in the processing of an application required by this chapter.
 - (a) All costs incurred for City staff and consultants directly related to processing of an application required by this chapter including preparation of reports or studies, attendance at staff or public meetings, and any other expenses incurred with processing of an application.
 - (b) The property owner shall reimburse the escrow account for any deficits caused if the amount actually expended by or billed to the City exceeds the fund balance.
 - (c) The City shall refund any amount deposited in the escrow account not expended within ninety (90) calendar days after final action on the application.
- (3) Fees, charges, and estimated expenses for the processing of a development application required by this chapter shall be collected prior to City action on any application. The fees shall be deposited in City accounts. The applicant shall not be paid interest on the fees required by this chapter.
- (4) All fees and expenses incurred by the City are to be paid whether the application is approved or denied.
- (5) The owner of the property subject to the application required by this chapter shall be responsible for all costs incurred by the City in processing the application and enforcing the terms of any agreements relating to the application in accordance with Minnesota Statutes Chapter 462.353, Subd. 4a.
- (6) Unpaid expenses:
 - (a) All unpaid expenses incurred by the City under the Mayer Code of Ordinances not covered by the escrow will

be charged against the property subject to the application and will be the responsibility of the property owner pursuant to Minnesota Statutes Chapter 462.353.

- (b) The property owner shall be invoiced for the City's costs to where property tax statements are sent by the County to be paid within thirty (30) days of the date of the invoice.
 - (c) Should the property owner not reimburse the City as required by this section, the City shall be authorized to take any action authorized by law to recover the costs and fees, including recording a lien against real estate that is the subject of the application pursuant to Section 514.67 of Minnesota Statutes, for any of the aforementioned unpaid fees and services.
- (B) Enforcement. This chapter shall be administered and enforced by the City Administrator or designee. The City Administrator may institute in the name of the City any appropriate actions or proceedings against a violator as provided by statute, charter or ordinance. The City Administrator's duties shall include, but not be limited to, the following.
- (1) Periodically inspect buildings, structures, and uses of land to determine compliance with the terms of this chapter.
 - (2) Notify, in writing, any person responsible for violating a provision of this chapter, indicating the nature of the violation and ordering the action necessary to correct it.
 - (3) Order discontinuance of illegal use of land, buildings, or structures; order removal of illegal buildings, structures, additions or alterations; order discontinuance of illegal work being done; or take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions, including cooperation with the City Attorney in the prosecution of complaints.
 - (4) Maintain permanent and current records of the zoning ordinance, including all maps, amendments, conditional uses and variances.
 - (5) Maintain a current file of all permits, all certificates and all copies of notices of violation, discontinuance, or removal for such time as necessary to ensure a continuous compliance with the provisions of this chapter and, on request, provide information to any person having a proprietary or tenancy interest in any specific property.
 - (6) Provide clerical and technical assistance to the planning commission and board of zoning adjustments and appeals.
 - (7) Receive, file and forward as applicable to the Board of Zoning Adjustments and Appeals, Planning Commission, or City Council all applications for conditional use permits, variances, interim use permits, administrative permits, amendments or site plans as required herein.
- (C) Penalty. Any person violates any of the provisions of this chapter shall, upon conviction thereof, be fined not more than the maximum penalty for a misdemeanor prescribed under state law. Each day that a violation is permitted to exist shall constitute a separate offense.

PERFORMANCE STANDARDS

§ 152.025 PERFORMANCE STANDARDS PURPOSE.

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

§ 152.026 DWELLING UNIT RESTRICTION.

- (A) Except as may be expressly allowed by this chapter, no garage, tent, accessory building or motor home shall at any time be used as living quarters, temporarily or permanently. Tents, playhouses or similar structures may be used for play or recreational purposes.
- (B) Basements and cellars may be used as living quarters or rooms as a portion of the principal residential dwelling.

§ 152.027 SINGLE-FAMILY DWELLING REQUIREMENTS.

All single-family detached dwellings, except for approved manufactured home parks, shall be constructed according to the following minimum standards.

- (A) State Building Code. Be constructed upon a continuous perimeter foundation that meets the requirements of the state building code.
- (B) Measurements. Not be less than thirty feet (30') in length and not less than twenty-four feet (24') in width over that entire minimum length. Width measurements shall not take into account overhangs and other projections beyond the principal walls.
- (C) Roof. Have an earth covered, composition, metal, shingled or tiled roof.

- (D) Receive a Building Permit. The application for a building permit in addition to other information required shall indicate the height, size, design and the appearance of all elevations of the proposed building and a description of the construction materials proposed to be used, and the delineation of future deck, porch and/or garage additions whether or not such construction is intended. The exterior architectural design of a proposed dwelling may not be so at variance with, nor so similar to, the exterior architectural design of any structure or structures already constructed or in the course of construction in the immediate neighborhood, nor so at variance with the character of the surrounding neighborhood as to adversely affect the public health, safety or general welfare.
- (E) Requirements. Meet the requirements of the state building code.
- (F) Site Plan. All site plans for single-family detached dwellings must provide for the location of a two (2) stall attached garage.

§ 152.028 PLATTED AND UNPLATTED PROPERTY.

- (A) Any person desiring to improve property shall submit to the building official a survey of said premises and information on the location and dimensions of existing and proposed buildings, location of easements crossing the property, encroachments, and any other information which may be necessary to ensure conformance to City ordinances.
- (B) All buildings shall be placed so that they will not obstruct future public streets which may be constructed in conformity with existing streets and according to the system and standards employed by the City.
- (C) Except in the case of a planned unit development as provided for in section 152.098 (PUD) Planned Unit Development Overlay District of this chapter or as specifically allowed and stated in a respective zoning district, not more than one principal building shall be located on a lot. The words "principal building" shall be given their common, ordinary meaning as defined in section 152.005 Rules and Definitions of this chapter.
- (D) On a through lot, both street lines shall be front lot lines for applying the yard setback regulations of this chapter except in the case of a buffer yard fence or accessory building. In addition, no home on a through lot or corner lot in any residential zone shall be allowed direct access to any major collector or arterial street designated as such by the comprehensive plan, except as may be permitted by the City Administrator.
- (E) In the case of properties which abut street easements, applicable setbacks shall be measured from the easement line and shall be related to roadway classification as identified in the Mayer comprehensive plan.
- (F) Outlots are deemed unbuildable and no building permit shall be issued for such properties, except in the case of public park facilities and essential services.
- (G) Lot Frontage and Access. Each lot shall have frontage to an abutting, improved, and City accepted public street in compliance with the minimum lot width requirements of the respective zoning district.

§ 152.029 EROSION AND DRAINAGE.

- (A) Permit Applicants. No person or political subdivision shall commence a land disturbing activity or create new impervious surface without first obtaining a permit from the City that incorporates and approves a storm water pollution prevention plan (SWPPP) for the activity, development or redevelopment. For sites disturbing less than one acre, an erosion and sediment control plan may be submitted as part of the building permit application.
- (B) Development Not Permitted. No land shall be developed and no use shall be permitted that results in water runoff causing flooding, erosion, or deposit of sediment on adjacent properties. Such runoff shall be properly channeled into a storm drain, watercourse, stormwater basin, or other public facilities subject to the review and approval of the City Engineer.
- (C) Standards. Erosion and sediment controls shall meet the standards for the general permit authorization to discharge stormwater associated with construction activity under the national pollutant discharge elimination system/state disposal system permit program permit MN R100001 (NPDES general construction permit) issued by the Minnesota Pollution Control Agency, as amended. Final stabilization of the site must be completed in accordance with NPDES general construction permit requirements.
- (D) City Engineer Approval.
 - (1) In the case of all single-family lots, multiple-family lots, business, industrial and institutional developments, the drainage and erosion control plans shall be subject to the City Engineer's written approval.
 - (2) No modification in grade and drainage flow through fill, cuts, erection of retaining walls or other such actions shall be permitted until such plans have been reviewed and received written approval from the City Engineer.
 - (3) Prior to the release of any required grading security, an as built certificate of survey shall be submitted to verify that the final as built grades and elevations of the lot and building setbacks are consistent with the approved grading plan for the development and amendments as approved by the City Engineer and that all required property monuments are in place.
- (E) Approval of Erosion Control Measures. Proposed erosion control measures may be approved by the City Engineer as part of grading plan review. Erosion control may be specified by the City Engineer as part of a site survey for individual building permits. Erosion and sediment control measures shall be consistent with best management practices (BMPs)

for erosion and sedimentation control as specified in the "Minnesota Stormwater Manual" (MPCA 2005), as amended, and shall be sufficient to retain sediment on site. Erosion control measures may also be specified by the City Engineer as needed and deemed appropriate during the construction and postconstruction periods separate from the above.

- (F) Storm Sewer Inlets. All storm sewer inlets which are functioning during construction shall be protected so that sediment laden water does not enter the conveyance system without first being filtered or otherwise treated to remove sediment.
- (G) Sediment Control Practices. All temporary erosion and sediment controls shall be installed on all down gradient perimeters before commencing the land disturbing activity, and left in place and maintained as needed until removed per city approval after the site had been stabilized. All permanent erosion control measures shall be installed and operational per the design and as required by the City.
- (H) Tracking. Each site shall have rock construction entrance, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each workday or more often if necessary to maintain the road in safe driving condition.
- (I) Seeding. All disturbed ground left inactive for seven (7) or more days shall be stabilized by seeding or sodding or by mulching or covering or other equivalent control measure.
- (J) Removal. All temporary erosion control devices including silt fence, gravel, hay bales or other measures shall be removed from the construction site and properly disposed of or recycled. This removal and disposal must occur within thirty (30) days of the establishment of permanent vegetative cover on the disturbed area.
- (K) Site Dewatering. Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydrocyclones, swirl concentrators or other appropriate controls as appropriate. Water may not be discharged in a manner that causes erosion or flooding of the site or receiving channels of a wetland. All dewatering shall be in accordance with all applicable county, state, and federal rules and regulations. Minnesota department of natural resources regulations regarding appropriate permits shall also be strictly adhered to.
- (L) Waste and Material Disposal. All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials or hazardous materials) shall be properly disposed of off-site and not allowed to be carried by runoff into a receiving channel or storm sewer system.
- (M) Foundation, Garage Floor. Unless approved by the City Engineer, the top of the foundation and garage floor of all structures shall be at least eighteen inches (18") above the grade of the crown of the street.
- (N) Stop Work Order. The City Administrator or City Engineer may issue stop work orders for any violation of this chapter.

§ 152.030 EXTERIOR LIGHTING.

Exterior use of lighting systems shall conform to the following provisions to reduce light pollution:

- (A) Intensity.
 - (1) The cumulative light cast by all lights on the property shall not exceed one hundred fifteen (115) foot-candles at ground level measured at any point on the property.
 - (2) No light source or combination thereof which casts light on a public street shall exceed one foot-candle meter reading as measured at the right of way or property line.
- (B) Commercial, Industrial and Institutional Uses. Any lighting used to illuminate an off-street parking area, structure, or area shall be arranged so as to deflect light away from any adjoining property or from any public right of way in accordance with the following provisions.
 - (1) Shielding.
 - (a) The light fixture shall contain a cutoff which directs the light at an angle of ninety degrees (90°) or less.
 - (b) For light fixtures located within thirty feet (30') of residential zoned property, additional shielding shall be required on the property line side of the fixture below the ninety degree (90°) cutoff to direct light away from the residential property.
 - (c) Lighting of entire facades of a building shall only utilize illuminating devices mounted on top and facing downward onto the structure.
 - (d) The following shall be exempt from the shielding requirements established by subsections (B)(1)(a) to (B)(1)(c) of this section.
 - 1. Internally illuminated signs and signs with electronic displays as may be allowed by section 152.071 Sign Regulations of this chapter.
- (C) Height.
 - (1) The maximum height above the ground grade permitted for poles, fixtures, and light sources mounted on a pole shall be thirty-five feet (35').
 - (2) A light source mounted on a building shall not exceed the height of the building.
- (D) Location. Except for building mounted fixtures within the C-2 Central Business District, all outdoor light sources shall be set back a minimum of ten feet (10') from a public right of way and five feet (5') from an interior side or rear lot line.
- (E) Exceptions. The provisions of this section shall not apply to the following.
 - (1) Temporary outdoor lighting used during customary holiday seasons or civic celebrations.

- (2) Lighting required by a government agency for the safe operation of airplanes, or security lighting required on government buildings, structures, facilities or public right of way.
 - (3) Emergency lighting by police, fire, and rescue authorities.
 - (4) Illumination of United States or Minnesota flags.
 - (5) Public parks, trails and recreational facilities.
- (F) Prohibitions. The following outdoor lights are prohibited.
- (1) Laser, strobe or flashing lights.
- (G) Glare. Direct or reflected glare, such as from floodlights, spotlights, or high temperature processes, and as differentiated from general illumination, shall not be visible beyond the site of origin at any property line. Any lighting used for exterior illumination (including off-street parking areas) shall be directed away from adjacent properties.

§ 152.031 SMOKE.

The emission of smoke by any use shall be in compliance with and regulated by the state of Minnesota pollution control standards, Minnesota regulations APC 7017.

§ 152.032 DUST AND OTHER PARTICULATE MATTER.

The emission of dust, fly ash or other particulate matter by any use shall be in compliance with and regulated by the state of Minnesota pollution control standards, Minnesota regulations APC 7011.

§ 152.033 AIR POLLUTION.

The emission of air pollution, including potentially hazardous emissions, by any use shall be in compliance with and regulated by Minnesota statutes 116, as may be amended.

§ 152.034 NOISE.

Noises emanating from any use shall be in compliance with and regulated by the Minnesota pollution control agency in accordance with Minnesota statutes and rules.

§ 152.035 VIBRATION.

Vibration generated from any use shall be in compliance with and regulated by Minnesota Pollution Control Agency standards.

§ 152.036 BULK STORAGE (LIQUID).

All uses associated with the bulk storage of all gasoline, liquid fertilizer, chemical, flammable and similar liquids shall comply with county, state, and federal agency requirements, and have documents from those respective agencies stating the use is in compliance.

§ 152.037 WASTE. MATERIAL.

- (A) All waste generated shall be disposed in a manner consistent with all Minnesota pollution control agency rules.
- (B) Any accumulation of waste generated on any premises not stored in containers which comply Minnesota pollution control agency rules, or any accumulation of mixed municipal solid waste generated on any premises which has remained thereon for more than one week, or any accumulation of infectious, nuclear, pathological, or hazardous waste which is not stored and disposed in a manner consistent with Minnesota pollution control agency rules is a nuisance and may be abated and the cost of abatement may be assessed against the property where the nuisance is found.
- (C) The accumulation, storage, processing, and disposal of waste on any premises, which is not generated on that premises, is prohibited, except as specifically provided in this chapter.

§ 152.038 EXPLOSIVES.

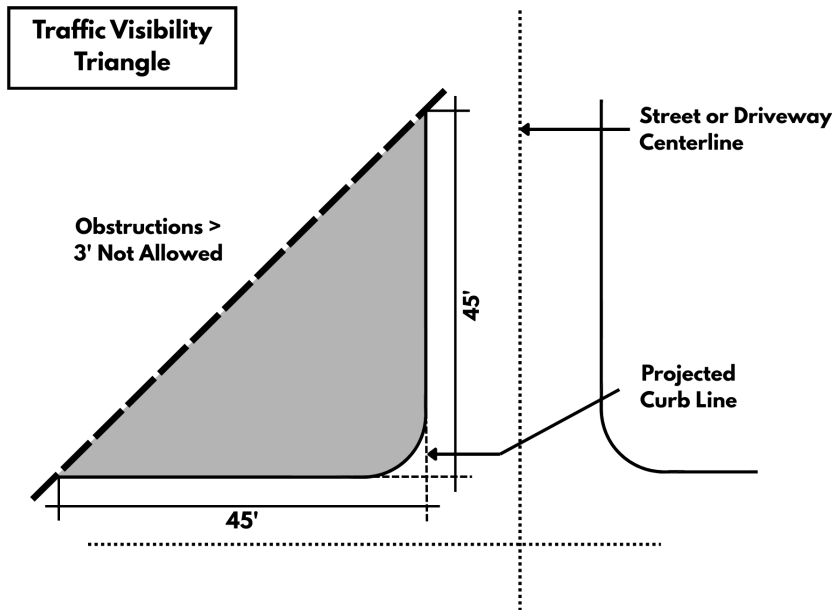
Any use requiring the storage, utilization, or manufacturing of products which could decompose by detonation shall be located not less than one thousand feet (1,000') from any residential district. This standard shall not apply to the storage or usage of liquefied petroleum or natural gas for normal residential or commercial purposes.

§ 152.039 RADIATION AND ELECTRICAL EMISSIONS.

No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation at any point of any equipment including but not limited to radio and television reception other than that of the creator of the disturbance.

§ 152.040 TRAFFIC CONTROL.

- (A) The traffic generated by any use shall be channeled and controlled in a manner that will not contribute to congestion on public streets, safety hazards and excessive traffic through residential areas. Traffic into and out of all commercial, industrial and institutional uses and areas shall in all cases be forward moving with no backing onto streets or pedestrian ways.
- (B) Screening. Obstruction of View. Except as may be approved by the City Administrator, and except for a governmental agency for the purpose of screening, no wall, fence, structure, tree, shrub, vegetation or other obstruction shall be placed on or extend into a yard or right of way area so as to pose a danger to traffic by obscuring the view of approaching vehicular traffic or pedestrians from any street or driveway.
- (C) Traffic Sight Visibility Triangle. Visibility From Street. Visibility from any street shall be unobstructed above a height of three feet (3'), measured from where both street centerlines intersect within the triangle described as beginning at the intersection of the projected curb line (or edge of shoulders for rural sections) of two (2) intersecting streets, thence forty-five feet (45') along one curb line, thence diagonally to a point forty-five feet (45') from the point of beginning along the other curb line.



(D) Exceptions:

- (1) Trees, plantings or landscape arrangements within the area described by this section that will not create a total obstruction higher than three feet (3') shall be allowed.
- (2) Properties within the C-2 Central Business District shall be exempt from the provisions of subsection (C) Traffic Site Visibility Triangle of this section.

§ 152.041 WETLAND PROTECTION AND MANAGEMENT.

- (A) Wetland Application. Every applicant for a grading permit to allow wetland disturbing activities must submit a report to the City. No grading permit to allow wetland disturbing activities shall be issued until approval of the wetland replacement plan application or a certificate of exemption has been obtained in strict conformance with the provisions of this chapter and the Minnesota wetland conservation act. This section applies to all land, public or private, located within the City.
- (B) Impacts To Wetland.
- (1) Protective Buffer: A protective buffer of natural vegetation shall surround all wetlands within areas developed or redeveloped in accordance with the following provisions.
 - (a) Public Trails and Sidewalks. Public trails and sidewalks that are a maximum of ten feet (10') in width can be included within the buffer provided the designated width is maintained.
 - (b) Outlot Plat. The wetland and buffer shall be platted as an outlot if established as part of a subdivision application. All other applications shall require dedication of a conservation easement, unless otherwise approved by the City Engineer.
 - (c) Exception. Property owned by the City of Mayer shall be exempt from establishing an outlot or conservation easement for required buffer areas.
 - (2) Building Setback. For properties developed or redeveloped, a building setback of ten feet (10') for a side yard and twenty feet (20') for a rear yard shall be provided from the delineated edge of all required wetland buffers at the time of development.

GENERAL REGULATIONS

§ 152.050 NONCONFORMING BUILDINGS, STRUCTURES AND USES.

- (A) Purpose. It is the purpose of this section to provide for the regulation of nonconforming buildings, structures and uses and to specify those requirements, circumstances and conditions under which nonconforming buildings, structures and uses will be operated and maintained. This zoning chapter establishes separate districts, each of which is an appropriate area for the location of uses which are permitted in that district. It is necessary and consistent with the establishment of these districts that nonconforming buildings, structures and uses not be permitted to continue without restriction. Furthermore, it is the intent of this section that all nonconforming uses shall be eventually brought into conformity.
- (B) General Provisions.
- (1) Conditional Uses/Interim Uses/Uses by Administrative Permit. Any legal nonconforming structure or use that is herein classified as a conditional use, interim use, or use by administrative permit may be continued in like fashion and activity and shall automatically be considered as having received the applicable approval. Any change to such a use, including, but not limited to, building and/or site alteration, shall however require a new permit be processed according to this chapter.
 - (2) Moving Nonconforming Buildings. Subject to section 152.054 Building Relocation/Moving of this chapter, no nonconforming building, structure or use shall be moved to another lot or to any other part of the parcel of land upon which the same was constructed or was conducted at the time it became a legal nonconformity, unless such movement will reduce the nonconformity.
 - (3) Subdivision. No parcel of land or portion thereof shall be subdivided if such action results in buildings and/or uses becoming nonconforming.
 - (4) Continuance of Legal Nonconformity. Any legal nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this section, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, except as specifically provided in this section, unless.
 - (a) The nonconformity or occupancy is discontinued for a period of more than one year; or
 - (b) Any nonconforming use is destroyed by fire or other peril to the extent of greater than fifty percent (50%) of its market value, and no building permit has been applied for within one hundred eighty (180) days of when the property is damaged, unless the owner has applied for an extension of time with the City and the City Council has approved such extension.
 - (c) Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.
 - (5) The City may impose upon nonconformities reasonable regulations to prevent and abate nuisances and to protect the public health, welfare, or safety.
 - (6) Definitions. For the purposes of this section, the following terms shall be defined as follows.

EXPANSION, ENLARGEMENT OR INTENSIFICATION. Any increase in a dimension, size, area, volume, or height, any increase in the area of use, any placement of a structure or part thereof where none existed before, any addition of a site feature such as a deck, patio, fence, driveway, parking area, or swimming pool, any improvement that would allow the land to be more intensely developed, any move of operations to a new location on the property, or any increase in intensity of use based on a review of the original nature, function or purpose of the nonconforming use, the hours of operation, traffic, parking, noise, exterior storage, signs, exterior lighting, types of operations, types of goods or services offered, odors, area of operation, number of employees, and other factors deemed relevant by the City.

IMPROVEMENT. Making the nonconforming use better, more efficient, or more aesthetically pleasing, including any change that does not replicate what preexisted, but does not include an expansion, enlargement, or intensification.

REPLACEMENT, RECONSTRUCTION OR RESTORATION. Construction that exactly matches preexisting conditions.

(C) Nonconforming Uses.

(1) Changes To Nonconforming Uses.

- (a) When a legal nonconforming use of any structure or parcel of land in any district has been changed to a conforming use, it shall not thereafter be changed to any nonconforming use.
- (b) A legal nonconforming use of a structure or parcel of land may be changed to reduce the nonconformity of use. Once a nonconforming structure or parcel of land has been changed, it shall not thereafter be so altered to increase the nonconformity.

(2) Normal Maintenance. Maintenance of a building or other structure containing or used by a nonconforming use will be allowed when it includes necessary nonstructural repair and incidental alterations which do not extend or intensify the nonconforming building or use.

(D) Nonconforming Buildings and Structures.

(1) Proposed Structure. Any proposed structure that will become nonconforming by amendment of this chapter but for which a building permit has been lawfully granted prior to the effective date of the amendment, may be completed in accordance with the approved plans; provided construction is started within sixty (60) days of the effective date of the amendment, is not abandoned for a period of more than one hundred twenty (120) days, and continues to completion within two (2) years. The structure shall thereafter be a legal nonconforming structure.

(2) Alterations. Alteration and normal maintenance to a legal nonconforming building or structure may be made through the building permit process provided.

- (a) The alterations do not expand the foundation and/or building size (including deck additions), unless specifically allowed by this chapter.
- (b) The alterations do not increase the building occupancy capacity or parking demand.
- (c) The alteration does not increase the degree of the nonconforming condition of the building, site or the use.

(3) Expansion of Legal Nonconforming Buildings or Structures.

(a) Administrative Approvals. The following expansions of legal nonconforming single- and two-family residential buildings may be approved through the administrative permit process by the City Administrator subject to the provisions of section 152.016 Administrative Permits of this chapter. The City Administrator shall make a determination that the building expansion will comply with the intent and purpose of this section and this chapter.

- 1. Expansion of principal buildings found to be nonconforming only by reason of height and yard setback may be allowed provided the expansion complies with the performance standards of this chapter.
- 2. Expansion of nonconforming detached accessory structures shall not be allowed.

(b) Conditional Use Permit. Legal nonconforming commercial, industrial, institutional, and multiple-family residential principal structures may be expanded on the same lot by conditional use permit provided.

- 1. The expansion will not increase the nonconformity of the building or site.
- 2. The new building expansion will conform to all the applicable performance standards of this chapter. A conditional use permit shall not be issued under this section for a deviation from other requirements of this chapter unless variances are also approved.
- 3. The request for conditional use permit shall be evaluated based on standards and criteria set forth in section 152.012 Conditional Use Permits of this chapter.

§ 152.051 HOME OCCUPATIONS.

(A) Purpose. The purpose of this section is to maintain the character and integrity of residential areas, to prevent competition with commercial districts, to encourage telecommuting, 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.

(B) Application. All occupations conducted in the home shall comply with the provisions of this section. This section shall

not be construed, however, to apply to home occupations accessory to farming, home offices as defined by this chapter, or other occupations that do not involve or require the patron to be upon the premises.

(C) Procedures.

(1) Administrative Permit.

(a) Except as required by this section, home occupations defined by this chapter shall require an administrative permit pursuant to section 152.016 Administrative Permits of this chapter issued subject to the conditions of this section, other applicable City ordinances and State law.

(b) The permit shall remain in full force and effect until such time as there has been a change in conditions or until such time as the provisions of this section have been breached.

(2) Declaration of Conditions. The City Administrator may impose such conditions on the granting of an administrative permit as may be necessary to carry out the purpose and provisions of this section.

(3) Effect of Permit.

(a) An administrative permit may be issued for a period of one (1) year, after which the permit may be reissued for periods of up to three (3) years each.

(b) Each application for permit renewal shall, however, be processed in accordance with the provisions of section 152.016 Administrative Permits of this chapter regarding administrative permits, except that no application fee shall be required.

(4) Transferability. Administrative permits shall not run with the land and shall not be transferable.

(5) Lapse of Administrative Permit by Nonuse. Whenever within one (1) year after granting an administrative permit, the use as permitted by the permit shall not have been initiated, then such permit shall become null and void unless a petition for extension of time in which to complete the work has been granted by the City Administrator. Such extension shall be requested in writing and filed with the City Administrator at least thirty (30) days before the expiration of the original permit. There shall be no charge for the filing of such petition. The request for extension shall state facts showing a good faith attempt to initiate the use.

(6) Renewal of Permits.

(a) An applicant shall not have a vested right to renewal of an administrative permit by reason of having obtained a previous permit.

(b) Each application for the renewal of a permit will be considered de novo 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.

(D) General Provisions. All home occupations shall comply with the following general provisions and according to definition, the applicable requirement provisions.

(1) Glare, Noise, Odor, Etc., Prohibited. No home occupation shall produce light, glare, noise, odor or vibration that will in any way have an objectionable effect upon adjacent or nearby property.

(2) Equipment. No equipment shall be used in the home occupation which will create electrical interference to surrounding properties.

(3) Incidental To Residential Use. 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.

(4) External Alterations. 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.

(5) Activities Conducted Within Principal Dwelling. All home occupations shall be conducted entirely within the living quarters of the principal dwelling and may not be conducted in any portion of an attached private garage or within accessory buildings.

(6) Exterior Storage. 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 or the display of goods.

(7) Compliance With Fire and Building Codes. The home occupation shall meet all applicable Fire and Building Codes.

(8) Displays and Signs. There shall be no exterior display or exterior signs or interior display or interior signs which are visible from outside the dwelling with the exception of one unlighted sign not to exceed four (4) square feet in area.

(9) Hours. No home occupation shall be conducted between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M.

(10) Employment: Not more than one (1) full time person and two (2) part time persons, other than those who customarily reside on the premises shall be employed by the home occupation.

(11) Parking. Home occupations shall not create a parking demand in excess of that which can be accommodated in an existing driveway or guest parking area for multiple-family dwellings, where no vehicle is parked so as to obstruct a public street, sidewalk or trail or private driveway.

(12) Allowed Home Occupations.

(a) Home occupations include, and are limited to.

1. Hair salon.

2. Instructional classes with not more than one (1) pupil at a time, except that up to three (3) pupils all residing in the same household shall be allowed.
 3. Massage therapy.
 4. Photography studio.
 5. Small appliance repair.
 6. Tailoring, sewing and alternations.
 7. Home offices.
 8. Home daycares as an accessory use per the requirements of this chapter.
- (b) Home occupations shall not involve any of the following.
1. Repair service or manufacturing which requires equipment other than found in a dwelling.
 2. Services that consist of more than one (1) pupil, client, or customer at a time, except that up to three (3) persons all residing in the same household shall be allowed.
 3. Over the counter retail sale of merchandise produced off the premises.
- (E) Inspection. The City hereby reserves the right upon issuing any administrative 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.

§ 152.052 TEMPORARY STRUCTURES.

- (A) Purpose. The purpose of this section is to provide for the erection of temporary structures (not including model homes/temporary real estate offices) needed for emergency purposes or for temporary use during the construction of a permanent structure.
- (B) Procedure. The erection of a temporary structure shall require a site plan review as required under section 152.015 Site Plan Review Required of this chapter.
- (C) Special Requirements.
- (1) Structures. Temporary structures governed by this section shall be allowed in all zoning districts.
 - (2) Site Plan Required. No permit shall be issued for a temporary structure unless a site plan pursuant to section 152.015 Site Plan Review Required of this chapter has also been approved if applicable, or unless a building permit has been issued for a new structure, addition or remodeling of an existing structure on the property.
 - (3) Termination of Permit. The site plan shall terminate nine (9) months from its date of issuance, or within thirty (30) days after a certificate of occupancy has been issued by the building official for the permanent structure, whichever occurs first, unless a different time schedule is approved as part of the permit. The permit may be extended for an additional ninety (90) days by the City Administrator.
 - (4) Setback. Temporary structures may be placed in a required building setback area, provided that no such structure may be placed within thirty feet (30') of a public right of way or obstruct visibility at any street intersection or driveway access.
 - (5) State Building Code. All applicable requirements of the state building code shall be met.
 - (6) Water and Sewer. Provisions for water and sewer servicing the temporary structures shall be subject to the review and approval of the building official.
 - (7) Security Measures. Security measures such as lighting shall be implemented subject to the review and approval of the City.
 - (8) Parking. Subject to the provisions of section 152.067 Off-street Parking and Driveway Requirements of this chapter.
 - (9) Signage. Subject to the provisions of section 152.071 Sign Regulations of this chapter.

§ 152.053 ESSENTIAL SERVICES.

- (A) Purpose. The purpose of this section is to provide for the installation of essential services such as telephone lines, cable lines, pipelines, electric transmission lines and substations in such a manner that the health, safety and welfare of the City will not be adversely affected. Essential services shall also be installed in recognition of existing and projected demands for such services.
- (B) Application. This section shall not apply to overhead electric transmission lines and substations greater than one hundred (100) kV.
- (C) Administrative Permit Required.
- (1) All telephone lines, pipelines and structures for local distribution, underground electric transmission lines, and overhead electric transmission lines and substations less than thirty-three (33) kV, when installed in any public right of way in any zoning district, shall require an administrative permit approved by the City Administrator and subject to review and comment of the City Engineer.
 - (2) All telephone lines, pipelines and structures for local distribution, underground electric transmission lines, and overhead electric transmission lines less than thirty-three (33) kV, which are intended to serve more than one parcel

and are proposed to be installed at locations other than in public right of way, shall require an administrative permit issued by the City Administrator after approval by the City Engineer. Approval by the City Engineer shall be based upon the information furnished in the following procedural requirements.

- (a) Prior to the installation of any of the previous essential services, the owner of such service shall file with the City Administrator all maps and other pertinent information as deemed necessary for the City Engineer to review the proposed project.
 - (b) In considering applications for the placement of essential services, as regulated in this section, the City Engineer shall consider the effect of the proposed project upon the health, safety and general welfare of the City, as existing and as anticipated; and the effect of the proposed project upon the comprehensive plan.
 - (c) Upon receiving the approval of the City Engineer, the City Administrator shall issue an administrative permit for the installation and operation of the applicant's essential services.
- (D) Conditional Use Permit Required. All transmission pipelines (i.e., pipelines not required for local distributing network), overhead transmission and substation lines in excess of thirty-three (33) kV and up to one hundred (100) kV shall be a conditional use in all districts subject to the procedural requirements and standards stipulated in this chapter and section 152.012 Conditional Use Permits of this chapter.

§ 152.054 BUILDING RELOCATION/MOVING.

No existing building or structure shall be relocated or moved anywhere within in the City without a permit. A permit for the relocation of any building or structure shall not be issued without site plan approval by the City. The City shall not approve a site plan without certifying the following:

- (A) Compliance Required. Such activity shall comply with section 152.015 Site Plan Review Required of this chapter.
- (B) The use is allowed in the respective zoning district that includes the lot or parcel to which the building or structure is to be relocated.
- (C) The building or structure maintains architectural and aesthetic compatibility in type, grade, quality of exterior building finish, building massing, height, floor area, age and character with existing buildings and structures on the same lot or parcel and in the area of the relocation destination.
- (D) The building or structure meets all State Building code requirements for new buildings or structures.
- (E) The building or structure meets all other requirements of this chapter and any other City ordinances.

§ 152.055 SCREENING.

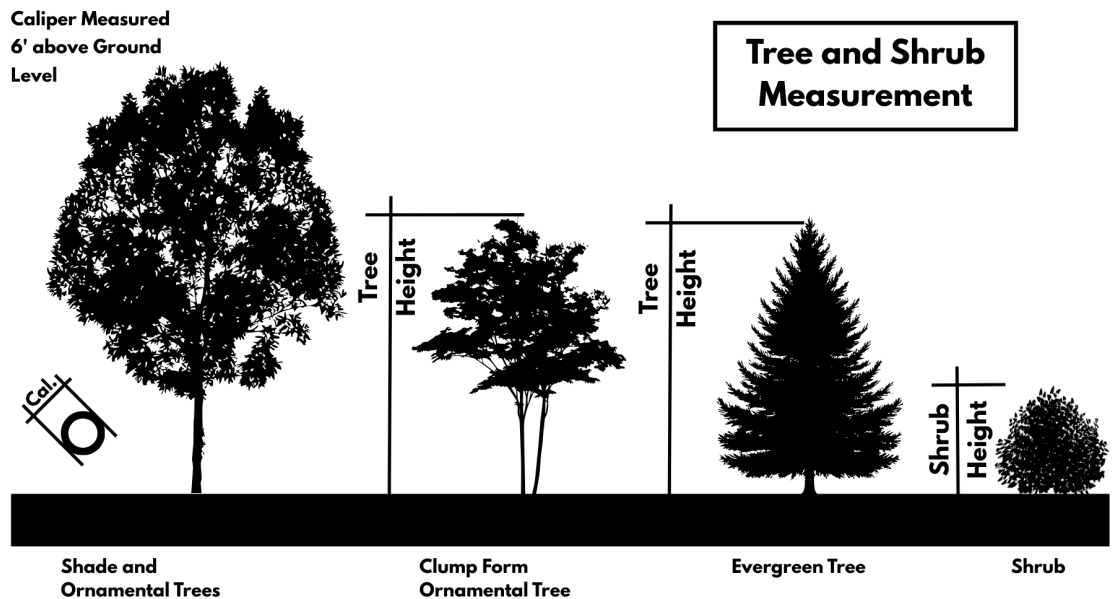
- (A) Outside Storage. The screening of outside storage areas and solar farms required herein shall consist of a solid fence or wall that is one hundred percent (100%) opaque and not less than six feet (6') or more than eight feet (8') in height. Such a screen wall or fence shall be designed and constructed as to be architecturally harmonious with the principal structure or solar farm and located so as to not extend within twenty-five feet (25') of any street. Landscaping (trees, shrubs, grass and other plantings) shall be on the right-of-way side of any screening or fencing. A screen planting may be substituted for a screen wall or fence or incorporated into a screen wall or fence at the discretion of the City Administrator, provided that any such screen planting shall fulfill the foregoing height and opacity requirements throughout each season of the year within twenty-four (24) months after date of planting, and that no such screen planting shall be located across any existing easements.
- (B) Commercial, Industrial and Institutional Screening. Where any commercial, industrial or institutional use, except those within the C-2 Central Business District and public recreational facilities, abuts a residential district, that use shall provide screening along the property line abutting any property in the residential district. If a public or private street separates the uses, then screening shall not be required. All the screening specifically required by this chapter shall be subject to section 152.040 Traffic Control (C) of this chapter related to traffic visibility and shall consist of a greenbelt strip as provided for below.
 - (1) A green belt planting strip shall consist of evergreen trees and/or deciduous trees and plants and shall be of sufficient width and density to provide an effective visual screen. This planting strip shall be designed to provide complete visual screening to a minimum height of six feet (6'). Earth mounding or berms may be used, but shall not be used to achieve more than three feet (3') of the required screening. The planting plan and type of plantings shall require the approval of the City Administrator.
 - (2) A screening fence may be incorporated into the green belt planting strip, but not in lieu of the greenbelt and shall be constructed of masonry, brick, vinyl or wood. Such fence shall provide a solid screening effect six feet (6') in height. The grade for determining height shall be the grade elevation of the building or use for which the screening is providing protection, unless otherwise established by the City Administrator. The design and materials used in constructing a required screening fence shall be subject to the approval of the City Administrator.
 - (3) Existing landscape material in good health and condition may be used to satisfy the requirements of this subsection in whole or part when, in the opinion of the City Administrator, such material meets the requirements and intent of this section.

- (C) Screening of Mechanical Equipment. All rooftop and ground mounted mechanical equipment of residential buildings having five (5) dwelling units or more and of nonresidential buildings shall comply with the following standards:
- (1) All rooftop and ground mounted mechanical equipment shall be screened so as to mitigate noise in compliance with section 152.034 Noise of this chapter.
 - (2) All rooftop and ground mounted mechanical equipment shall be designed (including exterior color) and located so as to be aesthetically harmonious and compatible with the building. Screening of and landscaping around the equipment may be required where the design, color, and location of the equipment are found to not effectively buffer noise or provide aesthetic harmony and compatibility. Screening shall be constructed of durable materials which are aesthetically compatible with the structure and which may be an integral part of the structure. Applicable requirements for access to the equipment shall be observed in the design and construction of the screening.
 - (3) Rooftop mechanical equipment less than three feet (3') in height may be exempt from screening requirements by the City Administrator.

§ 152.056 LANDSCAPING.

- (A) Intent. It is the intent of the City to preserve its significant natural resources as a complement to existing and future development. In particular, wetlands and drainageways shall be preserved in their natural state for their functional and ecological value as well as for their positive impact upon proximate urban development.
- (1) Development within woodland areas may be permitted but, as far as practical, retention of substantial tree stands shall be encouraged and incorporated into the required landscape plan.
 - (2) In addition to preservation of existing woodland areas, the City shall require significant landscaping and planting in open or disturbed areas as a normal part of land development. Specific requirements shall be set forth in this section.
- (B) General Mandatory Landscaping and Maintenance.
- (1) All exposed ground areas, including street boulevards, and areas not devoted to off street parking, drives, sidewalks, patios or other such improvements shall be landscaped with grass, shrubs, trees (except in boulevard portions of the public right of way) or other ornamental landscape materials within six (6) months following the date of building occupancy, as determined by the certificate of occupancy. Grass shall be sod or seed placed over a minimum of four (4) inches of black dirt.
 - (2) All landscaped areas shall be maintained by the property owner and kept neat, clear and uncluttered, and where landscaping is required as part of City approvals, any plant material which is diseased or dies shall be replaced with like kind of the original size. No landscaped area shall be used for the parking of vehicles or for the storage or display of materials, supplies or merchandise, unless specifically approved by the City.
 - (3) Fences and/or plantings placed upon utility easements are subject to removal by the City or utility company if required for maintenance or improvement of the utility. In such case, costs for removal and replacement shall be the responsibility of the property owner. Trees on utility easements containing overhead wires shall not exceed fifteen feet (15') in height, and such trees shall be the property owner's responsibility to maintain.
- (C) Required Landscaping.
- (1) Landscaping Required landscaping for new residential subdivisions and commercial, industrial or institutional uses shall include plantings at the property perimeter, off street parking perimeter landscaping and interior landscape plantings as well as required residential buffer yard or transitional buffer zone plantings.
 - (2) Standards and Criteria. All landscaping required by this section shall conform to the following standards and criteria.
 - (a) Minimum Size. All plants must at least equal the following minimum size in conformance with American Nursery Association standards measured from the top of the ball or container to the top of the tree/shrub or bottom of the evergreen leader as shown below.

	Balled And Burlapped/Container
Shade trees	2½ inch diameter
Ornamental trees (flowering crabs, hawthorn serviceberry, etc.)	2 inch diameter single stem or 6 - 7 foot clump form
Coniferous evergreen trees	6 feet
Tall growing shrubs and hedge material (evergreen or deciduous)	24 - 36 inch
Low growing shrubs:	
Deciduous	18 - 24 inch
Coniferous evergreen	18 - 24 inch



(b) Spacing of Required Plantings.

1. Tree centers shall not be located closer than ten feet (10') from the fence line or property line and shrub centers shall not be less than five feet (5') from the fence or property line. Trees and shrubs shall not be planted to conflict with public plantings, sidewalks, trails, fences, parking areas, and driveways based on the judgment of the City Administrator.
2. Where plant materials are planted in two (2) or more rows to comply with the minimum width of a required greenbelt, plantings shall be staggered in rows unless otherwise approved by the City Administrator.
3. Deciduous trees intended for screening shall be planted not more than forty feet (40') apart. Evergreen trees intended for screening shall be planted so that their branches are touching at the narrowest projected mature canopy width.
4. Where massing of plants or screening is intended, large deciduous shrubs shall be planted so that their branches are touching at the narrowest projected mature width.
5. Trees shall be planted outside of drainage and utility easements unless approved by the City Administrator.

(c) Acceptable Tree Species. Trees suitable for complying with this section shall be limited to those listed under subsection (E) Tree Preservation below.

(d) Design.

1. All areas within the property lines (or beyond, if site grading extends beyond) shall be treated. All exterior

areas not paved or designated as roads, parking, or storage must be planted into ornamental vegetation (lawns, ground covers, or shrubs) unless otherwise approved by the City Administrator.

2. Turf slopes in excess of three to one (3:1) are prohibited.
3. All plants required as part of an approved landscaping plan shall be maintained and kept alive and in good condition. Dead plants or plants in poor health or condition shall be treated or replaced in accordance with the approved landscape plan as determined by the City Administrator. Any species substitutions for replacement trees or shrubs shall be subject to approval by the City Administrator and must be demarcated on the final approved landscape plan submitted to the City.
4. In any development in which at least eight (8) trees or foundation plantings are required, at least three (3) varieties of plantings are required. In residential subdivisions, at least three (3) varieties of front yard shade trees are required on each side of a street.

(e) Landscape Guarantee.

1. All new plants shall be guaranteed for twelve (12) months from the time planting has been completed.
2. All plants shall be alive, in good health, of good quality and structural condition, and insect and disease free at the end of the warranty period or be replaced.
3. Any replacements shall be warranted for twelve (12) months from the time of planting.

(3) Off Street Parking Areas. All off street parking areas with five (5) or more parking spaces or any parking area within twenty feet (20') of a residential zoning district shall be screened from view as follows.

- (a) Installation of shade, ornamental and/or evergreen trees at the perimeter of the parking area meeting the spacing requirements of this section.
- (b) For all commercial and institutional uses, and for those industrial uses abutting a residential zoning district, a continuous opaque barrier with a minimum height of three and one half feet (3.5') and a maximum height of five feet (5') shall be provided along the perimeter abutting public rights-of-way and residentially zoned properties that consists of plantings, hedges, decorative or ornamental fences, walls or earth berms or any combination thereof.
- (c) Landscaping shall be set back two feet (2') from parking stalls to allow parking of vehicles without extending over the landscaped area.

(4) Residential Buffer Yards. The following additional landscaping requirements shall be required for double frontage parcels.

- (a) Screening Plan Required. For applicable subdivisions, a comprehensive screening plan shall be submitted. The plan shall identify all proposed buffer screening in both plan and sectional view. A certified grading plan shall be provided prior to installation of any plantings to verify consistency with the approved grading and screening plan.
- (b) Design Standards Buffer Yards. Except where natural vegetation is acceptable, buffer yards shall contain a combination of earth berms, plantings, or privacy fencing of a sufficient density to provide a minimum visual screen and a reasonable buffer a minimum height of eight feet (8').
 1. The height of the buffer yard shall be measured along a line drawn at the back of the curb of the roadway, or the edge of bituminous, to the ground elevation at the rear line of the building pad to the height of the plantings to be installed as defined by this section.
- (c) Plantings. All designated buffer yards must be seeded or sodded except in areas of steep slopes where natural vegetation is acceptable as approved by the City Administrator.
- (d) Walls and Fences. All walls and fences erected within designated buffer yards shall meet the following conditions.
 1. Walls and fences formally approved as part of the subdivision and site plan process shall conform to all of the requirements of this section.
 2. At least fifty percent (50%) of the street side of a screening fence shall be landscaped with plant materials. Plant materials shall be at least equal to the fence height.
 3. Fences may be exposed no more than a maximum length of twenty feet (20') between landscaping areas or clusters.

(D) District Requirements.

(1) R-1 Low-Density Residential and R-2 Medium-Density Residential districts.

- (a) Each platted detached single-family lot shall have two (2) shade trees located in the front yard, and one (1) shade tree located in the side yard adjacent to a street. All other dwelling units shall require on shade tree for every thirty feet (30') of street frontage to be located in the yard adjacent to that street.
- (b) The front and side yards shall be fully sodded. The back yard shall be sodded to a distance of fifty feet (50') from the rear of the house. All remaining unsodded areas shall be seeded with grass seed.
- (c) A landscape escrow shall be secured on all residential lots at the time the building permit is issued to assure completion of landscaping requirements. The amount of the escrow shall be established from time to time by City Council resolution. The escrow shall be released when landscaping improvements have been completed as required in this section. If any portion of the landscaping is not completed within the timeframe required

above, the City may cause such landscaping to be completed and draw upon the landscaping escrow deposit for the cost of completion. The owner of the property or lot shall be given notice by certified mail that the City plans to proceed with completion of the landscaping improvements at least ten (10) days prior to the commencement of work. The City, its employees, agents or contractors shall have the right to go upon the property to complete the landscaping improvements without permission of the owner of the property or lot, and shall not be liable for trespass.

- (2) R-3 Two-Family and Townhouse Residential and R-4 Multiple-Family Residential districts.
 - (a) One shade tree for every thirty feet (30') of street frontage to be located in the yard adjacent to that street.
 - (b) One landscape planting for every two (2) dwelling units.
 - (c) One foundation planting for every ten feet (10') of street-facing building frontage.
- (3) C-1 Highway Business, P/I Public/Institutional and C/I Commercial/Industrial districts.
 - (a) One shade tree for every forty feet (40') of street frontage to be located in the yard adjacent to that street, except that motor vehicle sales businesses shall be exempt from this requirement.
- (4) C-2 (Central Business District).
 - (a) One tree for every 1,000 square feet of total building area. If landscaping cannot be accommodated on site the plantings shall be placed in a City park or City right-of-way. Placement of such landscaping shall be approved by the City Administrator.
- (5) I-1 Light Industrial District.
 - (a) One shade tree for every fifty feet (50') of street frontage to be located in the yard adjacent to that street.
- (6) PUD (Planned Residential Development). At a minimum, the landscaping for PUD's shall follow the respective district requirements above. Additional landscape requirements may be required as part of the PUD approval by the City.

(E) Tree Preservation.

- (1) Findings and Purpose Statement. The City finds it is in the best interest of the City to protect, preserve, and enhance the natural environment of the community and to encourage a resourceful and prudent approach to the development and alteration of wooded areas. In the interest of achieving these objectives, the City has established the tree preservation regulations herein to promote the furtherance of the following.
 - (a) Protection and preservation of the environment and natural beauty of the City.
 - (b) Assurance of orderly development within wooded areas to minimize tree and habitat loss.
 - (c) Evaluation of the impacts to trees and wooded areas resulting from development.
 - (d) Establishment of minimal standards for tree preservation and the mitigation of environmental impacts resulting from tree removal.
 - (e) Provision of incentives for creative land use and environmentally compatible site design which preserves trees and minimizes tree removal and clear-cutting during development.
 - (f) Enforcement of tree preservation standards to promote and protect the public health, safety and welfare of the City.
- (2) Application. The provisions of this section shall apply to all subdivision, grading permits, or construction, except for preliminary plats approved by the City prior to the adoption hereof.
- (3) Process.
 - (a) For Developers. The following process for preserving trees shall be required from the developer.
 - 1. Prepare a tree preservation plan which shall be incorporated on the grading plan.
 - 2. Implement the tree preservation plan prior to and during site development.
 - 3. Submit a performance of financial guarantee for compliance with the approved tree preservation plan.
 - 4. Comply with the city's tree replacement procedure.
 - 5. The tree preservation plan shall be submitted with preliminary plat plans or as part of the application for a grading permit. The tree preservation plan must be certified by a forester, landscape architect, or nurseryman retained by the developer.
 - 6. The plat and grading plans will not be approved by the City without an approved tree preservation plan. In the case of grading permit applications, the tree preservation plan will be approved by the City Administrator. This decision may be appealed directly to the City Council.
 - (b) For Home and Business Owners: The following process for preserving trees shall be required from the home and business owner if trees are being removed during grading or construction.
 - 1. Identify the significant trees on the property, which significant trees will be removed due to grading or construction and the protection measures used to protect the preserved trees during grading or construction.
 - 2. Comply with the City's tree replacement procedure.
 - 3. The tree preservation plan shall be submitted with the grading permit or building permit application. The tree preservation plan may be prepared by the applicant of the grading permit or the building permit. The tree preservation plan will be approved by City staff. This decision may be appealed directly to the City Council.

- (4) Tree Preservation Plan.
- (a) The developer shall be responsible for implementing the tree preservation plan prior to and during site grading and plan development.
 - (b) The tree preservation plan will be reviewed by the City Administrator to assess the best overall design for the project taking into account significant trees and ways to enhance the efforts of the developer to mitigate corresponding damage.
 - (c) The developer is encouraged to meet with staff prior to submission of the preliminary plat application or prior to application for the grading permit, whichever is sooner, to determine the placement of buildings, parking, driveways, streets, storage and other physical features which result in the fewest significant trees being destroyed or damaged.
 - (a) Mandatory Protection. Measures to protect significant trees shall include the installation of snow fencing, silt fence, or polyethylene laminate safety netting placed at the drip line of significant trees to be preserved.
- (5) Significant Tree Removal.
- (a) Significant Tree Removal for Developments.
 - 1. Applicant shall retain the maximum amount of significant trees possible.
 - 2. Forty percent (40%) of the existing caliper inches of significant trees may be removed during development without obligation of replacement.
 - 3. Any removal beyond forty percent (40%) will require replacement as described in subsection (7) below.
 - (b) Significant Tree Removal for Home and Business Owners.
 - 1. Thirty percent (30%) of the existing caliper inches of trees may be removed during home or business construction without obligation of replacement.
 - 2. Any removal beyond thirty percent (30%) will require replacement as described in subsection (7) below.
 - (c) Trees Exempt from Replacement. The following types of trees shall not be included as part of the tally of tree removals and shall not be required to be replaced:
 - 1. Dead, diseased, or dying trees.
 - 2. Invasive species.
 - 3. Trees that are transplanted from the site to another appropriate area within the City.
 - 4. Trees that were planted as part of a commercial business such as a tree farm or nursery.
- (6) Financial Guarantee. The City may, at its option, withhold occupancy certification or require cash, a letter of credit or a bond satisfactory to the City in the amount of one hundred and twenty-five percent (125%) of the value of the landscaping, securing the full performance of landscaping requirements. The amount of the security shall be determined by the contract value of the required improvements and may be held by the City for one (1) full year from the date improvements were completed.
- (7) Tree Replacement.
- (a) Tree Replacement Formula. Replacement of removed or disturbed trees in excess of the percentage allowed shall be according to the following guidelines.
 - 1. For development which exceeds the percentage of allowable removal of significant trees, all significant trees shall be replaced at the ratio of one-half (0.5) caliper inch per one (1) caliper inch removed.
 - (b) Size, Types, and Diversification of Replacement Trees. Replacement trees shall be of a similar species to those that are removed, but also shall be a minimum of twenty-five percent (25%) conifers and twenty-five percent (25%) deciduous hardwoods. Replacement trees must be no less than the following sizes.
 - 1. Deciduous trees shall be no less than two and one-half (2.5) caliper inches.
 - 2. Coniferous trees shall be no less than six (6) feet high.
 - (c) Acceptable Tree Replacement Species. The following list of trees are acceptable for tree replacement species. The City may, at its discretion, approve additional species if circumstances such as soil conditions, hydrology, topography, or recent tree diseases warrant.
 - 1. Black Cherry.
 - 2. Cedar.
 - 3. Fir.
 - 4. Hickory.
 - 5. Linden.
 - 6. Maple (except silver maples).
 - 7. Oak.
 - 8. Pine.
 - 9. Spruce.
 - 10. Walnut.
 - (d) Fee In Lieu of Tree Replacement or Replacement Trees Planted in Public Areas. The City recognizes that there may be instances where the total amount of tree replacement required cannot occur on site or that there are some land uses (such as refining) that are not compatible with trees. In those instances, the City may, at its option, accept a fee in lieu of tree placement or allow the planting of replacement trees in public areas. Tree

replacement is encouraged to happen on site as much as possible and fee in lieu of tree replacement should be used only when replacement cannot occur on site. The fee in lieu of tree replacement will be determined annually by the City Council through the City fee schedule.

§ 152.057 FENCES.

- (A) Location. Fences constructed at the limits of a property shall comply with the following provisions:
- (1) Fences, including footings, shall be located entirely upon the private property for which the building permit has been issued.
 - (2) The owner of the property on which a fence exists or is proposed to be constructed is responsible for verifying their property lines by:
 - (a) Locating their property irons; or
 - (b) If the property lines cannot be located:
 1. The City Administrator may require the owner of property upon which a fence now exists, or may require any property owner proposing to construct a fence to establish the boundary lines of the property by a survey thereof to be made by a registered land surveyor; or
 2. The owner of property upon which a fence now exists, or the property owner on which the fence is to be constructed and the owner(s) of the adjoining properties agree to a common boundary fence agreement regarding the location of the fence. Said agreement is to be signed by the adjoining property owners(s) on the City of Mayer common property fence form and kept on file at City hall.
 - (3) No fences shall be placed on or extend into public rights of way or onto public property.
 - (4) Fences in easements shall not impede the flow of water. If the City needs to utilize the easement, the fence will be removed and relocated at the expense of the property owner.
- (B) Building permit required.
- (1) Fences shall be permitted in all yards and no fence shall be constructed without a building permit. An application for a fence building permit shall be submitted to the City and shall be accompanied by the following:
 - (a) A fence elevation sketch showing/describing the type of materials, dimensions, and color.
 - (b) If required, a certified survey (to scale) prepared by a registered land surveyor showing and including the following:
 1. Property address;
 2. Legal descriptions of adjoining properties and property lines;
 3. Existing structures and hard surface areas;
 4. North arrow;
 5. Easements;
 6. Setback dimensions;
 7. Proposed fence location;
 8. Dimensions from property line to fence.
 - (c) Method of anchoring the fence.
- (C) Exempt fences (building permit not required).
- (1) Temporary fences not exceeding one year in duration.
 - (2) Underground pet fencing located outside of an easement area.
 - (3) All temporary snow-brake fencing, which may be used from first snowfall to last snowfall.
- (D) Fencing in all districts shall conform to the following.
- (1) Every fence shall be of substantial construction using material reasonably suited for the purpose for which the fence is proposed to be used. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Any such fence which is, or has become dangerous to the public safety, health or welfare, is a public nuisance, and the City Administrator shall commence proper proceedings for the abatement thereof.
 - (2) Fences shall be located entirely upon the private property of the party constructing the fence unless the adjoining property owner(s) agree to a common boundary fence, by signing a City of Mayer common property line fence form.
 - (3) Except for common property line fences, all other fences shall be set back a minimum distance of two feet (2') from the property line unless otherwise stated within this section.
 - (4) The owner(s) of the property upon which the fence is constructed shall be responsible for maintaining that part of their property between the fence and the property line.
 - (5) Fences in all districts shall be maintained so that the exposed outer surface shall be uniformly painted or stained in a neat and aesthetically pleasing condition.
 - (6) Barbed wire fences and electric fences shall only be permitted on farms related to agriculture in the (A) Agriculture District.
 - (7) The side of the fence considered to be the face (finished side as opposed to structural supports) shall face the outside/abutting property or street right-of-way.

- (8) Use of mesh HDPE plastic fencing or chicken wire fencing shall only be allowed on a temporary basis for snow brakes, at active construction sites or for special events to provide crowd or parking control.
- (E) Fencing in residential districts.
- (1) Side and rear yard fences shall not exceed a maximum height of seven feet (7'). Front yard fences and fences located within the side yard abutting a street of a corner lot, shall not exceed a maximum height of four feet (4').
 - (2) Yards abutting public rights-of-way. Fences located within front yards, within side yards of a corner lot, or within rear yards of a double frontage lot abutting a public right-of-way.
 - (a) Fences located within the front yard shall not exceed four feet (4') in height and shall be at least seventy five percent (75%) open space for the passage of air and light.
 - (b) Fences located within a required side yard of a corner lot abutting a public right-of-way or within the required rear yard of a double frontage lot abutting a public right-of-way shall not exceed seven feet (7') in height and shall be no closer to the front lot line than a point intersecting the front line of the principal building.
 - (c) A fence constructed within the front yard, within a required side yard of a corner lot abutting a public right-of-way, or within the required rear yard of a double frontage lot abutting a public right-of-way shall be set back ten feet (10') from the property line abutting a public right-of-way, except where additional setback is required for the traffic visibility triangle.
 - (d) For interior lots, a gate constructed of the same material as the fence shall be provided in the fence to allow for maintenance of the street side boulevard.
- (F) Fencing in commercial, industrial and institutional districts.
- (1) Commercial and institutional districts.
 - (a) No fence shall be erected within a required front yard.
 - (b) Fences may be erected up to a height of eight feet (8') within a side yard, side yard abutting a public right-of-way of a corner lot, rear yard, or rear yard of a double frontage lot.
 - (c) District screening requirements shall be met.
 - (d) Fences within a required front yard or fences erected to a height greater than eight (8') feet may be allowed by approval of a conditional use permit and shall be at least seventy five percent (75%) open space for the passage.
 - (2) Industrial districts.
 - (a) Fences may be erected up to a maximum of eight feet (8') in height, except as may be allowed by approval of a conditional use.
 - (b) Fences extending across front yards and side yards abutting a public right of way shall be at least seventy five percent (75%) open space for the passage.
- (G) Required fences - swimming pools protection.
- (1) Outdoor swimming pools shall be adequately fenced with a physical barrier as a safeguard to prevent children from gaining uncontrolled access and to prevent uncontrolled access from the street or adjacent property. This can be accomplished with fencing or the walls of a principal or accessory structure of sufficient density as to be impenetrable. All fence openings or points of entry into the pool enclosure shall be equipped with gates or doors. All gates or doors to swimming pools shall be equipped with self-closing and self-latching devices placed at a sufficient height so as to be inaccessible to all small children.
 - (2) Outdoor swimming pools with a capacity of one thousand five hundred (1,500) gallons or more, or with a depth of three feet (3') or more of water shall be fenced in compliance with the following: a fence at least four feet (4') in height measured from ground level shall completely enclose any permanent outdoor swimming pool, whether it is above ground, or below ground.
 - (3) Each application for a permit to construct or erect a swimming pool shall be accompanied by plans of sufficient detail to show:
 - (a) The proposed location of the pool and its relationship to the principal building on the lot.
 - (b) The size of the pool.
 - (c) Fencing and other fixtures existing and proposed on the lot, including utility location and trees.
 - (d) The location, size, and types of equipment to be used in connection with the pool, including, but not limited to, filter unit, pump fencing, and the pool itself.
- (H) Traffic Sight Visibility Triangle. On corner lots, no fence or screen shall be permitted within the area defined as the traffic sight visibility triangle by section 152.040 Traffic Control of this chapter.
- (I) Existing fences. No existing fence in violation of this section will be allowed to be replaced or rebuilt. Should an existing fence be replaced or rebuilt, it must comply with the requirements of this section.

§ 152.058 OUTSIDE STORAGE.

- (A) Purpose. The purpose of this section is to provide standards for allowing outdoor storage of materials, equipment, and vehicles as may be allowed within the respective zoning ordinance such that the activity can occur compatibly with surrounding uses and properties.

- (B) In all districts, all material and equipment shall be stored within a building or be fully screened so as not to be visible from adjoining properties, except in the following instances.
- (1) Construction and landscaping materials, equipment temporarily being used on the premises and land/sea containers, as long as they are kept in a manner so as not to create a blighting issue and meet the requirements of this section.
 - (2) Agricultural equipment and materials if these are being used or intended for use on the premises in the A Agriculture District.
 - (3) Not more than five (5) licensed and operable recreational vehicles and equipment may be parked or stored on property outside a building as required in section 152.067 Off-street Parking and Driveway Requirements of this chapter.
 - (4) Public recreational equipment and facilities and recreational furniture used and constructed explicitly for outdoor use.
 - (5) Off-street parking facilities except as otherwise herein regulated and except in residential districts where any off-street parking area containing over six (6) spaces may be required to be screened. Auto repair shops shall at no time have in excess of six (6) disabled vehicles on the premises that are not screened from view. A disabled vehicle shall be maintained on the premises for no longer than six (6) months.
 - (6) Clothesline pole and wires and play equipment.
 - (7) Within the I-1 district, semi-tractor trailers used for normal freight and cartage in transit for up to one hundred twenty (120) consecutive days per calendar year.
 - (8) Within the A Agricultural District, C/I Commercial/Industrial District, and I-1 Light Industrial District, land/sea containers which are in compliance with the following, shall be allowed as outside storage. Land/sea containers shall not be allowed in any residential districts, the C-1 Highway Business District, the C-2 Central Business District or the P/I Public Institutional District unless being used on a temporary basis for construction purposes or moving, in which case the requirements of this section do not apply. Applications for land/sea containers shall be submitted to the City to be reviewed for zoning compliance under the following requirements.
 - (a) Accessory Use. Land/sea containers shall be allowed only in districts where such use is listed as an accessory use as outside storage. Any other outdoor storage of land/sea containers is prohibited and land/sea containers shall not be located on the lot prior to the construction of a principal structure.
 - (b) Number Allowed. There shall not be more than three (3) land/sea containers located on a lot.
 - (c) Use. Land/sea containers shall not be permitted to be rented or leased to third parties for storage purposes and shall only be for used by the owner or occupant of the lot.
 - (d) Dimensions. Land/sea containers shall not exceed the dimensions of forty feet (40') in length, eight and a half feet (8.5') in width and ten feet (10') in height and shall not be stacked on top of each other.
 - (e) Location. Land/sea containers shall meet all accessory building setback requirements and shall only be located in the rear yard of the lot or in the side yard of the lot if the land/sea container is located in the rear fifty percent (50%) of the lot, but in no case shall the land/sea container be located further forward than the front of the building. Land/sea containers shall not be allowed on required parking spaces.
 - (f) Lot Coverage. Land/sea containers, unless being used on a temporary basis for construction purposes or moving, shall count towards the lot coverage requirement of the zoning district the land/sea container is located in.
 - (g) Signs. No signs or lettering shall be permitted on land/sea containers other than what comes on a land/sea container as manufactured.
 - (h) Screening. Land/sea containers shall meet the screening requirements of section 152.055 Screening of this chapter unless the owner paints the land/sea container an earth tone color to compliment the principal structure on the lot. Screening shall be required when the land/sea container abuts a residential district or public right-of-way.
 - (i) Exterior Appearance. Land/sea containers shall be maintained in a good condition free from structural damage, rust, deterioration and shall be painted an earth tone color to compliment the principal structure on the lot if the land/sea container is not screened per section 152.055 Screening of this chapter.

§ 152.059 LOT PROVISIONS.

- (A) Lots of record.
- (1) No lot of record shall be reduced in size below the district requirements of this chapter.
 - (2) A lot of record shall be deemed a buildable lot even though the lot area and/or dimensions are less than those required for the district provided the following conditions are met:
 - (a) Evidence must be presented that the lot in question met minimum requirements for the division of property under ordinance regulations in effect at the time the property was divided.
 - (b) It fronts a public street.
 - (c) The lot is within 70% of the minimum lot area and lot width required.

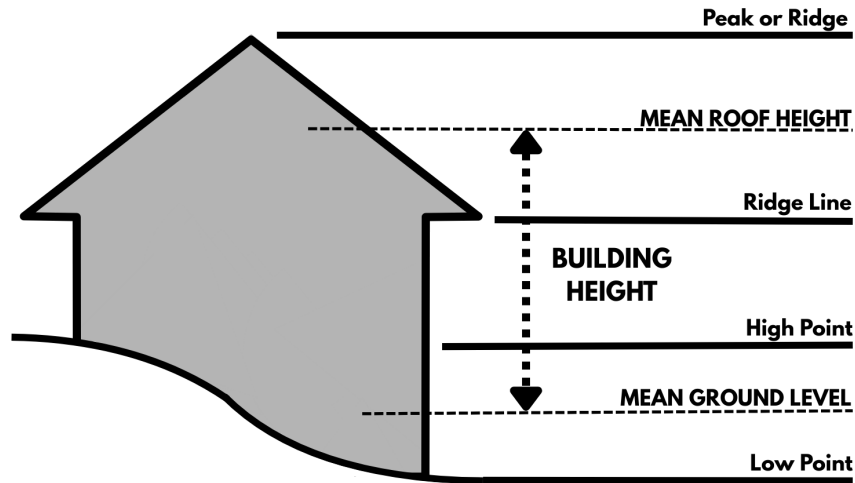
- (d) A nonconforming single lot of record located within an Agricultural Zone, guided for residential development, may be allowed as a building site without variances from lot size requirements, provided that:
 1. A site plan is provided showing how the land could be further subdivided in the future to accommodate further development consistent with the city's comprehensive plan density requirements;
 2. Water and sewer connections are installed within the house to the exterior foundation to allow future connection to municipal utilities;
 3. An agreement/letter of awareness is executed which would require the property owner to connect to municipal utilities within one year of the extension of municipal utilities to the site/area and properly abandon the private well and/or septic system;
 4. The site was previously utilized as a building site for residential use;
 5. The lot is a minimum five acres in size; and
 6. The lot fronts a public street.
- (3) If two or more lots are in single ownership and if all or part of the lots do not meet the width and area requirements of this chapter, the contiguous lots shall be considered to be an undivided parcel for the purpose of this chapter.
- (B) One building per lot. No more than one principal building shall be located on a lot unless specifically permitted herein.
- (C) Public Utilities Required. All residential, commercial, industrial, public, institutional or other uses that include plumbing facilities shall be connected to the public sewer and water system.

§ 152.060 PUBLIC PROPERTY/RIGHTS OF WAY.

- (A) Street Access Required. Every building hereafter erected shall be located on a lot having frontage on a public street, except as specifically permitted in this chapter.
- (B) Coverage. The erection and/or placement of any structure in the public right of way or on City property by any person, or group other than the City of Mayer, Carver County, the state of Minnesota, federal government or franchised utility shall require the processing of a conditional use permit in accordance with section 152.012 Conditional Use Permits of this chapter. Exceptions to this provision include newsstands, USPS mailboxes, essential services, signs allowed under section 152.071 Sign Regulations of this chapter, radio receivers and transmitters as an accessory use to essential services, and personal wireless communication antennas located on existing lattice electrical transmission towers, provided that the use and equipment comply with all applicable requirements of this section.
- (C) Liability. As a condition of approval for the erection or placement of a structure in the public right of way, or on City property by any party other than those specified above, the applicant shall be required to demonstrate a significant need for such structure placement and that it will not interfere or conflict with the public use and/or purpose of the right of way. Additionally, the applicant shall sign a contract with the City that holds harmless the City for any potential liability and shall demonstrate to the zoning administrator proof of adequate liability insurance.

§ 152.061 GENERAL YARD AND LOT AREA REGULATIONS.

- (A) Purpose. This section identifies yard, lot area, building size, building type, and height requirements in each zoning district.
- (B) High Water Elevation. No structure, except piers, docks, and retaining walls shall be placed at an elevation such that the lowest floor, including basement floor, is less than three feet (3') above the highest known water level, or less than one foot (1') above the 100-year regulatory flood protection elevation, if determined, of any adjacent lake, pond, river, watercourse, or wetland. If sufficient data on known high water levels is not available, the elevation of the line of permanent aquatic vegetation shall be used as the estimated high-water elevation. When fill is required to meet this elevation, the fill shall be allowed to stabilize, and construction shall not begin until the property has been inspected by the building official.
- (C) Groundwater Elevation. The lowest floor, including basement floor, of all structures shall be at a level at least three feet (3') above the highest known groundwater table elevation. If requested by the building official, the groundwater table elevation shall be determined by a licensed soils engineer using soil borings, piezometers, or the observation of mottled soils.
- (D) Building Height.
 - (1) "Building height" shall be defined for the purposes of this section as a distance measured from the mean ground level to the mean height of the roof as follows.



- (2) The specific regulation of building height within the various zoning districts shall be as set forth in those sections of this chapter.
- (3) The building height limits established herein for districts shall not apply to the following.
- (a) Belfries.
 - (b) Church spires and crosses or other symbols as an element of the principal building.
 - (c) Cupolas and domes which do not contain usable space.
 - (d) Flagpoles.
 - (e) Parapet walls extending not more than three feet (3') above the limiting height of the building.
 - (f) Poles, towers and other structures for essential services.
 - (g) Necessary mechanical and electrical appurtenances, including, but not limited to, chimneys or flues, cooling towers or elevator penthouses.
 - (h) Agricultural buildings on farm properties.
 - (i) Wind energy conversion system towers as regulated by section 152.066 Alternative Energy Systems of this chapter.
 - (j) Antenna support structures as regulated by 152.065 Commercial Wireless Telecommunication Service Towers and Antennae of this chapter.
- (E) Dwelling Below Ground Level. Earth-sheltered dwellings, meaning residential structures constructed so that fifty percent (50%) or more of the exterior surface area of the building, excluding garages and accessory buildings, is covered with earth and all applicable codes and ordinances including the State Building Code are satisfied, are permitted pursuant to applicable regulations of this chapter. Partially completed buildings shall not be considered earth sheltered.
- (F) Land Slope. No building or structure shall be constructed on slopes of eighteen percent (18%) or more in grade.
- (G) Yards. Except as provided below, no lot, yard or other open space shall be reduced in area or dimension so as to make

such lot, yard or open space less than the minimum required by this chapter, and if the existing yard or other open space is less than the minimum required, it shall not be further reduced. No required open space provided around any building or structure shall be included as part of any open space required for another structure.

- (1) Exceptions. The following shall not be considered as encroachments on yard setback requirements.
 - (a) Cantilever building sections without a foundation and supported only by one wall of the structure, building elements supported by a foundation including chimneys, flues, leaders, sills, pilasters, lintels and other ornamental features up to ten feet (10') in width, and cornices, eaves, gutters, and the like may project not more than two feet (2') into a yard.
 - (b) Ramps, lifts, railings, landings or other structures only to the extent necessary to provide access to the building for persons with disabilities in accordance with the Americans with Disabilities Act requirements.
 - (c) Recreational and laundry drying equipment, arbors and trellises, gazebos, and air conditioning or heating equipment shall be allowed only in a rear or side yard, provided they are at a distance of five feet (5') from any lot line. No encroachment shall be permitted in existing or required drainage and/or utility easements.
 - (d) No encroachment shall be permitted in existing or required drainage and utility easements.
- (2) Triangular Lots. In the case of triangular lots, where the rear lot line is a single vertex, the rear yard setback points of reference shall be determined by measuring the length of the setback distance from the vertex along the side lot lines. The rear setback line shall be determined by traversing the lot and connecting these points of reference.

§ 152.062 LAND EXCAVATION AND MINING.

- (A) Any land excavation or mining activity in the City requires an interim use permit and must meet the following conditions.
 - (1) An application for an interim use permit for land excavation or mining must be filed with the City, and an approved interim use permit must be received from the City Council prior to beginning of operations.
 - (2) The applicant shall furnish the City with detailed plans, identifying existing elevations and contours, material quantities, access/haul routes and final grades/contours.
 - (3) The duration of a land excavation or mining permit shall be from April 15 to October 15 of the permit year.
 - (4) Material stockpiles shall not remain after the duration of the permit.
 - (5) Topsoil shall not be removed from the site, unless authorized by the City.
 - (6) Mining is an interim use only in the A Agriculture District and is prohibited in all other districts.
- (B) A land excavation or mining permit shall not be required for any of the following.
 - (1) Excavation for a foundation, cellar or basement of a building if a building permit has been issued.
 - (2) Excavation by federal, state, county, City authorities in connection with construction or maintenance of roads, highways or utilities.
 - (3) Excavation less than one hundred (100) square feet in area or one foot in depth in a calendar year.
 - (4) Excavation or grading for agricultural purposes.
- (C) The following rehabilitation standards shall apply to the site of any land excavation or mining operation.
 - (1) Topsoil shall be removed from the excavation area(s) and stockpiled for rehabilitation.
 - (2) Rehabilitation shall be continuous, occurring as quickly as possible after the extraction operation has moved into another part of the extraction site.
 - (3) The excavation area shall be graded to blend in with the unexcavated area, without changing or impacting the natural course of drainage.
 - (4) Topsoil shall be replaced and the disturbed area re-seeded prior to permit expiration.
 - (5) All water areas resulting from excavation shall be eliminated upon rehabilitation of the site, unless previously approved by the City.
 - (6) The slope of the restored site shall not exceed a five-to-one (5:1) ratio.

§ 152.063 BUILDING DESIGN STANDARDS.

- (A) Building Type and Construction. Buildings in all zoning districts shall maintain a high standard for exterior architecture to ensure a high quality of development and land use compatibility that contribute positively to community image in regard to material quality, visual aesthetics, permanence and stability and to prevent use of materials that are unsightly, deteriorate rapidly, contribute to depreciation of area property values, or cause urban blight.
 - (1) General Provisions.
 - (a) General Design Concept. Building or project designs shall utilize materials, colors, or details to meet the intent of these architectural standards.
 - (b) Design Elements. Projects may be required to utilize building ornamentation features, including, but not limited to: columns, arches, parapets, cornices, friezes, canopies, moldings, dentils, corbels, quoins, rustication, vaults, domes, and cupolas.

- (2) Architectural and Aesthetic Compatibility. Buildings in all zoning districts shall maintain a high standard of architectural and aesthetic compatibility with surrounding properties to ensure that they will not adversely impact the community's public health, safety and general welfare.
- (3) Permitted Exterior Building Materials.
- (a) The primary exterior building facade finishes for residential uses shall consist of materials comparable in grade to the following.
1. Brick.
 2. Stone (natural or artificial).
 3. Integral colored split face (rock face) concrete block.
 4. Wood, natural or composite, provided the surfaces are finished for exterior use or wood of proven exterior durability is used, such as cedar, redwood or cypress.
 5. Stucco (natural or artificial).
 6. Vinyl, steel, or aluminum siding.
- (b) The primary exterior building facade finishes for commercial uses shall consist of materials comparable in grade to the following.
1. Brick.
 2. Stone (natural or artificial).
 3. Integral colored cast in place concrete or precast concrete panels.
 4. Integral colored split face (rock face) concrete block.
 5. Glass curtain wall panels.
 6. Stucco (natural or artificial).
 7. Steel or aluminum siding.
- (c) The primary exterior building facade finishes for industrial and institutional uses shall consist of materials comparable in grade and quality to the following.
1. Brick.
 2. Stone (natural or artificial).
 3. Integral colored cast in place concrete or precast concrete panels.
 4. Integral colored split face (rock face) concrete block.
 5. Curtain wall panels of steel, fiberglass and aluminum (nonstructural, non-load bearing), provided such panels are factory fabricated and finished with a durable non-fade surface and their fasteners are of a corrosion resistant design.
 6. Glass curtain wall panels.
 7. Stucco (natural or artificial).
 8. Steel, aluminum, COR-TEN siding.
- (d) Roofs that are exposed or an integral part of the building aesthetics shall be constructed only of commercial grade asphalt shingles, wood shingles, standing seam metal, slate, tile, or copper. Flat roofs, which are generally parallel with the first floor elevation, are not subject to these material requirements.
- (e) Building foundations not exceeding two (2) feet and other such portions of a building's facade need not comply with the requirements for the facade treatment or materials.
- (4) Prohibited Exterior Building Materials. Unadorned pre-stressed concrete panels, non-decorative concrete block, sheet metal, corrugated metal or unfinished metal shall not be used as exterior materials, except in association with farming activities in the A Agriculture District.
- (5) Pole Construction Buildings. Pole construction buildings having a design that uses augured pillars or columns as footings, shall not be permitted in any zoning district except the A Agriculture District in association with farming activities. The construction of pole construction buildings in the district mentioned, shall be allowed upon the application for and issuance of a conditional use permit by the City Council.
- (6) Residential and Commercial Districts.
- (a) Except in the A Agriculture District, all accessory buildings larger than one hundred and twenty (120) square feet, shall be the same or similar color and shall be constructed with the same or similar quality and scale exterior building materials as in the principal building. All accessory buildings shall be compatible with the principal building on the lot.
- (b) Accessory buildings for nonresidential uses, including those allowed in the residential districts, shall be of a similar character, design, and facade as the principal structure.
- (7) Exceptions. Exceptions to the provisions of this section may be granted as a conditional use permit by the City Council, provided that:
- (a) The proposed building maintains the quality intended by this chapter.
 - (b) The proposed building is compatible and in harmony with other structures within the zoning district.
 - (c) The provisions of section 152.012 Conditional Use Permits of this chapter are considered and satisfied.
- (B) Minimum Floor Area Per Dwelling Unit.

(1) Single Family Dwelling Units. Except as otherwise specified in the zoning district provisions, single-family homes as classified below shall have the following minimum floor areas per unit.

1 and 2 bedroom	960 square feet above grade
3 bedrooms or more	1,040 square feet above grade

(2) Multiple Family Dwelling Units. Except as otherwise specified in zoning district provisions, living units classified as multiple family dwelling (excepting elderly housing) shall have the following minimum floor areas per unit.

Efficiency units	500 square feet
1 bedroom units	700 square feet
2 bedroom units	800 square feet
More than 2 bedroom units	An additional 80 square feet for each additional bedroom

(3) Senior Housing. Except as otherwise specified in the zoning district provisions, living units classified as senior housing units shall have the following minimum floor areas per unit.

Efficiency units	440 square feet
1 bedroom units	520 square feet
More than 1 bedroom units	An additional 80 square feet for each additional bedroom

(4) Two-Family and Townhouses. Except as otherwise specified in the zoning district provisions, two-family and townhouses, as classified below, shall have the minimum floor area per unit.

Two-family	650 square feet first floor above grade, plus 100 additional square feet for each bedroom
Townhouses	600 square feet first floor above grade, plus 100 additional square feet for each bedroom

(C) Efficiency Apartments. Except for senior housing, the number of efficiency apartments in multiple-family dwellings shall not exceed one (1) unit or ten percent (10%) of the total number of dwelling units in the building, whichever is greater. In the case of senior housing, efficiency apartments shall not exceed thirty percent (30%) of the total number of apartments.

(D) Minimum Floor Area, Commercial and Industrial Structures. Principal buildings for commercial and industrial uses having less than two thousand (2,000) square feet of floor area may only be allowed upon approval of a conditional use permit as provided for in section 152.012 Conditional Use Permits of this chapter.

§ 152.064 ACCESSORY STRUCTURES.

(A) Purpose. The purpose of this section is to provide performance standards for the erection, siting and use of accessory buildings, structures and uses that may be allowed within the various zoning districts to ensure compatibility with the principal use and with surrounding properties, as well as to protect the general health, safety and welfare of the community.

(B) Agricultural Buildings on Farm Properties. Agricultural buildings on farm properties in the A Agriculture District are exempt from the requirements of this section.

(C) Residential Dwelling Accessory Uses.

(1) Number Allowed.

(a) There shall not be ~~no~~ more than one (1) detached accessory building on a lot, unless no attached garage is present, then there shall be no more than one accessory building permitted in addition to a detached garage. When an attached garage is present, then a detached garage shall be considered an accessory building.

(b) One (1) play equipment structure, open-sided structure, gazebo enclosed only by screening or clear windows, or greenhouse only with glass, plexi-glass or similar walls and roof having a footprint less than two hundred

(200) square feet shall be allowed in addition to the number of accessory buildings allowed by subsection A1 of this section.

(2) Site Plan Approval.

(a) Zoning Permit Required. Detached accessory buildings not exceeding two hundred (200) square feet in floor area shall be allowed without issuance of a building permit, but shall comply with all other provisions of this section. Such buildings must receive a zoning permit before they are constructed or moved onto property. The City Administrator or designee shall review the site plan and construction drawings to determine compliance with this section and other applicable ordinances, laws, and regulations.

(b) Building Permit Required. Detached accessory buildings greater than two hundred (200) square feet in floor area shall require a building permit. The City shall review the site plan and construction drawings to determine compliance with the Building Code and other applicable ordinances, laws, and regulations.

(3) Setbacks and Encroachment.

(a) For corner lots, private garages (attached or detached) that are oriented so that vehicle access is directly straight in off of a public street adjacent to the side lot line shall be set back not less than twenty-five feet (25') from the side lot line abutting the public right-of-way.

(b) Detached accessory buildings with a gross floor area of two hundred (200) square feet or less.

1. Such structures shall be set back at least six feet (6') from any other building or structure on the same lot and shall not be located within a required buffer yard or drainage and/or utility easement.

2. No detached accessory building or structure shall be constructed within the front yard or side yard adjacent to a street. When encroachment into the required side or rear yard setbacks for a principal structure is allowed, such detached accessory buildings shall be set back at least five feet (5') from all property lines.

(c) Detached accessory buildings exceeding two hundred (200) square feet in gross floor area.

1. Such structures shall be set back at least ten feet (10') from any other building or structure on the same lot, and shall not be located within a required buffer yard or drainage and/or utility easement.

2. No detached accessory building or structure shall be constructed within the front yard or side yard adjacent to a street. When encroachment into the required side or rear yard setbacks for a principal structure is allowed, such detached accessory buildings shall be set back at least five feet (5') from all property lines.

(4) Attached Garages.

(a) The area of an attached garage shall be measured by interior dimensions.

(b) Attached garages shall comply with the following dimension standards.

1. Minimum floor area of an attached garage shall be four hundred eighty (480) square feet.

2. Attached garages shall be a minimum of twenty-two feet (22') in width.

(c) Allowed Floor Area.

1. The maximum floor area of an attached garage shall be one thousand (1,000) square feet, except that lots greater than one (1) acre in area the maximum floor area may be one thousand two hundred fifty (1,250) square feet.

2. Storage spaces located directly below attached garages shall not be considered in determining allowable accessory building floor area.

(d) An attached garage or structure attached to or part of the principal building shall maintain the same setbacks as required for the principal buildings.

(5) Decks. A deck or porch that is attached to the rear of a principal building may extend up to fifty percent (50%) into the required rear setback for the principal building.

(6) Animal Enclosures.

(a) Domestic animal enclosures shall not be placed in the front yard or in the side yards abutting a street, shall not be placed closer than ten feet (10') to any property line, and shall not be placed closer than twenty-five feet (25') to any dwelling unit other than on the owner's property.

(b) No encroachment shall be permitted in existing drainage and/or utility easements.

(c) Screening and/or a hard surface will be required if problems occur with appearance, noise, odor, and sanitation as determined by the City.

(d) No animal enclosure shall exceed two hundred (200) square feet.

(7) Sewer Connection. There shall be no connection to sanitary sewer or private on-site septic systems from any detached accessory building.

(D) All Zoning Districts.

(1) Time of Construction. No detached accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.

(2) Requirements. Any structure which requires a building permit or which is thirty inches (30") or more in height shall be subject to setback, floor area and other requirements of this chapter.

(3) Height. All accessory buildings and structures shall not exceed twenty feet (20') in height.

(4) The combination of all detached accessory buildings and garages shall not exceed more than thirty percent (30%) of the yard area in which is it located.

- (5) Exterior Building Material. In all cases, accessory buildings shall be constructed of materials and colors similar to the principal structure, and in character with the surrounding built environment.
 - (6) Accessory buildings and structures in commercial, industrial and public/institutional zoning districts, shall maintain the principal structure setbacks. All accessory buildings and structures for commercial, industrial and public/institutional uses shall require site plan approval per section 152.015 Site Plan Review Required of this chapter.
- (E) Waste and Recycling Receptacles and Enclosures.
- (1) Storage. Except as provided for by this section, all waste and recycling receptacles shall be stored within the principal structure or within an accessory enclosure.
 - (2) Enclosures. All waste and recycling receptacles not contained within principal structures shall be enclosed in conformance with the following.
 - (a) Exterior Walls. Exterior wall treatment shall be of similar color and materials. Exterior walls shall be minimum of six feet (6') in height or one foot (1') taller than the dumpster being enclosed and include a maintenance free front gate for access.
 - (b) Location. The enclosure shall be located in the side or rear yard and be set back a minimum of ten feet (10') from the property line and shall not be located within any drainage and utility easement or required buffer yard.
 - (c) Accessibility. The enclosure must be accessible to waste and recycling collection vehicles.
 - (d) Screening. The trash/recycling receptacles for multiple-family residential, commercial, industrial and institutional uses shall be fully screened from view of adjacent properties and the public right of way.
 - (e) Approval. The design and construction of the trash enclosure shall be subject to the approval of the City.
 - (3) Maintenance; Security. All enclosures and receptacles shall be kept in a good state of repair and waste receptacles shall include secure lids or covers to properly contain the waste and all gates and doorways into the enclosure shall be kept closed between garbage pick-ups.
 - (4) Exceptions.
 - (a) For detached single-family dwellings, waste and recycling receptacles not contained within principal structures shall be exempt from conformance with this section, but shall comply with the following.
 - 1. Receptacles shall be located in side or rear yards, but not the side of a corner lot or rear yard of a double frontage lot abutting a public right of way.
 - 2. Receptacles shall be set back a minimum of five feet (5') from all property lines.
 - (b) Publicly accessible individual receptacles not larger than sixty (60) gallons located on commercial, industrial, institutional or public properties for convenient disposal of trash items shall be exempt from the enclosure requirements of this section.

§ 152.065 COMMERCIAL WIRELESS TELECOMMUNICATION SERVICE TOWERS AND ANTENNAE.

- (A) Purpose and Intent. The purpose of this section is to establish balanced regulations for the construction and maintenance of wireless communication equipment in order to accommodate the growth of wireless communication systems within the City while protecting the public against adverse impacts on the City's aesthetic resources and the public welfare. In order to accommodate the communication needs of residences and businesses while protecting the public health, safety, and general welfare of the community, the City finds that these regulations are necessary in order to.
- (1) Facilitate provision of wireless communications services to the residences and businesses of the City.
 - (2) Minimize adverse visual effects of towers through careful design, siting, and vegetative screening.
 - (3) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
 - (4) Maximize use of any new or existing communication tower to reduce the number of towers needed to serve the community.
- (B) Existing Towers and Antennas. Antennas, towers and accessory structures in existence, which do not conform to or comply with this section are subject to the following provisions.
- (1) Towers may continue in use for the purpose now used and as now existing but may not be replaced or structurally altered without complying in all respects with this Ordinance.
 - (2) If such towers are damaged due to any reason or cause whatsoever, the tower may be repaired and restored to its former use, location and physical dimension upon obtaining a building permit, except if it is destroyed to the extent of more than fifty percent (50%) of the assessed market value, then it shall not be restored unless the use of such structure shall thereafter conform to this section.
- (C) General Requirements for Commercial Telecommunications Towers and Antennas.
- (1) Towers and antennas less than two hundred feet (200') in height above ground level, for wireless communications facilities are permitted upon the issuance of a conditional use permit pursuant to this chapter.
 - (2) Antennas or towers shall be located on the following property.

- (a) Municipally owned land or municipally owned structures (in either such location, to be subject to a lease agreement to be entered into between the City and the proposed user including such terms and conditions including rent that the City Council deems appropriate under the circumstances.
- (b) On any land located within the City that is zoned as an Agricultural or Industrial district.
- (3) Antennas attached to existing structures shall not exceed twenty feet (20') above the highest point of the structure.
- (D) Conditional Use Permit Requirements. Construction and maintenance of a wireless communication services, requires a conditional use permit issued by the City.
 - (1) In reviewing an application for a conditional use permit for the construction and maintenance of wireless communication services and supporting towers and accessory structures, the City shall consider the effect of the proposed use upon the health, safety, convenience and general welfare of occupants of surrounding lands, the effect on property values of property in surrounding areas, and the effect of the proposed use on the comprehensive plan.
 - (2) In applying for a conditional use permit, the applicant shall provide the following information.
 - (a) Documentation illustrating compliance or pending compliance with FAA and FCC authorization procedures.
 - (b) Sufficient information to indicate that construction, installation, and maintenance of the antenna and tower will not create a safety hazard or damage to the property of other persons.
 - (c) Documentation of the area to be served including a search area for the antenna location. A narrative describing a search area (with not less than a one and a half (1.5) mile radius) clearly explaining why the site was selected, and a completed environmental assessment worksheet, including a summary of relevant conclusions, and what existing structures were available and why they are not suitable as locations or co-locations.
 - (d) Documentation that the communications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within the search area due to one or more of the following reasons.
 - 1. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified professional engineer, and the existing or approved tower cannot be reinforced or modified to accommodate planned equipment at a reasonable cost.
 - 2. The planned equipment would cause interference with other existing or planned equipment at the tower or building as documented by a qualified professional radio frequency (RF) engineer, and the interference cannot be prevented at a reasonable cost.
 - 3. No existing or approved tower industrial sites within a one and a half (1.5) mile radius meet the radio frequency (RF) design criteria.
 - 4. Existing or approved tower and commercial/industrial sites within a one and a half (1.5) mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified professional radio frequency (RF) engineer.
 - 5. A good faith effort to co-locate on existing towers and structures within one and a half (1.5) mile radius was made, but an agreement could not be reached.
 - (e) A certified survey showing the location of the proposed tower/antenna.
 - (f) A detailed screening plan.
 - (g) A report from a qualified and licensed professional engineer that.
 - 1. Describes the tower height and design with cross section and elevation.
 - 2. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation between antennas.
 - 3. Describe the number and type of antennas that can be accommodated.
 - 4. Documents the steps the applicant will take to avoid interference with public safety telecommunications.
 - 5. Includes the engineer's stamp and registration number.
 - (h) A letter of intent committing all commercial wireless telecommunications service towers to allow the shared use of the tower if an additional user agrees, in writing, to meet reasonable terms and conditions for structures.
- (E) Conditional Use Permits, Not Required. A conditional use permit is not required in the following circumstances.
 - (1) Antennas and towers used by the City for City purposes.
 - (2) Adjustment or replacement of the elements of an antenna array affixed to a tower or antenna, provided that replacement does not reduce the safety factor.
 - (3) Antennas or towers erected temporarily for test purposes or for emergency communications. Temporary antennas shall be removed within seventy-two (72) hours following installation.
 - (4) Antennas mounted on water towers, public structures or on the roofs of existing public buildings not exceeding twenty (20) feet above the principal structure.
- (F) Fees. Fees issued for a conditional use permit pursuant to this chapter shall be set from time to time by City Council resolution. The City shall not be responsible for incurring any of the costs associated with providing expert opinions or any charges associated with the approval of this conditional use permit. The applicant shall also be responsible for the fees associated with the need for the City's consulting engineers to review the applicant's plans. In addition to any fees associated with the conditional use permit, the applicant must also submit a performance bond to guarantee all construction and maintenance of the tower.

- (G) Standards for the Issuance and Continuation of a Conditional Use Permit. All antennas/towers constructed, and all writing therefore, shall comply with the following requirements.
- (1) Towers shall be certified by a registered professional engineer under the laws of the State of Minnesota and shall conform to the latest structural standards and wind loading requirements of the Minnesota State Building Code and the Electronics Industry Association.
 - (2) An agreement providing for co-location and prompt removal of unused or obsolete towers shall be attached and become part of the permit.
 - (3) With the exception of necessary electric and telephone service and connection lines approved by the issuing authority on part of any antenna or tower, no lines, cable, equipment or wires or braces in connection with either shall at any time extend across or over any part of the right-of-way of a public street or highway, sidewalk, or property line.
 - (4) Any ground mounted tower/antenna design shall be such that the antenna will withstand high velocity wind and seasonal storms. The tower/antenna shall be maintained by the applicant so as to assure that it remains upright.
 - (5) Applicant must obtain Federal Aviation Administration approval or provide documentation that Federal Aviation Administration approval is not needed.
 - (6) Application must obtain Federal Communication Commission licensure and approval as required for various communications applications. Applicant shall follow Federal Communication Commission regulations regarding the correction or prevention of any radio frequency interference problems.
 - (7) Complete screening shall be provided surrounding all towers in excess of fifteen feet (15') in height from ground level. This screening shall be provided to a height necessary to cover all supporting equipment or buildings needed to support this tower. This screening shall be one hundred percent (100%) opaque. The applicant shall also fence off the tower/antenna with a minimum of a six foot (6') high fence or barrier with a located gate to prevent public access.
 - (8) No guy wires shall be used to support commercial wireless telecommunication services towers.
 - (9) Communication equipment shall be fully enclosed in a structure approved by the City.
 - (10) Commercial wireless telecommunication services towers must meet the following height limitations:
 - (a) Towers designed for single users shall not exceed eighty feet (80') in height.
 - (b) Towers over eighty feet (80') and not exceeding one hundred and ten feet (110') in height must be designed for one co-location use at a minimum.
 - (c) Towers over one hundred and ten feet (110') in height and not exceeding one hundred and fifty feet (150') must be designed for two co-location uses at a minimum.
 - (d) Towers over one hundred and fifty feet (150') and not exceeding one hundred and ninety-nine feet (199') feet in height must be designed for three co-location uses at a minimum.
 - (11) Towers and antennas shall be designed to blend into the surrounding environment through the use of a natural color, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
 - (12) Commercial wireless telecommunication service towers shall be of a monopole design unless the City determines that an alternative design would better blend into the surrounding environment.
 - (13) No advertising or identification of any kind intended to be visible from the ground or other structures is permitted, except applicable warning and equipment information signage required by the manufacturer or by Federal, State or local authorities.
 - (14) Applicant must submit proof of liability and Worker's Compensation insurance. All communication towers, their antennas, and associated equipment shall be insured in the sum of at least one million dollars (\$1,000,000.00) for injury or property damage caused by structural failure of the tower or associated equipment. Proof of all of said insurance shall be provided to the City on an annual basis. The insurance policy shall name the City as an additional insured.
 - (15) The permit will be subject to annual administrative review.
- (H) Tower Setback. Towers shall conform to each of the following minimum setback requirements.
- (1) Towers shall be set back from the lot line as shown on a registered land survey by a minimum distance equal to one half of the height of the tower including all antennas and attachments. In industrial and agricultural zoning districts, towers may encroach into the rear setback area, provided that the rear property line abuts another industrially or agriculturally zoned property and the tower does not encroach upon any easements.
 - (2) A tower's setback may be reduced or its location in relation to a public street varied, at the sole discretion of the City Council, to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standard, power line support device, or similar structure.
- (I) Lights or other Attachments. No antenna or tower shall have affixed or attached to it in any way except during time of repair or installation, any lights, reflectors, flashers, or other illuminating device, except as required by the Federal Aviation Administration or Federal Communications Commission, nor shall any tower have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow's nest, or like structure, except during periods of construction or repair.

- (J) Towers Supporting Amateur Radio Antennas and Towers. In residential, commercial and agriculture districts, private towers supporting amateur radio antennas/towers may be constructed subject to the following.
- (1) That such structures are incidental to the principal use of the premises.
 - (2) Such structures shall not exceed thirty feet (30') in height as measured from ground level. Any proposed structure in excess of thirty feet (30') feet shall be by Conditional Use Permit.
 - (3) Metal structures shall be constructed of or treated with corrosive resistant material. Wood poles shall be impregnated with rot-resistant, non-flammable substances.
 - (4) Every tower affixed to the ground shall be protected to discourage climbing of the tower.
 - (5) Such structures shall be screened to the greatest extent practicable to minimize visual impact on surrounding properties. Screening shall include landscape materials for ground-mounted tower/antenna structures. The City shall approve screening plans.
 - (6) No tower/antenna shall have affixed or attached reflectors unless required by the Federal Aviation Administration or Federal Communications Commission.
 - (7) A building permit shall be obtained prior to construction of such tower/antenna. All towers may be inspected at least once a year by the City Building Inspector to determine compliance with original construction standards.
- (K) Violations. Notice of violations will be sent by registered mail to the owner and the owner shall have thirty (30) days from the date the notification is issued to correct the violation. The owner shall notify the City that the corrections have been made, and as soon as possible thereafter, another inspection will be made and the owner notified of the results. If the owner of the tower does not correct the violations, the City will then take the necessary steps in this section to revoke the user's conditional use permit. Revocation of the conditional use permit will result in the need to take down the tower. If the tower is abandoned by the owner, and is not removed, the City shall have the right to use the bond submitted to the City with the initial application to pay for the removal of the tower.

§ 152.066 ALTERNATIVE ENERGY SYSTEMS.

- (A) Purpose. The purpose of this section is to establish standards for alternative energy systems within the City.
- (B) Ground source heat pump systems.
- (1) Accessory use.
 - (a) Ground source heat pump systems shall be allowed as a permitted accessory use in all zoning districts in accordance with the standards in this section.
 - (b) Ground source heat pump systems in public water bodies or water bodies owned or managed by the City of Mayer shall be prohibited except for stormwater ponds managed by the City of Mayer and when accessory to a City of Mayer facility.
 - (2) System requirements.
 - (a) All ground source heat pump systems shall be closed loop systems that circulate heat transfer fluids as allowed by this section through pipes or coils buried beneath the land surface.
 - (b) Heat transfer fluids shall be limited to Minnesota Department of Health approved nontoxic, food grade fluids such as potable water, aqueous solutions of propylene glycol not to exceed twenty percent (20%) by weight or aqueous solutions of potassium acetate not to exceed twenty percent (20%) by weight.
 - (3) Location.
 - (a) Ground source heat pump systems shall only be located in the rear yard as defined by this chapter.
 - (b) All components of ground source heat pump systems shall be set back a minimum of five feet (5') from interior side lot lines and ten feet (10') from rear lot lines.
 - (c) Ground source heat pump systems shall not encroach upon drainage and utility easements or any other easement.
 - (4) Screening. Ground source heat pump systems installed for use in a commercial, industrial or institutional uses are considered mechanical equipment and shall be screened in accordance with section 152.055 Screening of this chapter, if required. Ground source heat pumps installed for residential use shall be exempt from the screening requirement.
 - (5) Noise. Ground source heat pump systems shall comply with Minnesota Pollution Control Agency standards outlined in Minnesota Rules Chapter 7030.
 - (6) Certification. The ground source heat pump system shall be certified by Underwriters Laboratories, Inc., and comply with the requirements of the international building code.
 - (7) Abandonment. Any ground source heat pump system which is inoperable for twelve (12) successive months shall be deemed to be abandoned and shall be deemed a public nuisance. The owner shall remove the abandoned system at their expense after obtaining a demolition permit as follows.
 - (a) The heat pump and any external or aboveground mechanical equipment shall be removed.
 - (b) Pipes or coils below the land surface shall be filled with grout to displace the heat transfer fluid, which is to be captured and disposed of in accordance with state and federal regulations.
 - (c) The top of the pipe, coil or boring shall be uncovered and sealed.

(8) Building permit.

(a) A building permit shall be obtained for any ground source heat pump system prior to installation.

(b) Borings for ground source heat pump system where the pipes or coils are installed vertically below the land shall also be subject to approval by the Minnesota Department of Health.

(C) Solar energy systems (SES).

(1) Purpose and intent. Mayer finds that it is in the public interest to encourage the use and development of renewable energy systems that have a positive impact on energy conservation with limited adverse impact on nearby properties. As such, the City supports the use of solar energy systems and the development of solar farms. Mayer also finds that the development of solar farms should be balanced with the protection of the public health, safety and welfare. The City intends the following standards will ensure that solar farms can be constructed within the City while also protecting public safety and the natural resources of the city. Consistent with the Comprehensive Plan, it is the intent of the City, with this section, to create standards for the reasonable capture and use, by households, businesses and property owners, of their solar energy resource and encourage the development and use of solar energy.

(2) Severability. The provisions of this section shall be severable and the invalidity of any paragraph, subparagraph or subdivision thereof shall not make void any other paragraph, subparagraph or subdivision of this section.

(3) Applicability. These regulations are for all SES and solar farms on properties and structures under the jurisdiction of the zoning ordinance except that the city requires the owner or operator of solar farms that would generate more than fifty (50) megawatts of power to get approval for such a system from the Minnesota Public Utilities Commission (PUC).

(4) Types of SES.

(a) Roof or building mounted SES. Accessory to the primary land use, designed to supply energy for the primary use.

1. Roof or building mounted SES are permitted accessory uses in all districts in which buildings are permitted.

2. All roof or building mounted SES shall meet the standards of the Minnesota Building Code and the owner or contractor shall receive a building or mechanical permit before installing a roof or building mounted SES.

3. Color. All roof or building mounted SES shall use colors that are the same or similar with the color of the building or roof material of the building on which the system is mounted.

4. Roof or building mounted SES shall not exceed the maximum allowed height in any zoning district and shall not extend beyond the perimeter of the roof line of the building on which it is mounted. For purposes of height measurement, roof or building mounted SES other than building-integrated systems shall be considered to be mechanical devices and are restricted consistent with other building mounted mechanical devices for the zoning district in which the system is being installed.

5. Roof mounted SES shall be placed on the roof to limit visibility from the public right-of-way or to blend into the roof design, provided that minimizing visibility still allows the property owner to reasonably capture solar energy.

(b) Ground mounted SES. Accessory to the primary land use, designed to supply energy for the primary use.

1. Ground mounted SES are permitted accessory uses in all districts in which buildings are permitted and shall be limited to a maximum area of two hundred (200) square feet in residential districts and shall not encompass more than ten percent (10%) of the total property area or lot size in all other districts.

2. Ground mounted SES require a city building permit and is subject to the accessory use standards for the district in which it is located, including setback, height and impervious surface coverage limits.

3. The City does not consider the collector surface of a ground mounted SES that is not in a DNR designated Shoreland District as impervious surface. Any collector surface of a ground mounted SES foundation that is in a DNR designated Shoreland District and compacted soil or other component of the solar installation that rests on the ground is considered impervious surface.

4. The height of a ground mounted SES shall not exceed twenty feet (20') at maximum tilt.

5. Ground mounted SES shall only be located in the rear yard as defined by this chapter.

6. Ground mounted SES shall not encroach upon drainage and utility easements.

(c) Community SES. Community SES shall be accessory to the primary land use and designed to supply energy for off-site uses on the distribution grid, but not for export to the wholesale market or connection to the electric transmission grid. These systems shall be subject to the following conditions:

1. Community SES are permitted accessory uses in all districts in which buildings are permitted except for residential districts.

2. Prohibitions. The city prohibits community SES within:

i. Shoreland districts as designated by the Department of Natural Resources (DNR) and the Mayer Zoning Map.

ii. Wetlands to the extent required by the Minnesota Wetland Conservation Act.

iii. The Floodplain Management Area as approved by ordinance by the City.

iv. Residential districts.

3. An interconnection agreement must be submitted to the utility company and proof be provided to the City that the utility company has deemed the agreement “complete”.
 4. All structures must meet the setback, height and coverage limitations for the zoning district in which the system is located, except as otherwise stated in this section.
 5. Ground mounted community SES must meet all required standards for structures in the district in which the system is located.
 6. Site plan required. The owner or operator shall submit to the City a detailed site plan for both existing and proposed conditions. These plans shall show the location of all areas where solar arrays would be placed, the existing and proposed structures, property lines, access points, fencing, landscaping, surface water drainage patterns, floodplains, wetlands, the ordinary high-water mark for all water bodies, any other protected resources, topography, electric equipment and all other characteristics requested by the City.
 7. Power and communication lines. Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground. The City may grant exemptions to this requirement in instances where shallow bedrock, water courses or other elements of the natural landscape interfere with the ability to bury lines.
 8. Decommissioning plan. The City requires the owner or operator to submit a decommissioning plan for community SES to ensure that the owner or operator properly removes the equipment and facilities upon the end of project life or after their useful life. The owner or operator shall decommission the solar panels in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for the removal of all structures and foundations, the removal of all electrical transmission components, the restoration of soil and vegetation and a soundly-based plan ensuring financial resources will be available to fully decommission the site. The disposal of structures and/or foundations shall meet all City requirements. The City also may require the owner or operator to post a bond, letter of credit or establish an escrow account to ensure property decommissioning.
- (d) Solar farms. Solar farms shall be ground mounted SES arrays that are the primary use on parcel on which it is located and are designed for providing energy to off-site uses or export to the wholesale market. Solar farms, including those that are not permitted or regulated by the State of Minnesota Public Utilities Commission (PUC), shall be subject to the following conditions.
1. Solar farms shall be permitted as an interim use in the I-1 Light Industrial, A Agriculture and P/I Public/Institutional zoning districts, and shall be processed according to the standards of section 152.013 Interim use Permits of this chapter.
 2. Shall be on properties of at least five (5) acres in size.
 3. Stormwater management and erosion and sediment control shall meet the requirements of the City and best management practices.
 4. Prohibitions. The City prohibits solar farms within.
 - i. Shoreland districts as designated by the Department of Natural Resources (DNR) and the Mayer Zoning Map.
 - ii. Wetlands to the extent required by the Minnesota Wetland Conservation Act.
 - iii. The Floodplain Management Area as approved by ordinance by the City.
 5. Foundations. The manufacturer’s engineer or another qualified engineer shall certify that the foundation and design of the solar panels meets the accepted professional standards, given local soil and climate conditions.
 6. Other standards and codes. All solar farms shall meet all applicable local, state and federal regulatory standards, including the State of Minnesota Building Code, as amended; and the National Electric Code, as amended.
 7. Power and communication lines. All power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground. The City may grant exemptions to this requirement in instances where shallow bedrock, water courses or other elements of the natural landscape interfere with the ability to bury lines.
 8. Interconnection. The owner or operator of the solar farm must complete an interconnection agreement with the electric utility in whose service territory the system is located.
 9. Site plan required. The owner or operator of the solar farm must submit to the City a detailed site plan for both existing and proposed conditions. These plans shall show the location of all areas where solar arrays would be placed, the existing and proposed structures, property lines, access points to the site, fencing, landscaping, surface water drainage patterns, floodplains, wetlands, the ordinary high-water mark for all water bodies, any other protected resources, topography, electric equipment and all other characteristics requested by the City.
 10. The owner or operator of the solar farm must submit to the City a detailed emergency shutdown plan as part of the review process.
 11. The City allows the installation of small operations, security and equipment buildings on the site of solar

farms as permitted accessory uses to the solar farm.

12. The owner or operator shall contain all unenclosed electrical conductors located above ground within structures that control access. In addition, solar farms shall be protected from entry by a minimum six foot (6') tall fence. Razor wire is prohibited on all fences. All electrical connections to the utility system must meet or exceed the National Electrical Safety Code.
 13. Signage shall be posted at all entrance points to the property the solar farm is located on that includes at a minimum, the owner and operator's name, contact information and emergency phone numbers.
 14. The solar farm owner or operator shall provide access to the Mayer Fire Department either in the form of a lock or key to all access points to the property the solar farm is located on.
 15. Solar farms that have panels that are ten megawatts or more shall meet the review and design standards of the MN Department of Commerce and/or MM Public Utilities Commission (PUC) for solar farms, as applicable.
 16. Decommissioning plan. The City requires the owner or operator to submit a decommissioning plan for solar farms to ensure that the owner or operator properly removes the equipment and facilities upon the end of project life or after their useful life. The owner or operator shall decommission the solar panels in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for the removal of all structures and foundations, the removal of all electrical transmission components, the restoration of soil and vegetation and a soundly-based plan ensuring financial resources will be available to fully decommission the site. The disposal of structures and/or foundations shall meet all City requirements. The City also may require the owner or operator to post a bond, letter of credit or establish an escrow account to ensure property decommissioning.
- (e) Additional standards. In addition to the standards allowed above, all SES shall meet the following standards.
1. The owners or operators of SES that are connected to the electric distribution or transmission system, either directly or through the existing service of the primary use on the site, shall obtain an interconnection agreement with the electric utility in whose service territory the system is located. Off-grid systems are exempt from this requirement.
 2. Electric SES components that are connected to a building electric system must have an Underwriters Laboratory (UL) listing.
 3. All SES shall meet the standards of the Minnesota and National Electric Code.
 4. All SES using a reflector to enhance solar production shall minimize glare from the reflector that affects adjacent or nearby properties. Steps to minimize glare nuisance may include selective placement of the system, screening on the north side of the solar array, reducing use of the reflector system or other remedies that limit glare.
 5. Setbacks. All SES structures and equipment shall meet the setback and coverage limitations for the zoning district in which the system is located, except that solar farms shall be setback from all property lines at least one hundred feet (100'). In addition, solar farms shall be screened from adjacent residential uses in accordance with § 152.091 Screening.
 6. Abandonment. Any SES which is inoperable for twelve (12) successive months shall be deemed to be abandoned and shall be deemed a public nuisance. The owner shall remove the abandoned system at their expense after obtaining a demolition permit.
 7. Building permit. A building permit shall be obtained for any SES prior to installation.
 8. All SES shall meet all federal and state requirements including the Public Utilities Commission (PUC) including size requirements.

(D) Wind energy conversion systems (WECS).

(1) Purpose. The purpose of this section is to establish standards and procedures by which the installation and operation of WECS shall be governed within the City.

(2) Application.

(a) Conditional use permit required.

1. The erection of a WECS shall require approval of a conditional use permit, according to section 152.012 Conditional Use Permits of this chapter.
2. Commercial WECS shall only be allowed as conditional uses within the A Agriculture zoning district on lots at least ten acres in area. The acreage restriction is required to protect WECS from encroachment by other uses or structures and to accommodate required setback between the WECS and property lines.
3. Non-commercial, tower-mounted WECS shall be allowed as conditional uses within A Agriculture, C-1 Highway Business, C/I Commercial/ Industrial, and P/I Public/Institutional zoning districts of the city, subject to the regulations and requirements of this section, provided the property upon which the system is to be located is constructed and maintained on any parcel of at least two and one-half acres in size. The acreage restriction is required to protect WECS from encroachment by other uses or structures and to accommodate required setback between the WECS and property lines.
4. Non-commercial, roof-mounted WECS shall be allowed as an accessory use on all properties within all

zoning districts in the City of Mayer, subject to the regulations and requirements of this section. Only one roof-mounted WECS shall be allowed per lot.

5. Site plan drawing. All applications for a WECS conditional use permit shall be accompanied by a detailed site plan drawn to scale and dimensioned, displaying the information as specified in section 152.015 Site Plan Review Required of this chapter, including the following.
 - i. Location and height of all buildings, structures, aboveground utilities and trees on the lot, including both existing and proposed structures and guy wire anchors.
 - ii. Location and height of all adjacent buildings, structures, aboveground utilities and trees located within 350 feet of the exterior boundaries of the property in question.
 - iii. Sketch elevation drawing of the premises accurately depicting the proposed WECS and its relationship to structures on the subject site and adjacent lots.
 - iv. A description of the project including: nameplate generating capacity, proposed tower height, and proposed rotor diameter.
 - v. Engineer's certification of structure design, electrical design, and fall zone.
 - vi. An elevation drawing of the premises accurately depicting the proposed WECS and its relationship to structures on the subject site and adjacent lots.
 - vii. In addition, applications for commercial WECS shall include.
 - a. An FAA permit application, if required.
 - b. A decommissioning plan.
6. Declaration of conditions. The Planning Commission may recommend and the City Council may impose such conditions on the granting of a WECS conditional use permit as may be necessary to carry out the purpose and provisions of this section.

(3) Code compliance.

- (a) Compliance with State Building Code. Standard drawings of the structural components of the wind energy conversion system and support structures, including base and footings shall be provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the State Building Code. Drawings and engineering calculations shall be certified by a Minnesota licensed engineer.
- (b) Compliance with National Electrical Code. WECS electrical equipment and connections shall be designed and installed in adherence to the National Electrical Code as adopted by the City.

(4) Warranty. Applicant shall provide documentation or other evidence from the dealer or manufacturer that the WECS has been successfully operated in atmospheric conditions similar to the conditions within Mayer. The WECS shall be warranted against any system failures reasonably expected in severe weather operation conditions.

(5) Design standards.

- (a) Height of tower-mounted WECS.
 1. The permitted maximum height of a tower mounted WECS shall be determined in one of two ways. In determining the height of the WECS the total height of the system shall be included. System height shall be measured from the base of the tower to the highest possible extension of the rotor blades.
 - i. A ratio of one foot to one foot (1:1) between the distance of the closest property line to the base of the WECS to the height of the system. If the property the WECS is located on is adjacent to a residential zoned property an additional setback of ten feet shall be added.
 - ii. A maximum system height of one hundred and seventy-five feet (175').
 2. The shortest height of the two above mentioned methods shall be used in determining the maximum allowable height of a WECS system. The height of a WECS must also comply with FAA regulation part 77 "Objects Affecting Navigable Air Space" and/or MNDOT Rule 14, MCAR 1.3015 "Criteria for Determining Obstruction to Air Navigation".
- (b) Height of roof-mounted WECS. A roof-mounted WECS shall only be allowed a maximum six feet (6') above the roof line of the building or structure.
- (c) Setbacks. No part of a WECS (including guy wire anchors) shall be located within or above any required front, side or rear yard setback. WECS towers shall be setback from the closest property line one foot for every one foot of system height. WECS shall not be located within thirty feet (30') of an aboveground utility line.
- (d) Rotor size. All WECS rotors shall not have rotor diameters greater than twenty-six feet (26'), except that roof-mounted WECS shall not have a rotor diameter greater than three feet (3').
- (e) Rotor clearance. Blade arcs created by the WECS shall have a minimum of 30 feet (30') of clearance over any structure or tree within a two hundred (200) foot radius.
- (f) Rotor safety. Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds (forty (40) miles per hour or greater).
- (g) Lightning protection. Each WECS shall be grounded to protect against natural lightning strikes in conformance with the National Electrical Code as adopted by the City.
- (h) Tower access. To prevent unauthorized climbing, WECS towers must comply with one of the following provisions.

1. Tower climbing apparatus shall not be located within twelve feet (12') of the ground.
2. A locked anti-climb device shall be installed on the tower.
3. Towers capable of being climbed shall be enclosed by a locked, protective fence at least six feet (6') high.
- (i) Signs. WECS shall have one sign, not to exceed two (2) square feet posted at the base of the tower and said sign shall contain the following information.
 1. Warning high voltage.
 2. Manufacturer's name.
 3. Emergency phone number.
 4. Emergency shutdown procedures.
- (j) Lighting. WECS shall not have affixed or attached any lights, reflectors, flasher or any other illumination, except for illumination devices required by FAA regulations part 77 "Objects Affecting Navigable Air Space" and FAA Advisory circular 70/7460-1F, September 1978 "Obstruction Marking and Lighting".
- (k) Electromagnetic interference. WECS shall be designed and constructed so as not to cause radio and television interference.
- (l) Noise emission. Noises emanating from the operation of WECS shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations NPC 1 and 2, as amended.
- (m) Utility company interconnection. No WECS shall be interconnected with a local electrical utility company until the utility company has reviewed and commented upon it. The interconnection of the WECS with the utility company shall adhere to the National Electrical Code as adopted by the City.
- (6) Ornamental wind devices. Ornamental wind devices that are not a WECS shall be exempt from the provisions of this chapter and shall conform to other applicable provisions of this chapter.
- (7) Inspection. The City hereby reserves the right upon issuing any WECS conditional use permit to inspect the premises on which the WECS is located. If a WECS is not maintained in operational condition and poses a potential safety hazard, the owner shall take expeditious action to correct the situation.
- (8) Abandonment. Any WECS or tower which is not used for twelve (12) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner.
- (E) Outdoor hydronic furnaces.
 - (1) Purpose. To promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the City of Mayer due to air pollution and human health impacts caused by the use of outdoor hydronic furnaces and similar devices.
 - (2) Prohibited use. No outdoor hydronic furnace or similar device shall be permitted within any zoning district of the City.

§ 152.067 OFF-STREET PARKING AND DRIVEWAY REQUIREMENTS.

- (A) Purpose. The regulation of off-street parking spaces and driveways in this chapter is to alleviate or prevent congestion of the public rights of way and to promote the safety and general welfare of the public, by establishing minimum requirements for off-street parking of motor vehicles in accordance with the intensity of utilization of various parcels of land or structures. Off-street parking spaces and driveway shall be permitted as long as all setbacks, design and lot coverage requirements are met.
- (B) Application of Off-Street Parking Regulations. 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) Site Plan Drawing Necessary. All applications for a building permit or a certificate of occupancy in all zoning districts shall be accompanied by a site plan, as specified in section 152.015 Site Plan Review Required of this chapter, indicating the location of off-street parking and loading spaces in compliance with the requirements set forth in this chapter.
- (D) General Provisions.
 - (1) Floor Area. 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 exterior floor area dimensions of the buildings, structure or use times the number of floors, except as may hereinafter be provided or modified.
 - (2) Reduction of Existing Off-Street Parking Space or Lot Area. Off-street parking spaces or lot area existing upon the effective date hereof shall not be reduced in number or size unless said number or size exceeds the requirements set forth herein for a similar new use.
 - (3) Change of Use or Occupancy of Land. No change of use or occupancy of land already dedicated to a parking area, parking spaces, shall be made, nor shall any sale of land, division or subdivision of land be made which reduces area necessary for parking, parking stalls, or parking requirements below the minimum prescribed by this section.
 - (4) Change Of Use or Occupancy of Buildings.
 - (a) Any change of use or occupancy of any building or buildings including additions thereto requiring more parking area shall not be permitted until there is furnished such additional parking spaces as required by this section.
 - (b) If the existing number of parking spaces provided for a multiple tenant mixed use, commercial, or industrial

building does not conform to the required number of parking spaces, when a tenant vacates the building, the parking required by a new tenant occupying the vacated space may not exceed the parking required of the tenant being replaced. Required spaces of the existing and new tenant shall be determined in accordance with this section without reference to the fact that the use is in a multiple tenant building.

- (5) Disability Accessible Parking. Disability accessible parking spaces shall be provided as applicable pursuant to Minnesota statutes 168.021, as may be amended.
- (6) Abandoned Vehicles. It shall be unlawful for any person to park, store or leave any abandoned motor vehicle upon any public or private property within the City, or for any property owner or occupant to permit the parking, storing or leaving of any abandoned vehicle upon such private property, unless such vehicle is within an enclosed building or structure.
- (7) Restrictions on Parking.
 - (a) Required accessory off-street parking spaces in any district shall not be utilized for open storage, sale or rental of goods, storage of inoperable vehicles, and/or storage of snow.
 - (b) On and off-street parking facilities accessory to a residential use shall be utilized solely for the parking of licensed and operable vehicles, except as may be otherwise allowed by this section or the following provisions. A maximum of five (5) operable and licensed motor vehicles and/or recreational vehicles and equipment, may be parked or stored anywhere outside the principal or accessory structures on the lot. Any such motor vehicle and recreational vehicle and equipment placed upon a trailer shall constitute one motor vehicle or recreational vehicle and equipment for purposes of this section. All motor vehicles and recreational vehicles and equipment must be owned by the resident of the dwelling, excluding occasional guests. Motor vehicles and recreational vehicles and equipment parked in the front yard area must be on a paved or hard surface driveway and shall not be located on landscaping except as allowed by this section.
 - (c) Residential uses. Off-street parking facilities accessory to a residential use shall be utilized solely for the parking of licensed and operable passenger automobiles, vans, and trucks.
- (8) Calculating the Number of Required Spaces.
 - (a) When determining the number of off-street parking spaces results in a fraction, each fraction of one-half ($1/2$) or more shall constitute another space.
 - (b) 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 eighteen inches (18") of such design capacity seating facilities shall be counted as one seat for the purpose of determining requirements.
 - (c) Except as provided for under joint parking and for shopping centers, should a structure contain two (2) or more types of use, each use shall be calculated separately for determining the total off street parking spaces required.
- (9) Stall, Aisle and Driveway Design.
 - (a) Design Standards. Except as otherwise provided for herein, all off-street parking facilities shall conform to the following design standards.

PARKING LOT DIMENSION TABLE				
Angle of Parking	Stall Width	Curb Length Per Car	Stall Depth	Aisle Width
0°	9'0"	23'0"	9'0"	12'0"
	9'6"	23'0"	9'6"	12'0"
	10'0"	23'0"	10'0"	12'0"
20°	9'0"	26'4"	15'0"	11'0"
	9'6"	27'10"	15'6"	11'0"
	10'0"	29'3"	15'11"	11'0"
30°	9'0"	18'0"	17'4"	11'0"
	9'6"	19'0"	17'10"	11'0"
	10'0"	20'0"	18'3"	11'0"
40°	9'0"	14'0"	19'2"	12'0"
	9'6"	14'10"	19'6"	12'0"
	10'0"	15'8"	19'11"	12'0"
45°	9'0"	12'9"	19'10"	13'0"
	9'6"	13'5"	20'2"	13'0"

	10'0"	14'2"	20'6"	13'0"
50°	9'0"	11'9"	20'5"	12'0"
	9'6"	12'5"	20'9"	12'0"
	10'0"	13'2"	21'0"	12'0"
60°	9'0"	10'5"	21'0"	18'0"
	9'6"	11'0"	21'3"	18'0"
	10'0"	11'6"	21'6"	18'0"
70°	9'0"	9'8"	21'0"	19'0"
	9'6"	10'2"	21'3"	18'6"
	10'0"	10'8"	21'3"	18'0"
80°	9'0"	9'2"	20'4"	24'0"
	9'6"	9'8"	20'5"	24'0"
	10'0"	10'3"	20'6"	24'0"
90°	9'0"	9'0"	20'0"	24'0"
	9'6"	9'6"	20'0"	24'0"
	10'0"	10'0"	20'0"	24'0"

- (b) Parking Space Size. Except as may be specifically provided herein, parking space shall be not less than ten feet (10') wide and twenty feet (20') in length exclusive of snow storage and access aisles, and each space shall be served by access aisles as required by this section.
- (c) Within Structures. The off-street parking requirements may be furnished by providing stalls within the principal building or detached accessory structure.
- (d) Circulation.
1. Except in the case of single-family, two-family and townhouse dwellings, access and 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.
 2. Except in the case of single-family, two-family and townhouse dwellings, access and parking area design which requires backing into the public street is prohibited.
- (e) Compliance. Except in the case of single-family, two-family and townhouse dwellings, parking areas and their aisles shall be developed in compliance with the standards outlined in this section and the following provisions.
1. Except as may be required or exempted by the city engineer, drive aisles and parking stalls shall be constructed in accordance with the following minimum tonnage standards.
 - i. One and one-half inch (1.5") wear course.
 - ii. Two-inch (2") base course.
 - iii. Six-inch (6") aggregate base (class 5).
 - iv. Subgrade subject to City Engineer's approval.
 2. A minimum one lift of asphalt or other hard surface material as required by this section, shall be installed prior to issuance of a certificate of occupancy or temporary certificate of occupancy.
- (f) Curb Cut Width.
1. No driveway curb cut access shall be a minimum of twelve feet (12') wide and shall not exceed thirty feet (30') in width, as measured at the property line, unless approved by the City Engineer where required to allow adequate turning movement for commercial, industrial, or institutional uses.
 2. Property access over a surmountable curb shall be limited to the area of the designated, paved driveway.
- (g) Grade Elevation.
1. Parking Spaces and Areas. The grade elevation of any parking area shall not exceed five percent (5%), except as approved by the City Engineer.
 2. Driveways. Unless approved by the City Engineer, the grade elevation of any driveway shall not exceed.
 - i. Ten percent (10%) for single-family, two-family, and townhouse dwellings.
 - ii. Five percent (5%) for all other uses.
 3. The garage slab for single-family, two-family and townhouse dwellings shall be constructed at an elevation that will permit a driveway with a minimum slope of eighteen inches (18") above the top of curb.
- (h) Number Allowed.
1. All property shall be entitled to at least one (1) curb cut access.
 2. Single-family uses shall be limited to one (1) curb cut access per property unless an administrative permit

is approved by the City Administrator, subject to the following criteria.

- i. The property shall have a minimum of width of one hundred twenty-five feet (125').
 - ii. No access shall be allowed to a collector or arterial street where there is at least one (1) other existing access to the property.
3. All other uses shall be allowed one curb cut access for each one hundred twenty-five feet (125') of street frontage.
- (i) Surfacing.
1. All driveways and parking stalls shall be surfaced with asphalt, concrete or paving brick, except for property in the A Agriculture District such as farm dwellings and farm operations. Driveways in the A Agriculture District shall be surfaced from the intersection of the road, for the first one hundred feet (100') of the driveway, with asphalt, concrete, or paving brick or other approved hard surface, as approved by the City Engineer.
 2. Plans for surfacing and drainage of driveways and stalls for five (5) or more vehicles shall be submitted to the City Engineer for review and the final plans shall be subject to the engineer's written approval.
 3. Existing Legal nonconforming driveways and parking area surfaces shall be brought into compliance with this section at the time of any improvement that intensifies the use of the parking area or driveway.
- (j) Striping. Except for single-family, two-family, and townhouses, all parking areas of five (5) spaces or more shall be marked with white or yellow painted lines not less than four inches (4") wide.
- (k) Lighting. Any lighting used to illuminate an off-street parking area shall be hooded and so arranged as to reflect the light away from adjoining property, abutting residential uses and public rights-of-way and shall be in compliance with section 152.030 Exterior Lighting of this chapter.
- (l) Curbing and Landscaping. Except for single-family, two-family, and townhouses, all open off-street parking shall have a perimeter continuous concrete curb around the entire parking lot.
- (m) Pedestrian Provision. All off-street parking areas shall be designed with due regard to pedestrian circulation. Off-street parking areas shall be designed such that vehicle and pedestrian circulation is accommodated in a safe, complementary and orderly fashion. When curb separated sidewalks are provided at the head of parking stalls, the minimum width of the sidewalk shall be five feet (5').
- (n) Required Screening. All open, nonresidential off-street parking areas of five (5) or more spaces shall be screened and buffered from abutting or surrounding residential districts in compliance with section 152.055 Screening of this chapter.
- (o) Parking Lot Landscaping. All exposed parking areas shall be landscaped on all sides in compliance with section 152.055 Screening of this chapter.
- (E) Maintenance. It shall be the joint 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/screening.
- (F) Location. All accessory off-street parking facilities required by this section shall be located and restricted follows.
- (1) Same Lot. Required accessory off-street parking shall be on the same lot under the same ownership as the principal use being serviced, except for combined or joint parking facilities as regulated by this section.
 - (2) Direct Access. Except for single-family, two-family, townhouse dwellings and in the C-2 Central Business District as approved by the City Council, 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.
 - (3) Boulevard Parking Prohibited. The boulevard (landscaped portion) of the street right-of-way shall not be used for parking.
 - (4) Prohibited Except on Driveway. In the case of single-family, two-family, and townhouse dwellings parking shall be prohibited in any portion of the front, side, or rear yard except on designated driveways surfaced with bituminous material, concrete, or paver bricks leading directly into a garage or on the access to a parking pad on the side of the garage.
 - (5) Parking Distance from Property Line. Except for required driveway ingress/egress points, there shall be no off-street parking areas or driveways within ten feet (10') of any property line within the R-4 High Density Residential, C-1 Highway Business, C-2 Central Business, C/I Commercial/Industrial, I-1 Light Industrial and P/I Public/Institutional districts. The parking and drive aisle setback shall be increased to twenty feet (20') where said facilities are located adjacent to the A Agriculture, R-1 Low Density Residential, R-2 Medium Density Residential, R-3 Two-Family and Townhouse Residential and R-4 Multiple-Family Residential districts. Driveways in the A Agriculture, R-1 Low Density Residential, R-2 Medium-Density Residential, and R-3 Two-Family and Townhouse Residential districts shall be a minimum of five feet (5') from the side yard property line.
 - (6) All lots having direct driveway access onto major collector or arterial roads shall provide turn around facilities on the lot to eliminate vehicles backing onto said roads.
 - (7) The minimum corner clearance from the street right-of-way line shall be at least thirty feet (30') to the edge of the driveway or off-street parking ingress/egress drive lane.
 - (8) Driveways should be located as indicated on the subdivision grading plan, however, an alternate location meeting the requirements of this section will be permitted.

(9) A residential off-street parking area, driveway or parking pad may be constructed closer to the garage side property line subject to approval by the City and the following conditions.

- (a) The adjacent property owner(s) must consent in writing to such reduction in setback requirement.
- (b) A building permit shall be required. The property owner shall submit a detailed drawing of the proposed location of the parking area including dimensions and distances from the property line, the hard surface material to be used, proposed drainage patterns and the lot coverage for the lot. The City may require a certificate of survey if determined necessary.
- (c) If the off-street parking area or driveway encroaches into a City easement area it shall be subject to removal at any time by order of the City. The property owner shall be liable for all costs and expenses of such removal. Any unpaid costs and expenses shall be subject to special assessment by the City. The property owner(s) shall be responsible and liable for all consequences of such construction including drainage matters and shall indemnify and hold the City harmless from all damages and injuries of any kind.

(G) Number of Spaces Required. The following minimum number of off-street parking spaces shall be provided and maintained by ownership, easement and/or lease for and during the life of the respective uses hereinafter set forth. The City may modify and/or reduce the minimum parking requirements in the C-2 Central Business District by approval of a site plan per section 152.015 Site Plan Review Required of this chapter, if it is determined that the use is an approved use within the district and that on-street parking within the general vicinity is sufficient to accommodate the use.

(1) Calculation of required spaces.

USE	NUMBER OF REQUIRED STALLS
Residential:	
Multiple-family dwellings	2 spaces per unit.
Residential care facility	2 spaces per unit for uses serving 6 or fewer persons in a residential district.
Residential shelter	2 spaces plus 1 space for each 2 occupants of maximum capacity.
Senior housing Assisted living or housing with services Independent living Memory care or nursing home	1 space per 2 dwelling units. 1 space per dwelling unit. 4 spaces plus 1 space for each 3 beds plus additional spaces as required by this section for office users.
Single-family, detached townhome, two-family and townhouse	2 spaces per unit.
Institutional:	
Auditoriums, theaters, religious institutions, sports arenas	1 space per 3 seats of design capacity of the main assembly plus additional spaces required for adjoined facilities, not including private or private nonprofit baseball fields (see below).
Community center, libraries	10 spaces plus 1 space for each 300 square feet over 2,000 square feet of floor area for the principal structure.
Private or private nonprofit baseball fields	1 space per 8 seats of design capacity.
School, elementary, middle, high school and post-high school facilities	1 space for each 3 seats of design capacity of the main assembly, plus 1 space per classroom.
Commercial/Industrial:	
Animal hospital/kennel	1 space for each 200 square feet of clinic floor area.
Auto repair uses.	1 space for each 200 square feet of floor area.
Auto sales	1 space per 500 square feet of showroom plus 1 space for each 3,000 square feet of outdoor sales lot, plus additional parking required for ancillary service or repair.
Banquet hall, private or public auction house	20 spaces plus 1 space per 200 square feet over 2,000 square feet.
Beauty or barber shop	2 spaces per chair.

Bowling alleys	5 spaces per lane plus spaces as required for other uses within the principal structure.
Car wash	Drive through: 5 stacking spaces. Self-service: 1 space per wash bay. Motor fuel stations: None in addition to that required for the principal use.
Coffee/doughnut shop with or without drive through	1 space per 50 square feet of floor area.
Commercial self-storage (ministorage) facilities	3 spaces plus 1 space per 100 storage units.
Daycare facilities	In a residential district serving less than 12 persons: 2 spaces per use. All others: 1 space for each 4 persons of licensed capacity.
Fast food restaurant with or without drive through	1 space for each 70 square feet of floor area.
Fitness centers	1 space per exercise station (e.g., strength machine or cardiovascular) plus 1 space per employee on the largest shift plus additional parking required for ancillary uses.
Funeral home	20 spaces per chapel or viewing parlor, plus 1 space for each company vehicle maintained on site. Adequate stacking space shall also be provided for staging funeral processions.
Furniture sales	1 space for each 400 square feet for first 25,000 square feet, plus 1 space for each 600 square feet thereafter.
Instructional classes, dance studios, karate centers, music schools and similar uses	1 space for each 200 square feet of floor area.
Manufacturing	1 space for each 350 square feet of floor area, plus 1 space per company vehicle not stored within the principal structure.
Motels/hotels/lodging or boarding	Boarding house: 1 space per person for whom accommodations are provided. Hotels/motels: 1 space per unit, plus 1 space for every 10 units.
Motor fuel stations	4 spaces plus 2 spaces for each service stall plus other requirements for uses or sale of goods not directly auto related.
Multiple occupancy retail or service buildings with 3 or more tenants	1 space for each 160 square feet of gross leasable floor area.
Office, general and medical	1 space for each 200 square feet of floor area.
Restaurants, clubs, lodges, brewpubs, taprooms, tasting rooms	1 space for each 40 square feet of dining area and 1 space for each 80 square feet of kitchen area.
Retail Sales uses (other)	1 space for each 200 square feet of floor area.
Service businesses	1 space for each 250 square feet of floor area.
Theater	1 space for each 3 seats of design capacity.
Trade businesses	1 space for each 350 square feet of floor area.
Warehousing	Office: 1 space for each 200 square feet of floor area. Other: 1 space for each 1,000 square feet plus 1 space per company vehicle not stored within the principal structure.
Uses not specified or not precisely identified	Calculated by City Administrator based upon, but not limited to, characteristics for similar uses and/or professional studies.
Reductions in required stalls	The number of stalls required by this section for a specific use may be reduced based on a parking demand study prepared by a qualified professional subject to approval of a conditional use permit.

- (2) Floor Area. 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 exterior floor area dimensions of the buildings, structure or use times the number of floors.
 - (3) Fractional Spaces. When calculating the number of parking spaces required results in a fraction, each fraction of one-half (½) or more shall constitute another space.
 - (4) Multiple Uses. Except as provided for under joint parking, should a structure contain two (2) or more types of use, each use shall be calculated separately for determining the total off-street parking spaces.
 - (5) Assembly Spaces. In places of public assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each twenty-two inches (22") of such seating facilities shall be counted as one seat for the purpose of determining requirements.
 - (6) Uses Not Specified. Uses not specified or not precisely identified by subsection (G) Number of Spaces Required of this section, shall be calculated by the City Administrator based upon, but not limited to, characteristics for similar uses and/or professional studies.
- (H) C-2 Central Business District Parking.
- (1) C-2 Central Business District. Within the C-2 district, on street parking stalls directly abutting a parcel may be counted in satisfaction of the number of spaces required pursuant to subsection (G) Number of Spaces Required of this section.
 - (2) Parking Space Size.
 - (a) For existing off-street parking lots within the C-2 district, each parking space shall be not less than eight feet (8') wide and eighteen feet (18') in length, exclusive of snow storage and access aisles, and each space shall be served by access aisles as required by this section.
 - (b) Construction of new or expanded parking areas shall be designed in accordance with the provisions of this section
 - (3) Development and Uses. Within the C-2 district, the City may approve development and uses which do not comply with the required number of parking spaces through the site plan review process per section 152.015 Site Plan Review Required of this chapter, provided that the amount of parking provided on the property in question is the maximum amount possible, taking into account the use and design objectives of the C-2 district.
- (I) Parking Pads.
- (1) General Rules.
 - (a) Parking on landscaping is prohibited except as provided for herein.
 - (b) All motor vehicles and recreational vehicles and equipment must be operable and licensed.
 - (c) Parking pad surface materials shall be orderly contained by delineated edging or in some other effective fashion.
 - (d) All parking pads must not disturb proper drainage or utilities and shall be setback a minimum of five feet (5') from the property line and shall not be located in a drainage and utility easement.
 - (e) In cases where improved or semi-improved surface materials are required, the pad must cover the entire area under the vehicle and cannot be placed solely under the wheels of the vehicle. The pad must be approved by the City and be suitable to control dust, drainage and prevent spillage.
 - (2) Rear Yard.
 - (a) A parking pad is allowed.
 - (b) A maximum of two (2) operable and licensed motor vehicles and/or recreational vehicles and equipment are only allowed ~~only~~ on improved surfaces in the rear yard. A semi-improved parking pad is also allowed a long as the materials used consist of a sand base with river rock used for the semi-improved surface material and the parking pad is contained by delineated edging so as to prevent the river rock from spreading into the landscaped portion of the yard.
 - (c) Any grass or weeds growing around the motor vehicles and recreational vehicles and equipment shall be regularly cut and subject to the noxious weed ordinance (§ 93.35 through 93.43).
 - (3) Side Yard.
 - (a) A maximum of two (2) operable and licensed motor vehicles and/or recreational vehicles and equipment are only allowed on improved surfaces in the side yard. A semi-improved parking pad is also allowed a long as the materials used consist of a sand base with river rock used for the semi-improved surface material and the parking pad is contained by delineated edging so as to prevent the river rock from spreading into the landscaped portion of the yard. The side yard parking pad is allowed on the garage side only in line with the garage or in other cases subject to the judgment of the City Administrator. A side yard parking pad shall not exceed four hundred and fifty (450) square feet.
 - (b) Any grass or weeds growing around the motor vehicles and recreational vehicles and equipment shall be regularly cut and subject to the noxious weed ordinance (§ 93.35 through 93.43).
 - (4) Front Yard.
 - (a) Improved or semi-improved parking pads in the front yard are not allowed, however, the access portion to a side yard parking pad may be constructed with an improved surface.
 - (b) A maximum of one (1) operable and licensed motor vehicle and recreational vehicle and equipment are allowed

only on an unimproved surface parking pad in the front yard for a period not to exceed one (1) week at a time for up to five (5) weeks within a calendar year. The front yard vehicle parking area shall not exceed two hundred (200) square feet.

(c) Any grass or weeds growing around the motor vehicles and recreational vehicles and equipment shall be regularly cut and subject to the noxious weed ordinance (§ 93.35 through 93.43).

(J) Recreational Vehicles and Equipment.

(1) Recreational Vehicles and Equipment.

(a) Recreational vehicles and equipment may be stored in the side or rear yards subject to the following standards.

1. Recreational vehicles and equipment cannot exceed thirty-six (36') in length.
2. Parking for recreational vehicles and equipment must be on parking pads with improved surfaces that meet the requirements of this section. All parking pads must be constructed as improved surfaces.
3. The designated parking pad shall be setback at least five feet (5') from side or rear property lines and shall not be located within a drainage and utility easement.
4. Recreational vehicles shall only be allowed in a side yard when abutting an attached or detached garage.
5. The recreational vehicles and equipment within the side yard of a corner lot abutting a public right-of-way are not closer than twenty feet (20') from the property line.

(b) Any front yard parking of recreational vehicles and equipment shall not be located on the street and must be located on the improved driveway surface in the front yard, except as provided for in this section. The recreational vehicle and equipment shall not encroach on any sidewalk, trail or public right-of-way.

(c) Storage shall not occur in a required off-street parking stall.

(2) Residential Occupancy Prohibited. Recreational vehicles and equipment, including tents, shall not be used for residential dwelling purposes or living quarters, temporarily or permanently, except as may be approved in emergency cases by the City Council.

(a) Recreational Uses. Tents, playhouses, or similar structures may be used for play.

(b) Vacant Lots, Recreational Vehicles and Equipment Prohibited. No recreational vehicle and equipment shall be placed upon any vacant lot within the City to be used for residential dwelling purposes.

§ 152.068 OFF-STREET LOADING REQUIREMENTS.

(A) Purpose. The regulation of loading spaces in this section 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 loading and unloading from motor vehicles in accordance with the utilization of various parcels of land or structures.

(B) Off-Street Loading Required. Any structure erected or substantially altered for a use which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, shall provide off street loading area as required for a new structure.

(C) Number of Loading Areas Required. The number of required off street loading areas shall be as follows.

(1) Customer Drop Off Spaces. Customer drop off spaces shall not constitute off-street loading spaces.

(2) Number of Loading Spaces Required. The number of required off street loading area spaces shall be as follows.

Gross Floor Area (square feet)	Minimum Required Loading Berths
Less than 25,000	1
25,001 to 50,000	2
50,001 to 75,000	3
75,001 to 100,000	4
each additional 50,000 over 100,000	1 additional

(3) Reduction In Spaces. Reductions to the number of loading spaces required may be granted by administrative permit upon determination of facility need.

(D) Location.

(1) All required loading areas shall be off-street and located on the same lot as the building or use to be served.

(2) Except for uses allowed within residential districts, or unless located within a structure, loading areas shall be prohibited within one hundred feet (100') of residentially zoned or guided property unless completely screened by an intervening building. Loading areas not screened by an intervening building shall be screened from adjacent residentially zoned or guided property by the use of greenbelts, berms, fences, or walls to provide one hundred percent (100%) opacity to a height of at least ten feet (10').

(3) Loading areas shall not occupy the required front yard, except as provided below.

(4) Loading areas located at the front or side of buildings on a corner lot adjacent to a street shall be reviewed and approved in the following manner.

(a) Loading areas located at the front of a building or side of a building located on a corner lot adjacent to a street may be allowed by administrative permit subject to the following conditions:

1. Loading areas shall not conflict with pedestrian movement.
2. Loading areas shall not obstruct the view of the public right of way from off street parking access.

3. Loading areas shall comply with all other requirements of this section.
 4. Loading areas and associated staging areas shall be screened from the abutting public rights of way.
- (5) Each loading area shall be located with appropriate means of vehicular access to a street or public alley in a manner which will cause the least interference with traffic.
- (E) Surfacing. All loading areas and accessways shall be improved to control the dust and drainage according to a plan submitted to and subject to the approval of the City Engineer.
- (F) Accessory Use, Parking and Storage. Any space allocated as a required loading area or access drive so as to comply with the terms of this section shall not be used for the storage of goods, inoperable vehicles or snow and shall not be included as part of the space requirements to meet the off-street parking area.
- (G) Screening. All loading areas shall be screened and landscaped from abutting and surrounding residential uses and districts and public rights of way.
- (H) Size.
- (1) The first loading area shall be not less than seventy feet (70') in length and additional areas required shall be not less than thirty feet (30') in length and all loading areas shall be not less than ten feet (10') in width, exclusive of aisle and maneuvering space, and fourteen feet (14') in clearance height.
 - (2) The size of the loading area may be reduced upon approval of an administrative permit. To qualify for such exception, the following provisions must be met.
 - (a) It must be demonstrated that the site cannot physically accommodate a loading area to the size required.
 - (b) It must be demonstrated that semi-trailer truck deliveries will not occur at the site or all deliveries will occur at such a time as to not conflict with customer or employee access to the building and parking demand.
- (c) Circulation.
- (1) All maneuvering for off-street loading shall be accomplished on private property.
 - (2) In addition to the required loading space, all loading spaces shall include a maneuvering area. The maneuvering area shall not use any of that portion of the site containing parking stalls or customer service areas. Maneuvering areas shall be of such size as to permit the backing of truck tractors and coupled trailers into the loading space, without blocking the use of other loading spaces, drives, parking spaces, or maneuvering areas on public rights of way.

§ 152.069 ANIMALS.

Purpose. The purpose of this section is to provide standards for the keeping of animals in association with various allowed uses in a manner compatible with surrounding uses and consistent with the health, safety, and general welfare of the City. The keeping of animals shall be regulated by Title IX: General Regulations, Chapter 92: Animals of the Mayer Code of Ordinances.

§ 152.070 SEXUALLY ORIENTED BUSINESSES AND USES.

- (A) Purpose. The purpose of this section is to establish provisions for the opportunity as well as controls of sexually oriented businesses and uses within the City as regulated by Title XI: Business Regulations of the Mayer Code of Ordinances.
- (B) Location. Sexually oriented businesses and uses shall be prohibited in all zoning districts except the I-1 Light Industrial district.

§ 152.071 SIGN REGULATIONS.

- (A) Findings; Purpose.
- (1) Findings. The City hereby finds as follows.
 - (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, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.
 - (d) Over the years, the City's zoning regulations have included 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 sign may be erected, placed, established, painted, created, or maintained in the City only in conformance with the standards, procedures, exemptions, and other requirements of this ordinance. It is not the purpose or intent of this subchapter 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. The purpose and intent of this section is to.

- (a) 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.
- (b) Maintain, enhance and improve the aesthetic environment of the City by preventing visual clutter that is harmful to the appearance of the community.
- (c) 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.
- (d) Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the City.
- (e) Provide for the safety of the traveling public by limiting distractions, hazards, and obstructions.
- (f) To establish a permit system to allow a variety of types of signs in commercial and industrial zones and a limited variety of signs in other zones, subject to the standards and the permit procedures of this section.
- (g) To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this subchapter, but without a requirement for permits.
- (h) To provide for temporary signs without commercial messages in limited circumstances in the public right-of-way.
- (i) To prohibit all signs not expressly permitted by this section.
- (j) To provide for the enforcement of the provisions of this section.

(B) Permit Required.

- (1) No sign shall be erected, altered, reconstructed, maintained or moved in the City without first securing a permit from the City. The content of the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit. Application for a permit shall be in writing addressed to the issuing authority and shall contain the following information.
 - (a) Names and addresses of the owners of the display structure and property.
 - (b) The address at which any signs are to be erected.
 - (c) The lot, block and addition at which the signs are to be erected and the street on which they are to front.
 - (d) A complete set of colored plans showing the necessary elevations, distances, size and details to fully and clearly represent the construction and place of the signs.
 - (e) The cost of the sign.
 - (f) Type of sign (i.e., building sign, monument sign, and the like).
 - (g) Certification by applicant indicating the application complies with all requirements of this section.
 - (h) If the proposed sign is along a state trunk highway or interstate highway, the application shall be accompanied by proof that the applicant has obtained a permit from the state for the sign.
 - (i) Such other information as the City Administrator shall require to show full compliance with this section and all other laws and ordinances of the City.
- (2) The City shall approve or deny the sign permit in an expedited manner no more than sixty (60) days from the receipt of the complete application, including applicable fee. All permits not approved or denied within thirty (30) days shall be deemed approved. If the permit is denied, the City shall prepare a written notice of within ten (10) days its decision.

(C) Exemptions.

- (1) The following signs shall not require a permit. 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.
 - (a) The changing of the display surface on a painted, printed, or changeable copy sign/reader board signs only.
 - (b) Signs six (6) square feet or less in size, per surface.
 - (c) Window signage as permitted in the general standards.
 - (d) Temporary and portable signage as permitted in this section.
 - (e) The standards of M.S. § 211B.045 as may be amended and relating to noncommercial signs are hereby incorporated by reference.

(D) Sign Area Calculations.

- (1) The area of a sign shall be computed by means of the smallest circle, rectangle or triangle that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material of color forming an integral part of the background of the display or used to differentiate the sign from the building facade against which it is placed, but not including any supporting framework, pole, or bracing. Each surface utilized to display a message or to attract attention shall be measured as a separate sign and shall be calculated in the overall sign area. Symbols, flags, pictures, wording, figures or other forms of graphics painted on or attached to windows, walls, awnings, free-standing structures, suspended by balloons, or kites or on persons, animals, or vehicles are considered a sign and are included in calculating the overall sign area.

- (2) For monument, ground, and blade signs, subsection (1) above shall be used. Only the face that is specifically intended to be used for signage shall be included when computing the sign area. Any base or other supporting structure, along with all adjoining structures such as fences or walls shall not be included when computing the sign area.
- (E) Fees. Sign permit fees shall be determined annually by the City Council through the City fee schedule.
- (F) Maintenance; Inspections.
- (1) Maintenance. All signs requiring a permit pursuant to this section, together with all their supports, braces, guys, and anchors, shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times. Every sign and the immediate surrounding premises shall be maintained by the owner or person in charge thereof in a clean, sanitary, and unoffensive condition and free and clear of all obnoxious substances, rubbish, and weeds. Notice shall be given to the City Administrator of any change in the sign user, sign owner or owner of the property on which the sign is located.
- (2) Inspection. All signs for which a permit is required shall be subject to inspection by the City Administrator. The City Administrator or his or her designee is authorized to enter upon any property or premises to ascertain compliance with this section. Such entrance shall be made during business hours unless an emergency exists. The City Administrator may order the removal of any sign that is not maintained in accordance with the maintenance provisions of this section.
- (G) Sign Removal.
- (1) Any sign legally existing at the time of the passage of this section that does not conform to the provisions of this section shall be considered a legal nonconforming sign and may be continued through repair, replacement, restoration, maintenance or improvement but not including expansion. Expansion shall be defined as any structural alteration, change or addition that is made outside of the original sign structure, sign area, or design.
- (2) Nothing in this section shall prevent the return of a sign structure that has been declared unsafe by the City's Building Inspector to a safe condition.
- (3) When any legal nonconforming sign is discontinued for a period of more than one (1) year or is changed to a conforming sign, any future sign shall be in conformity with the provisions of this section. Any legal nonconforming sign shall be removed and shall not be repaired, replaced, or rebuilt if it is damaged by fire or similar peril to the extent of greater than fifty percent (50%) of its market value at the time of destruction and no sign permit or building permit has been applied for within one hundred and eighty (180) days of the date of destruction. The City's Building Inspector shall be responsible for making the determination of whether a nonconforming sign has been destroyed greater than fifty percent (50%) at the time of destruction. In making the determination the Building Inspector shall consider the market value of the entire sign at the time prior to the destruction and the replacement value of the existing sign. In the event that a building permit or sign permit is applied for within one hundred and eighty (180) days of the date of destruction, the City may impose reasonable conditions upon the building permit in order to mitigate any newly created impact on adjacent properties.
- (H) General Standards. Signs are a permitted accessory use in all districts subject to the following regulations.
- (1) No sign shall exceed two hundred and fifty (250) square feet in area.
- (2) Signs shall not be erected, placed, or maintained on rocks, fences, trees, and the like and shall not interfere with any electric light, power, telephone, or cable wire/fiber or their support.
- (3) Substitution clause. The owner of any sign which is otherwise allowed by this section may substitute non-commercial speech signs in lieu of any other commercial speech sign or other non-commercial speech sign. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular non-commercial speech over any other non-commercial speech. This provision prevails over any more specific provision to the contrary.
- (4) Window signs are permitted in street facing windows provided they do not exceed twenty-five percent (25%) of the window area which has street frontage. Window signage shall be counted towards the overall permitted signage on a building.
- (5) Freestanding, temporary, sandwich board, portable, or building signs that project/encroach into the public right-of-way shall be approved by the City. Projecting signs shall maintain a ground clearance of at least ten feet (10'). Irrespective of the City and/or other jurisdictional authority's approval of the foregoing, the owner of such sign shall be liable for any related bodily injury or property damage however caused and shall save harmless the City its agents and representatives from any and all loss or damages.
- (6) Illuminated signs shall be subject to the electrical requirements of the Electrical Code of the State of Minnesota. Illuminated signs shall have a shielded light source and meet the glare standards stated in section 152.030 Exterior Lighting of this chapter.
- (7) No sign shall be attached to or placed upon any building in such a manner to obstruct any window or door for fire escape or be attached to any fire escape.
- (8) All off-premise commercial signs are prohibited.
- (9) Every home or structure having an official address shall have an address sign that is visible from the street. Address signs shall not count towards the overall permitted signage on a building.

(10) Traffic Sight Visibility Triangle. No sign, except for authorized signs, shall be erected within a corner lot traffic sight visibility triangle so that clear visibility of approaching vehicular or pedestrian traffic can be maintained. Such traffic sight visibility triangle shall mean that visibility from any street shall be unobstructed above a height of three feet (3'), measured from where both street centerlines intersect within the triangle described as beginning at the intersection of the projected curb line (or edge of shoulders for rural sections) of two (2) intersecting, thence forty-five feet (45') along one curb line, thence diagonally to a point forty-five feet (45') from the point of beginning along the other curb line. Signs within the C-2 Central Business District are exempt from this requirement.

(11) Any additional or other signage not stated in this section shall require approval of the City Council.

(12) All signs along state and federal highways shall conform to state and federal sign regulations.

(13) No sign shall contain statements, words, pictures or drawings of an obscene nature or character as defined by M.S. § 617.241, Subd. 1(a), as may be amended.

(I) Signs Permitted in Residential Districts.

(1)

District	Maximum sign area of single sign	Total area of all signs
R-1	6 square feet per surface	12 square feet
R-2	12 square feet per surface	24 square feet
R-3	12 square feet per surface	48 square feet
R-4	12 square feet per surface	48 square feet

(2) The following types of signs are not permitted in residential zoning districts.

- (a) Awning signs.
- (b) Balloon signs.
- (c) Canopy signs.
- (d) Shimmering signs.
- (e) Marquee signs.
- (f) Pylon signs.

(3) Maximum Height. Six feet (6')

(4) Setback. Ten feet (10') from property line, plus clear traffic sight visibility triangle.

Signs May be Illuminated. Illuminated signs shall have a shielded light source and meet the glare standards stated in section 152.030 Exterior Lighting of this chapter

(J) Signs Permitted in the A Agriculture District.

(1)

Lot Size	Maximum Sign Area of Single Sign	Total Area of All Signs
< 20,000 square feet	12 square feet per surface	24 square feet
>20,000 square feet	36 square feet per surface	60 square feet

(2) The following types of signs are not permitted in the A Agriculture District.

- (a) Awning signs.
- (b) Balloon signs.
- (c) Canopy signs.
- (d) Shimmering signs.
- (e) Marquee signs.
- (f) Pylon signs.

(3) Maximum height. Six feet (6').

(4) Setback. Ten feet (10') from property line, plus clear traffic sight visibility triangle.

(5) Signs may be illuminated. Illuminated signs shall have a shielded light source and meet the glare standards stated in section 152.030 Exterior Lighting of this chapter.

(K) Signs Permitted in Commercial, Industrial and Public/Institutional Districts.

(1)

District	Maximum Sign Area of Single Sign	Total Area of All Signs
C-1	150 square feet per surface	5% of lot area or 375 sf., whichever is less
C-2	60 square feet per surface	5% of lot area or 125 sf., whichever is greater
I-1	150 square feet per surface	5% of lot area or 375 sf., whichever is less
C/I	150 square feet per surface	5% of lot area or 375 sf., whichever is less
P/I	150 square feet per surface	5% of lot area or 375 sf., whichever is less

(2) The following types of signs are not permitted in the C-1, C-2, I-1, C/I, or the P/I districts.

- (a) Roof signs.

- (b) Off premises signs.
- (c) Beacons.
- (d) Spotlights.
- (e) Inflatable signs and tethered balloons.
- (3) Maximum Height.
 - (a) C-1, C/I, I-1, P/I: Thirty feet (30').
 - (b) C-2: Twenty feet (20').
- (4) Setback.
 - (a) C-1, C/I, I-1, P/I: Ten feet (10') from property line, plus clear traffic sight visibility triangle.
 - (b) C-2: Two feet (2') from property line.
- (5) Signs may be illuminated. Illuminated signs shall have a shielded light source and meet the glare standards stated section 152.030 Exterior Lighting of this chapter.
- (6) Freestanding signs shall be limited to one (1) per right-of-way visible from a public street.
- (7) Wall signs shall be considered building signs and may project up to two feet away from the wall. Projecting, canopy, awning, and marquee signs shall be considered building signs and may project up to six feet (6') away from the wall. Signs projecting over the public right of way shall be approved by the appropriate jurisdiction. Signs projecting over the sidewalk shall be a minimum of ten feet (10') above the sidewalk.
- (L) Master and Common Sign Plans Required.
 - (1) No permit shall be issued for an individual sign requiring a permit unless and until a master signage plan or a common signage plan for the lot on which the sign will be erected has been submitted to the City and approved by the City Administrator as conforming with this section.
 - (2) Procedures. A master or common signage plan shall be included in any development plan, site plan, planned unit development plan, or other official plan required by the City for the proposed development and shall be processed simultaneously with such other plan.
 - (3) Amendment. A master or common signage plan may be amended by filing a new master or common signage plan that conforms with all requirements of the ordinance then in effect.
 - (4) Existing signs not conforming to common signage plan. If any new or amended common signage plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within three (3) years, all signs not conforming to the proposed amended plan or to the requirements of this ordinance in effect on the date of submission.
 - (5) Master signage plan. For any lot on which the owner proposes to erect one or more signs requiring a permit, unless such lot is included in a common signage plan, the owner shall submit to the City a master signage plan containing the following.
 - (a) An accurate plot plan of the lot, at such scale as the City Administrator may reasonably require.
 - (b) Location of buildings, parking lots, driveways, and landscaped areas on such lot.
 - (c) Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the lot(s) included in the plan under this section.
 - (d) An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental signs need not be shown.
 - (6) Common Signage Plan.
 - (a) If the owners of two (2) or more contiguous lots or the owner of a single lot with more than one building (not including any accessory building) file with the Administrator for such lots a common signage plan conforming with the provisions of this section, a twenty-five (25%) increase in the maximum total sign area shall be allowed for each included lot. This bonus shall be allocated within each zone lot as the owner(s) elects.
 - (b) The common signage plan shall contain all of the information required for a master signage plan and shall also specify standards for consistency among all signs on the zone lots affected by the plan with regard to: color scheme, lettering or graphic style, lighting, location of each sign on the buildings, material, and sign proportions.
- (M) Sandwich Board Signs.
 - (1) Sandwich board signs shall be allowed in all zoning districts within the City, except that in residential districts sandwich board signs will be permitted only for non-residential uses and uses by conditional use permit.
 - (2) There shall be only one sandwich board sign allowed for each entity.
 - (3) Sandwich board signs shall be considered temporary signage.
 - (4) Sandwich board signs shall not exceed eight (8) square feet in size per surface area.
 - (5) Sandwich board signs may be placed on a public sidewalk or within the public right-of-way. If placed on a sidewalk, a sandwich board sign shall not take up more than two feet (2') of sidewalk width and shall not be placed in the middle of the sidewalk.
 - (6) Sandwich board signs may be removed by the City if they interfere with any City activities (i.e. snow removal, maintenance of the surrounding area, and the like).

- (7) Public sidewalk sandwich board signs shall be displayed only during the times that the entity is open. No public sidewalk sandwich board sign shall be displayed overnight or when there has been any snow accumulation. Sandwich board signs that do not comply with this requirement may be removed and disposed of by the City.
 - (8) Sandwich board signs shall be weighed down.
 - (9) Under no circumstances shall a sandwich board sign be used instead of permanent building signage.
 - (10) Sandwich board signs shall be taken down after business hours.
 - (11) Sandwich board signs that do not comply with the regulations stated above may be removed and disposed of by the City.
- (N) Temporary and Portable Signs (Private Property).
- (1) Temporary and portable signage on private property is allowed over and above the typical signage limit allowed on a property for permanent signage. Temporary and portable signs shall not be used in place of permanent signage.
 - (2) No more than four (4) temporary and/or portable signs shall be allowed per lot within the Commercial, Public/Institutional, and Industrial Districts. No more than three (3) temporary and/or portable frontage signs shall be allowed. The signs shall not exceed thirty-two (32) square feet in size per surface with a maximum of two (2) surfaces.
 - (3) There shall be no more than two (2) temporary and portable signs not exceeding twelve (12) square feet per surface with a maximum of two (2) surfaces per lot for residential garage/yard sales.
 - (4) In all districts, no more than two (2) temporary real estate sale/lease signs, not exceeding thirty-two (32) square feet, shall be allowed per lot/entity. Real estate/lease signs shall not be placed in the public right-of-way.
 - (5) Upon written request to the City Administrator, additional temporary or portable signs may be allowed in appropriate circumstances. The number of additional temporary signs shall be subject to City Administrator approval and the City Administrator may place reasonable restrictions on the use and placement of such signs.

ZONING DISTRICTS AND ZONING MAP

§ 152.080 ZONING DISTRICTS ESTABLISHED.

In order to classify, regulate and restrict the location of trade and industry, and the location of buildings designated for specific uses, to protect residential uses, to regulate and limit the height and bulk of buildings hereafter erected or altered, to regulate and limit the intensity of the use of lot areas, and to regulate and determine the areas of yards and open space within and surrounding such buildings, the City is hereby divided into zoning districts. The use, height and area regulations shall be uniform in each zoning district, and said zoning districts shall be known as.

A-1	Agriculture District
R-1	Single-Family Residential District
R-2	Single and Two-Family Residential District
R-3	Two-Family and Townhouse Residential District
R-4	Multiple-Family Residential District
C-1	Highway Business District
C-2	Central Business District
C/I	Commercial/Industrial District
I-1	Light Industrial District
P/I	Public/Institutional District
SL	Shoreland Overlay District
FP	Floodplain Management Overlay District
PUD	Planned Unit Development Overlay District

§ 152.081 GEOGRAPHIC JURISDICTION.

The geographic jurisdiction of this chapter shall be the entire area within the corporate limits of Mayer, Minnesota.

§ 152.082 OFFICIAL ZONING MAP.

The location and boundaries of the zoning districts established by this chapter are hereby set forth on the zoning map

entitled Mayer Zoning Map. Said map shall be on file with the City Clerk, 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. It is the responsibility of the City Administrator to maintain the zoning map, and amendments thereto shall be recorded on said map.

§ 152.083 INTERPRETATION OF ZONING DISTRICTS MAP.

Zoning district boundary lines established by this chapter generally follow lot lines, the centerlines of railroad rights-of-way, street rights-of-way, watercourses or the corporate limit lines, all as they exist upon the effective date of this chapter. Where uncertainty exists as to the boundaries as shown on the Official Zoning Map, the following rules will apply.

- (A) Appeals concerning the exact location of a zoning district boundary line shall be heard by the Board of Appeals and Adjustments pursuant to section 152.011 Appeals of this chapter.
- (B) Whenever any street, alley or other public way is vacated by official action of the City, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.
- (C) All streets, alleys, public ways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property in the most restrictive classification immediately abutting upon such alleys, streets, public ways or railroad rights-of-way. Where the centerline of a street, alley, public way or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.
- (D) All areas within the corporate limits of the City which are underwater and which are not shown as included within any zone shall be subject to all regulations of the zone which immediately adjoins such water area. If such water area adjoins two (2) or more zones, the boundaries of each zone shall be construed to be extended into the water area in a straight line until they meet the other district at the halfway point and/or to the corporate limits.

§ 152.084 ANNEXATIONS.

All land hereafter annexed to the City which is not shown on the zoning map shall automatically, upon annexation, be classified with the (A-1) Agriculture 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 zoning district classification for such land and an amendment can be made to that effect.

§ 152.085 (A-1) AGRICULTURE DISTRICT.

- (A) Purpose. The purpose of the A-1 district is to recognize the existing agricultural use of the land and provide for an orderly means whereby lands in the City can be preserved in an undeveloped state until development at urban densities with public sewer and water as uses defined by the City's comprehensive plan.
- (B) Permitted Uses. In addition to other uses specifically identified elsewhere in this chapter, the following uses are permitted in the A-1 district.
 - (1) Farms, agriculture, nurseries, wholesale nurseries, greenhouses, and tree farms, not including animal feedlots, vegetable, fruit, crop, sod and horticulture production.
 - (2) Animal husbandry or keeping of animals, not exceeding one (1) animal unit per acre.
 - (3) Single-family detached dwellings.
 - (4) Public parks, trails, playgrounds, recreation facilities and directly related buildings and structures.
 - (5) Residential facility servicing six (6) or fewer persons in a single-family detached dwelling.
- (C) Permitted Accessory Uses. In addition to other uses specifically identified elsewhere in this chapter, the following are permitted accessory uses in the A-1 district.
 - (1) Solar energy systems, ground source heat pump systems and roof-mounted wind energy conversion systems (WCES) as regulated by section 152.066 Alternative Energy Systems of this chapter.
 - (2) Home occupations.
 - (3) Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, interim, and administrative permit in this section, subject to applicable regulation of this chapter.
 - (4) Daycare facilities serving fourteen (14) or fewer persons in a single-family detached dwelling.
 - (5) Fences.
 - (6) Roadside stand for sale of in season agricultural products planted and completely grown on the premises.
 - (7) Signs.
- (D) Conditional Uses. In addition to other uses specifically identified elsewhere in this chapter, the following are conditional uses in the A-1 district and require a conditional use permit based upon procedures set forth in and regulated by section 152.012 Conditional Use Permits of this chapter.

- (1) Wind energy conversion systems (WECS) mounted on a tower.
- (2) Farm buildings for the keeping of farm animals that are located within three hundred feet (300') of an existing residence on an abutting property or residential platted lot not under the same ownership as the parcel on which said buildings are constructed.
- (E) Interim Uses. In addition to other uses specifically identified elsewhere in this chapter, and subject to applicable provisions of this section, the following are interim uses in the A-1 district and are further governed by section 152.013 Interim Use Permits of this chapter.
 - (1) Landfilling and land excavation/grading operations, including mining.
 - (2) Cannabis businesses including cannabis cultivation as regulated by Chapter 115: Cannabis Businesses of the Mayer, Minnesota Code of Ordinances.
- (F) Uses by Administrative Permit. In addition to other uses specifically identified elsewhere in this chapter, and subject to applicable provisions of this section and performance standards established by this chapter, and processing requirements of section 152.016 Administrative Permits of this chapter, the following are uses allowed in the A-1 district by administrative permit.
 - (1) Essential services.
- (G) Lot Requirements, Setbacks and Building Height, The following minimum requirements shall be observed in the A-1 district subject to the additional requirements, exceptions and modifications set forth in this chapter.
 - (1) Lot area: 40 acres.
 - (2) Lot width: 300 feet.
 - (3) Front yard setback: 50 feet.
 - (4) Side yard setback: 50 feet.
 - (5) Rear yard setback: 50 feet.
 - (6) Lot coverage: No requirement.
 - (7) Maximum building height.
 - (a) Principal building: 35 feet or three (3) stories, whichever is less.
 - (b) Accessory buildings: 20 feet.
 - (c) Accessory buildings related to farming activities: 50 feet.

§ 152.086 (R-1) SINGLE-FAMILY RESIDENTIAL DISTRICT.

- (A) Purpose. The purpose of the R-1 district is to provide an option for low density single-family detached residential dwelling units and directly related, complementary uses in areas without environmental constraints and amenities.
- (B) Permitted Uses. In addition to other uses specifically identified elsewhere in this chapter, the following uses are permitted in the R-1 district.
 - (1) Parks, trails, play fields, playgrounds, and directly related buildings and structures.
 - (2) Residential facility serving six (6) or fewer persons in a single-family detached dwelling.
 - (3) Single-family detached dwellings.
- (C) Permitted Accessory Uses. In addition to other uses specifically identified elsewhere in this chapter, the following are permitted accessory uses in the R-1 district.
 - (1) Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, interim, and administrative permit in this section, subject to applicable regulation of this chapter.
 - (2) Daycare facilities serving fourteen (14) or fewer persons in a single-family detached dwelling.
 - (3) Fences.
 - (4) Gardens for produce not to be offered for sale.
 - (5) Solar energy systems, ground source heat pump systems and roof-mounted wind energy conversion systems (WCES) as regulated by section 152.066 Alternative Energy Systems of this chapter.
 - (6) Home occupations.
 - (7) Play and recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted.
 - (8) Signs.
- (D) Conditional Uses. In addition to other uses specifically identified elsewhere in this chapter, the following are conditional uses in the R-1 district and require a conditional use permit based upon procedures set forth in and regulated by section 152.012 Conditional Use Permits of this chapter.
 - (1) Religious institutions, provided that the minimum side yard setbacks shall be thirty feet (30'), the same as the front yard setback.
- (E) Interim Uses. In addition to other uses specifically identified elsewhere in this chapter, and subject to applicable provisions of this section, the following are interim uses in the R-1 district and are further governed by section 152.013 Interim Use Permits of this chapter.

- (1) None.
- (F) Uses by Administrative Permit. In addition to other uses specifically identified elsewhere in this chapter, and subject to applicable provisions of this section and performance standards established by this chapter, and processing requirements of section 152.016 Administrative Permits of this chapter, the following are uses allowed in the R-1 district by administrative permit.
 - (1) Essential services.
 - (2) Model homes.
 - (3) Temporary structures as regulated by section 152.052 Temporary Structures of this chapter.
- (G) Lot Requirements, Setbacks and Building Height, The following minimum requirements shall be observed in the R-1 district subject to the additional requirements, exceptions and modifications set forth in this chapter.
 - (1) Lot area: 10,500 square feet.
 - (2) Lot area corner lot: 12,000 square feet
 - (3) Lot width: 80 feet.
 - (4) Lot width corner lot: 95 feet
 - (5) Front yard setback: 30 feet.
 - (6) Side yard setback: 10 feet.
 - (7) Side yard setback abutting public right of way: 25 feet
 - (8) Rear yard setback: 30 feet.
 - (9) Lot coverage: 35 percent.
 - (10) Maximum building height.
 - (a) Principal building: 35 feet or three (3) stories, whichever is less.
 - (b) Accessory buildings: 20 feet.

§ 152.087 (R-2) SINGLE AND TWO-FAMILY RESIDENTIAL DISTRICT.

- (A) Purpose. The purpose of the R-2 district is to provide for low to medium density single-family detached residential dwelling units and two-family attached residential units and directly related, complementary uses in areas without environmental constraints and amenities.
- (B) Permitted Uses. In addition to other uses specifically identified elsewhere in this chapter, the following uses are permitted in the R-2 district.
 - (1) Parks, trails, play fields, playgrounds, and directly related buildings and structures.
 - (2) Residential facility serving six (6) or fewer persons in a single-family detached dwelling.
 - (3) Single-family detached dwellings.
 - (4) Townhouses, detached only.
 - (5) Two-family dwelling units.
- (C) Permitted Accessory Uses. In addition to other uses specifically identified elsewhere in this chapter, the following are permitted accessory uses in the R-2 district.
 - (1) Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, interim, and administrative permit in this section, subject to applicable regulation of this chapter.
 - (2) Daycare facilities serving fourteen (14) or fewer persons in a single-family detached dwelling.
 - (3) Fences.
 - (4) Gardens for produce not to be offered for sale.
 - (5) Solar energy systems, ground source heat pump systems and roof-mounted wind energy conversion systems (WCES) as regulated by section 152.066 Alternative Energy Systems of this chapter.
 - (6) Home occupations.
 - (7) Play and recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted.
 - (8) Signs.
- (D) Conditional Uses. In addition to other uses specifically identified elsewhere in this chapter, the following are conditional uses in the R-2 district and require a conditional use permit based upon procedures set forth in and regulated by section 152.012 Conditional Use Permits of this chapter.
 - (1) Religious institutions, provided that the minimum side yard setbacks shall be twenty-five feet (25'), the same as the front yard setback for single-family detached dwellings.
 - (2) More than one principal residential building on one lot of record, provided that the applicable provisions of section 152.087 (R-2) Single and Two-Family Residential District (H) Common Areas of this section are satisfactorily met.
- (E) Interim Uses. In addition to other uses specifically identified elsewhere in this chapter, and subject to applicable provisions of this section, the following are interim uses in the R-2 district and are further governed by section 152.013 Interim Use Permits of this chapter.

- (1) None.
- (F) Uses by Administrative Permit. In addition to other uses specifically identified elsewhere in this chapter, and subject to applicable provisions of this section and performance standards established by this chapter, and processing requirements of section 152.016 Administrative Permits of this chapter, the following are uses allowed in the R-2 district by administrative permit.
 - (1) Essential services.
 - (2) Model homes.
 - (3) Temporary structures as regulated by section 152.052 Temporary Structures of this chapter.
- (H) Lot Requirements, Setbacks and Building Height, The following minimum requirements shall be observed in the R-2 district subject to the additional requirements, exceptions and modifications set forth in this chapter.
 - (1) Single-family detached dwellings.
 - (a) Lot area: Eight thousand four hundred (8,400) square feet.
 - (b) Lot area corner lot: Ten thousand (10,000) square feet.
 - (c) Lot width: Sixty-five feet (65').
 - (d) Lot width corner lot: Seventy-seven and one half feet (77.5').
 - (e) Front yard setback: Twenty-five feet (25').
 - (f) Side yard setback: Seven and one half feet (7.5').
 - (g) Side yard setback abutting public right of way: Twenty feet (20').
 - (h) Rear yard setback: Thirty feet (30').
 - (i) Lot coverage: Forty percent (40%).
 - (j) Maximum building height.
 - 1. Principal building: Thirty-five feet (35') or three (3) stories, whichever is less.
 - 2. Accessory buildings: Twenty feet (20').
 - (2) Detached townhouse and two-family dwellings.
 - (a) Unit Lots. The following minimum unit lot requirements shall be applied to the subdivision of detached townhouse and two-family dwellings to permit individual private ownership of a single dwelling within such a structure.
 - 1. Lot Area. Detached townhouse and two-family unit lots shall have sufficient lot area to include the living area, garages, decks, patios, or porches of the individual dwelling units.
 - (b) Base Lot Setbacks. A minimum setback of thirty feet (30') shall be required at the periphery of the base lot development in the rear yard.
 - (c) Building Setbacks. The following minimum internal setbacks shall be imposed on detached townhouse and two-family developments that include more than one principal structure on a base lot.
 - 1. Setback between buildings within the same base lot shall maintain a minimum separation of fifteen feet (15').
 - 2. Buildings shall be set back a minimum of twenty-five feet (25') from public rights of way.
 - (3) Common Areas. The following minimum requirements shall be observed in the R-2 district governing common areas.
 - (a) Ownership. All common areas within an R-2 development not dedicated to the public including, but not limited to, open space, driveways, private drives, parking areas, play areas, etc., shall be owned in one of the following manners.
 - 1. Common interest community pursuant to Minnesota Statutes 515B.
 - 2. Detached townhouse and two-family base lot common areas shall be owned by the owners of each unit lot, with each owner of a unit having an equal and undivided interest in the common area.
 - (b) A homeowners' association subject to review and approval of the City Council responsible for exterior building maintenance of two-family dwellings and common accessory buildings or structures, approval of any exterior architectural modifications, landscaping, snow clearing and regular maintenance of private driveways and other areas owned in common when there is more than one (1) individual property owner having interest within the development.
- (I) Development Density. The maximum development density within the R-2 district shall be determined by the following minimum lot area per unit standards.
 - (1) Single-family dwellings. As provided for in this section.
 - (2) Detached townhouse and two-family dwellings. Five thousand (5,000) square feet per unit.

§ 152.088 (R-3) TWO-FAMILY AND TOWNHOUSE RESIDENTIAL DISTRICT.

- (A) Purpose. The purpose of the R-3 district is to establish a medium density residential neighborhood which satisfies the following planning objectives.
 - (1) Creation of a cohesive medium density neighborhood that provides attractive living environments and contributes to the City's identity.

- (2) Provide attractive and durable medium density housing options as a means of addressing the City's life cycle housing needs.
 - (3) Preservation of natural landforms, open spaces, greenways for scenic enjoyment and recreational use through the regulation of medium density residential land use.
 - (4) Allows for the subdivision of two-family and townhouse base lots to permit individual private ownership of a single dwelling within such a structure.
- (B) Permitted Uses. In addition to other uses specifically identified elsewhere in this chapter, the following uses are permitted in the R-3 district.
- (1) Parks, trails, play fields, playgrounds, and directly related buildings and structures.
 - (2) Residential facilities serving sixteen (16) or fewer persons.
 - (3) Townhouses, up to six (6) units in a row or eight (8) units back to back.
 - (4) Townhouses, detached.
 - (5) Two-family dwelling units.
 - (6) More than one principal building on a base lot.
- (C) Permitted Accessory Uses. In addition to other uses specifically identified elsewhere in this chapter, the following are permitted accessory uses in the R-3 district.
- (1) Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, interim, and administrative permit in this section, subject to applicable regulation of this chapter and only those accessory buildings, structures, or fences owned and maintained by a homeowners' association shall be erected on a common base lot for detached townhouse or two-family dwellings.
 - (2) Fences.
 - (3) Solar energy systems, ground source heat pump systems and roof-mounted wind energy conversion systems (WCES) as regulated by section 152.066 Alternative Energy Systems of this chapter.
 - (4) Home occupations.
 - (5) Play and recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted.
 - (6) Signs.
- (D) Conditional Uses. In addition to other uses specifically identified elsewhere in this chapter, the following are conditional uses in the R-3 district and require a conditional use permit based upon procedures set forth in and regulated by section 152.012 Conditional Use Permits of this chapter.
- (1) Religious institutions, provided that the minimum side yard setbacks shall be twenty-five feet (25'), the same as the front yard setback to public rights of way.
 - (2) More than one principal residential building on one lot of record, provided that the applicable provisions of section 152.087 (R-2) Single and Two-Family Residential District (H) Common Areas of this section are satisfactorily met.
- (E) Interim Uses. In addition to other uses specifically identified elsewhere in this chapter, and subject to applicable provisions of this section, the following are interim uses in the R-3 district and are further governed by section 152.013 Interim Use Permits of this chapter.
- (1) None.
- (G) Uses by Administrative Permit. In addition to other uses specifically identified elsewhere in this chapter, and subject to applicable provisions of this section and performance standards established by this chapter, and processing requirements of section 152.016 Administrative Permits of this chapter, the following are uses allowed in the R-3 district by administrative permit.
- (1) Essential services.
 - (2) Model homes.
 - (3) Temporary structures as regulated by section 152.052 Temporary Structures of this chapter.
- (H) Lot Requirements and Setbacks. The following minimum requirements shall be observed in the R-3 district subject to additional requirements, exceptions and modifications set forth in this chapter.
- (1) Detached Townhouse, Two-Family and Townhouse Dwellings.
 - (a) Unit Lots. The following minimum unit lot requirements shall be applied to the subdivision of detached townhouse, two-family or townhouse dwellings to permit individual private ownership of a single dwelling within such a structure.
 - 1. Lot Area. Detached townhouse, two-family or townhouse unit lots shall have sufficient lot area to include the living area, garages, decks, patios or porches of the individual dwelling units.
 - (b) Base Lot Setbacks. A minimum setback of thirty feet (30') shall be required at the periphery of the base lot development in the rear yard.
 - (c) Building Setbacks. The following minimum internal setbacks shall be imposed on developments that include more than one principal structure on a base lot.
 - 1. Minimum setback between buildings within the same base lot.
 - i. Detached townhouse and two-family. Fifteen feet (15').

- ii. Townhouse. Twenty feet (20').
 - 2. Buildings shall be set back a minimum of twenty-five feet (25') from the back of curb line of private drives, twenty-five feet (25') from public rights of way, and fifteen feet (15') from guest parking areas.
- (2) Lot coverage: Fifty percent (50%).
- (3) Maximum building height.
 - (a) Principal building: Thirty-five feet (35') or three (3) stories, whichever is less.
 - (b) Accessory buildings: Twenty feet (20').
- (I) Common Areas. The following minimum requirements shall be observed in the R-3 district governing common areas.
 - (1) Ownership. All common areas within an R-3 development not dedicated to the public including, but not limited to, open space, driveways, private drives, parking areas, play areas, etc., shall be owned in one of the following manners.
 - (a) Common interest community pursuant to Minnesota Statutes 515B.
 - (b) Detached townhouse, two-family and townhouse base lot common areas shall be owned by the owners of each unit lot, with each owner of a unit having an equal and undivided interest in the common area.
 - (2) A homeowners' association subject to review and approval of the City Council responsible for exterior building maintenance of two-family and townhouse dwellings and common accessory buildings or structures, approval of any exterior architectural modifications, landscaping, snow clearing and regular maintenance of private driveways and other areas owned in common when there is more than one (1) individual property owner having interest within the development.
- (J) Development Density. The maximum development density within the R-3 district shall be determined by the following minimum lot area per unit standards.
 - (1) Detached townhouse and two-family dwellings. Five thousand (5,000) square feet per unit.
 - (2) Attached townhouse dwellings. Three thousand eight hundred (3,800) square feet per unit.
- (K) Design and Construction Standards.
 - (1) The provisions of this section shall apply to all detached townhouse dwellings, two-family dwellings platted in a unit and base lot configuration, and townhouse dwellings. Single-family dwellings are exempt from the requirements of this section.
 - (2) Unit Construction.
 - (a) Subdivision Requests. Building elevations and floor plans shall be furnished with subdivision requests illustrating exterior building material and colors to demonstrate compliance with section 152.063 Building Design Standards of this chapter.
 - (b) Decks or Porches. Provision shall be made for possible decks, porches or additions as part of the initial dwelling unit building plans. The unit lot shall be configured and sized to include decks or porches.
 - (c) Exterior Building Finish, Detached Townhouse Dwelling, Two-Family, and Townhouse Dwelling Units. The exterior of detached townhouse, two-family and townhouse dwelling units shall include a variation in building materials which are to be distributed throughout the building elevations and coordinated into the architectural design of the structure to create an architecturally balanced appearance.
 - (3) Garages.
 - (a) Each dwelling unit shall include an attached garage.
 - (b) Garages shall comply with the following minimum size standards.
 - 1. For dwellings with basements Four hundred forty (440) square feet.
 - 2. For dwellings without basements: Four hundred and eighty (480) square feet.
 - 3. Garages shall be a minimum of twenty feet (20') in width measured by interior dimensions.
 - (c) The area of an attached garage shall be measured by interior dimensions.
 - (4) Outside Storage. Outside storage shall be allowed only in designated areas which are screened in accordance with section 152.058 Outside Storage of this chapter and under the ownership of the property owners' association subject to other applicable provisions of this chapter.
 - (5) Utilities.
 - (a) Underground or Exterior Service. All utilities serving an R-3 district subdivision, including telephone, electricity, gas and tele-cable shall be installed underground. Exterior utility meters and/or fixtures shall be located in interior side or rear yards when possible.
 - (b) Public Utility Service. Separate public utility services shall be provided to each unit unless exempted by the City.
 - (c) Water Connection. Individual unit shutoff valves shall be provided.
 - (d) Sewer Connection. Where more than one unit is served by a sanitary sewer service, all maintenance and cleaning shall be the responsibility of the property owners' association or owners.
 - (6) Drives.
 - (a) Dead end private drives shall serve a maximum of one structure or six (6) units per side.
 - (b) Private drives shall be under the ownership and control of the property owners' association who shall be responsible for the maintenance, repair, and replacement of surfacing. Said association shall maintain a capital

improvement program for the driveways under its ownership.

(c) Private drives must include areas for snow storage.

(d) Private drives shall be a minimum of twenty-four feet (24') in width (back of curb to back of curb) and shall be posted as no parking zones on both sides of the drive.

(7) Guest Parking.

(a) Number of Spaces.

1. At minimum, one-half (½) of guest parking spaces per unit shall be provided in an off-street parking lot or private drive at locations dispersed within the development to provide convenient access to individual dwelling units.

2. Detached townhouse uses accessed by public streets shall be exempt from the requirement to provide guest parking stalls.

(b) The design and location of the off-street parking shall be between or to the side of buildings in a manner compatible with surrounding dwelling units, including, but not limited to, a minimum fifteen foot (15') setback from principal buildings, decks, patios or other open spaces intended for active use.

(8) Landscaping/Screening/Lighting. A detailed landscaping and lighting plan shall be provided and implemented pursuant to section 152.030 Exterior Lighting of this chapter. Said landscaping and screening shall address the following.

(a) All open areas of the development project which are not used or improved for required parking areas, drives or storage shall be landscaped with a combination of overstory trees, understory trees, shrubs, flowers and ground cover materials. The plan for landscaping shall include ground cover, bushes, shrubbery, trees, sculpture, fountains, decorative walks or other similar site design features.

(b) Landscaping at the boundary of the site adjoining another property and the immediate perimeter of the principal structure.

(c) Buffer yard landscaping for yards bordering major collector and arterial streets.

(d) All boulevards shall be sodded.

(e) Screening of designated outdoor storage areas.

(f) All landscaped areas, including public rights of way adjacent to the property, shall have an inground irrigation system with an automatic controller.

§ 152.089 (R-4) MULTIPLE-FAMILY RESIDENTIAL DISTRICT.

(A) Purpose. The purpose of the R-4 district is to provide for high density housing in multiple-family structures and directly related complementary uses at appropriate locations within the City.

(B) Permitted Uses. In addition to other uses specifically identified elsewhere in this chapter, the following uses are permitted in the R-4 district.

(1) Multiple-family dwelling structures.

(2) Parks, trails, play fields, playgrounds, and directly related buildings and structures.

(3) Residential facilities serving sixteen (16) or fewer persons.

(4) Senior housing.

(5) Nursing home, assisted or continuing care retirement community.

(6) Townhouses, up to eight (8) units in a row or twelve (12) units back-to-back.

(C) Permitted Accessory Uses. In addition to other uses specifically identified elsewhere in this chapter, the following are permitted accessory uses in the R-4 district.

(1) Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, interim, and administrative permit in this section, subject to applicable regulation of this chapter and only those accessory buildings, structures, or fences owned and maintained by a homeowners' association shall be erected on a common base lot for detached townhouse or two-family dwellings.

(2) Fences.

(3) Solar energy systems, ground source heat pump systems and roof-mounted wind energy conversion systems (WCES) as regulated by section 152.066 Alternative Energy Systems of this chapter.

(4) Home occupations.

(5) Play and recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted.

(6) Signs.

(7) Administrative offices, meeting rooms, classrooms, and food preparation in multiple family dwellings which are incidental and directly related to the primary use.

(8) Private garages, off-street parking and off-street loading for multiple family dwellings.

(D) Conditional Uses. In addition to other uses specifically identified elsewhere in this chapter, the following are conditional uses in the R-4 district and require a conditional use permit based upon procedures set forth in and regulated by section

152.012 Conditional Use Permits of this chapter.

- (1) Religious institutions, provided that the minimum side yards shall be twenty-five feet (25'), the same as the front yard setback to public rights of way.
 - (2) More than one principal residential building on one lot of record, provided that the applicable provisions of section 152.089 (R-4) Multiple-Family Residential District (H) Common Areas of this section are satisfactorily met.
 - (3) Daycare as an accessory use.
- (E) Interim Uses. In addition to other uses specifically identified elsewhere in this chapter, and subject to applicable provisions of this section, the following are interim uses in the R-4 district and are further governed by section 152.013 Interim Use Permits of this chapter.
- (1) None.
- (F) Uses by Administrative Permit. In addition to other uses specifically identified elsewhere in this chapter, and subject to applicable provisions of this section and performance standards established by this chapter, and processing requirements of section 152.016 Administrative Permits of this chapter, the following are uses allowed in the R-4 district by administrative permit.
- (1) Essential services.
 - (2) Model homes.
 - (3) Temporary structures as regulated by section 152.052 Temporary Structures of this chapter.
- (G) Lot Requirements and Setbacks. The following minimum requirements shall be observed in the R-4 district subject to additional requirements, exceptions and modifications set forth in this chapter.
- (1) Base Lot Minimums. Within the R-4 district, the following minimum base lot requirements shall be imposed. The base lot shall represent the smallest lot or parcel which may accommodate development within the framework of the permitted density of section 152.189 (R-4) Multiple-Family Residential District (I) Development Density of this section prior to subdivision of unit lots.
 - (a) Lot area: Twenty thousand (20,000) square feet.
 - (b) Lot width: One hundred feet (100').
 - (2) Two-Family and Townhome dwellings. The following minimum unit lot requirements shall be applied to the subdivision of two-family dwellings or townhouses to permit individual private ownership of a single dwelling within such a structure.
 - (a) Lot Area. Two-family or townhouse unit lots shall have sufficient lot area to include the living area, garages, decks, patios, or porches of the individual dwelling units.
 - (3) Base Lot Setbacks. A minimum setback of thirty feet (30') shall be required at the periphery of the base lot development in the rear yard.
 - (4) Building Setbacks. The following minimum internal setbacks shall be imposed on developments that include more than one principal structure on a base lot.
 - (a) Minimum setback between buildings within the same base lot.
 1. Two-family: Fifteen feet (15').
 2. Townhouse: Twenty feet (20').
 3. Multiple-family, senior housing and nursing homes: Twenty-five feet (25').
 - (b) Buildings shall be set back a minimum of twenty-five feet (25') from the back of curb line of private drives, twenty feet (20') from public rights of way and fifteen feet (15') from parking areas.
 - (5) Lot coverage: Fifty percent (50%) for two-family and townhouse and sixty percent (60%) for multiple family and senior housing.
 - (6) Maximum Building Height.
 - (a) Principal building: Four (4) stories or forty-five feet (45'), whichever is less.
 - (b) Accessory buildings: Twenty feet (20').
- (H) Common Areas. The following minimum requirements shall be observed in the R-4 district governing common areas.
- (1) Ownership. All common areas within an R-4 development not dedicated to the public including, but not limited to, open space, driveways, private drives, parking areas, play areas, etc., shall be owned in one of the following manners.
 - (a) Condominium ownership pursuant to Minnesota statutes 515A.1-106.
 - (b) Two-family and townhouse subdivision common areas shall be owned by the owners of each unit lot, with each owner of a unit having an equal and undivided interest in the common area.
 - (2) A homeowners' association subject to review and approval of the City Council responsible for exterior building maintenance of two-family dwellings, townhouse dwellings, and common accessory buildings or structures, approval of any exterior architectural modifications, landscaping, snow clearing and regular maintenance of private driveways and other areas owned in common when there is more than one (1) individual property owner having interest within the development.
- (I) Development Density. The maximum development density within the R-4 district shall be determined by the following minimum lot area per unit standards.
- (1) Townhouse dwellings. Three thousand eight hundred (3,800) square feet per unit.

- (2) Multiple-family dwellings.
 - (a) One thousand five hundred (1,500) square feet per unit.
 - (b) Buildings on lots abutting an R-1 or R-2 districts shall not exceed a floor area ratio of seven-tenths (0.7).
- (3) Senior assisted living or continuing care retirement communities and nursing homes: One thousand (1,000) square feet per unit.
- (4) Two-family dwellings. Five thousand (5,000) square feet per unit.
- (J) Design and Construction Standards.
 - (1) Design and construction standards for two-family and townhouse dwellings shall be as specified in section 152.088 (R-3) Medium-Density Residential District, (K) Design and Construction Standards of this chapter.
 - (2) The exterior of multiple-family dwelling structures, senior housing and nursing homes shall include a variation in building materials which are to be distributed throughout the building elevations and coordinated into the architectural design of the structure to create an architecturally balanced appearance. In addition, multiple-family dwelling structures shall comply with the following requirements.
 - (a) A minimum of fifty percent (50%) of the combined area of all elevations of a structure shall have an exterior finish of brick, stucco and/or natural or artificial stone.
 - (b) For the purposes of this section, the area of the building elevation shall not include area devoted to windows, entrance doors, garage doors, or roof areas.

§ 152.090 (C-1) HIGHWAY BUSINESS DISTRICT.

- (A) Purpose. The purpose of the C-1 district is to provide appropriate areas in proximity to arterial and collector roadways for commercial retail and service establishments that are motor vehicle oriented and not compatible with the desired character of the downtown.
- (B) Permitted uses. In addition to other uses specifically identified elsewhere in this chapter, the following uses are permitted in the C-1 district.
 - (1) Commercial establishments which are oriented to the motorist, such as motor vehicle fuel stations and convenience stores, motor vehicle repair shops and car washes.
 - (2) Essential service structures.
 - (3) Offices and administrative facilities.
 - (4) Medical related clinics/uses and offices.
 - (5) Banking/financial institutions.
 - (6) Laundromats and dry cleaners.
 - (7) Barber and beauty shops.
 - (8) Religious Institutions.
 - (9) Off-liquor sales.
 - (10) Daycare facilities.
 - (11) Funeral homes and mortuaries.
 - (12) Veterinary clinic, animal care, animal shelter, pet daycare, pet training, or animal hospital.
 - (13) Bank, savings and loan, savings credit unions and other financial institutions.
 - (14) Commercial recreation, indoor.
 - (15) Restaurants without a drive through service window.
 - (16) Restaurants with on-sale liquor.
 - (17) Hotels and motels.
 - (18) Private clubs or lodges serving food and beverages with on-sale liquor.
 - (19) Off-street parking as a principal use.
 - (20) Retail businesses.
 - (21) Service businesses.
 - (22) Tattoo parlors.
 - (23) Fitness centers and health clubs.
 - (24) Brewpub.
- (C) Permitted Accessory Uses. In addition to other uses specifically identified elsewhere in this chapter, the following are permitted accessory uses in the C-1 district.
 - (1) Roof-mounted wind energy conversion systems (WECS) as regulated by section 152.066 Alternative Energy Systems of this chapter.
 - (2) Ground source heat pump systems as regulated by section 152.066 Alternative Energy Systems of this chapter.
 - (3) Roof or building mounted, ground mounted and community solar energy systems as regulated by section 152.066 Alternative Energy Systems of this chapter.
 - (4) Buildings and structures for a use accessory to the principal use but such use shall not exceed thirty percent (30%) of the gross floor space of the principal use.
 - (5) Fences as regulated by section 152.057 Fences of this chapter.

- (6) Signs as regulated by section 152.071 Sign Regulations of this chapter.
 - (7) Off-street loading as regulated by section 152.068 Off-street Loading Requirements of this chapter.
 - (8) Off-street parking as regulated by section 152.067 (Off-street Parking and Driveway Requirements of this chapter, including semitrailer trucks.
- (D) Conditional Uses. In addition to other uses specifically identified elsewhere in this chapter, the following are conditional uses in the C-1 district and require a conditional use permit based upon procedures set forth in and regulated by section 152.012 Conditional Use Permits of this chapter.
- (1) Wind energy conversion systems (WECS) mounted on a tower.
 - (2) Restaurants with a drive through service window. Restrictions include.
 - (a) No drive through restaurant shall be located within three hundred feet (300') of a school or religious institution.
 - (b) No drive through restaurant shall be located within one hundred feet (100') feet of any residentially zoned property, provided.
 - 1. No public address system shall be audible from any residential zone.
 - 2. Screening of the property from residential areas will be required. The City may require fencing, earthen berms and landscaping, or any other method or combination deemed appropriate to accomplish the required screening.
 - (c) No drive through restaurant shall be located on any street other than an arterial roadway, collector roadway or business service road.
 - (d) No access drive shall be within one hundred feet (100') feet of intersecting street right-of- way lines.
 - (e) Adequate areas shall be designated for snow storage such that clear visibility shall be maintained from the property to any public street.
 - (3) Automobile repair provided that.
 - (a) Not less than twenty five percent (25%) of the lot, parcel or tract of land shall remain as landscaped green area according to the approved landscape plan.
 - (b) The entire area other than occupied by buildings or structures or planting shall be surfaced with bituminous material or concrete which will control dust and drainage. The entire area shall have a perimeter curb barrier, a stormwater drainage system and is subject to the approval of the City Engineer.
 - (c) The hours of operation shall be between seven o'clock (7:00) A.M. and eight o'clock (8:00) P.M. Evening hours of operation shall be subject to the approval by the City.
 - (d) All painting must be conducted in an approved paint booth. All paint booths and all other activities of the operation shall thoroughly control the emission of fumes, dust or other particulate matter so that the use shall be in compliance with the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 1-15, as amended.
 - (4) Commercial car washes (drive-through, mechanical and self-service) provided that.
 - (a) A car wash that is accessory to a convenience store/motor fuel facility shall be included as part of the principal building.
 - (b) Magazine or stacking space is constructed to accommodate six (6) vehicles per wash stall and shall be subject to the approval of the City Engineer.
 - (c) Magazine or stacking space must not interfere with on-site circulation patterns or required on-site parking or loading areas.
 - (d) Parking or car magazine storage space shall be screened from view of abutting residential districts.
 - (e) For self-service and single stall car washes, the exterior vehicle doors of the car wash must remain closed during the entire operation cycle.
 - (f) For drive-through car washes servicing multiple vehicles at once, the exterior vehicle doors shall remain closed except as a vehicle is preparing to or actively entering or exiting the wash tunnel.
 - (g) Mechanical equipment for vacuum machines shall be located such that sound levels measured at the property line do not exceed seventy decibels (70 dB).
 - (h) Untreated water from the car wash shall not be discharged into the storm sewer.
 - (i) Hours of operation shall be limited to 7:00 a.m. to 9:00 p.m. unless further limited by the City.
 - (5) Commercial recreation, outdoor.
 - (6) Motor vehicle fuel sales with or without convenience grocery and/or prepared food.
 - (a) The sale of food items is in compliance with state and county standards.
 - (b) Vehicle fuel facilities are installed in accordance with state standards. Adequate space shall be provided to access fueling station and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by automotive fuel transports and unloading operations minimize conflict with circulation, access and other activities on the site.
 - (c) Wherever fuel stations are to be installed, station islands shall be installed.
 - (d) An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.
 - (7) Motor vehicle sales, including new and used automobiles, trucks, motorcycles, recreational vehicles and equipment,

boats and marine sales, and/or rental of said vehicles and equipment provided that.

- (a) The areas for parking, storage, or display of vehicles for sale or rental are fenced or screened from view of neighboring residential uses or an abutting residential district.
 - (b) The area for parking, storage, or display of vehicles for sales or rental is surfaced with bituminous material or concrete.
 - (c) The area for parking, storage, or display of vehicles for sales or rental does not take up parking space as required for conformity to this chapter.
 - (d) Hours of operation shall be limited to seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M. unless otherwise allowed by the City.
 - (e) Accessory automobile repair shall require the processing of a separate conditional use permit(s).
- (8) Pet shops which may include pet grooming, pet supplies, and/or pet accessories, provided that.
- (a) All areas in which animals are confined are located indoors and are properly soundproofed from adjacent properties or tenants in the case of multiple-occupancy buildings.
 - (b) Animal wastes are disposed of at least once each day via an existing sanitary sewer system or enclosed in a container of sufficient construction at least once a day to minimize odors.
 - (c) The floors and walls of pet grooming areas are made of nonporous materials or sealed concrete to make them nonporous.
 - (d) No commercial boarding or kenneling of animals shall be allowed.
 - (e) The breeding of cats and dogs is prohibited unless expressly allowed by the conditional use permit.
 - (f) All animals to be sold are acquired from a licensed animal broker.
- (9) Theaters, indoor.
- (10) Veterinary clinics provided that.
- (a) All areas in which animals are confined are located indoors and are properly soundproofed from adjacent properties.
 - (b) Animal carcasses are properly disposed of in a manner not utilizing on site garbage facilities or incineration and the carcasses are properly refrigerated during periods prior to disposal.
 - (e) Animal kennels for dogs, cats and other domestic animals provided that.
 - (a) The facility shall be licensed in accordance with the rules of the Minnesota Board of Animal Health.
 - (b) Indoor animal kennel floors and walls shall be made of nonporous materials or sealed to make it nonporous.
 - (c) A room or cage separate from the primary kennel area shall be provided to adequately separate animals that are sick or injured from healthy animals.
 - (d) All animal waste shall be disposed of at least once per day to prevent a public nuisance by being flushed down an existing sanitary sewer system or enclosed in a container of sufficient construction to eliminate odors and organisms that shall be emptied by a waste disposal service a minimum of two (2) times every seven (7) days, or as otherwise determined to be necessary to protect public health, safety and welfare.
 - (e) A ventilation system shall be provided capable of completely exchanging internal air.
 - (f) Within a multiple tenant building, there shall be adequate physical separation, including soundproofing, between the kennel and other individual tenant spaces to protect public health and safety and prevent nuisance issues.
 - (g) Outdoor exercise areas shall be allowed for a kennel within a single occupancy building only, subject to the following requirements.
 - 1. The property shall be set back a minimum of five hundred feet (500') from any Residential District.
 - 2. The outdoor exercise area shall be located only within an interior side yard or rear yard.
 - 3. The outdoor exercise area shall be set back a minimum of fifteen feet (15') from all lot lines.
 - 4. A solid fence with a minimum height of six feet (6') shall be provided to screen the outdoor exercise area from surrounding properties and public rights-of-way.
 - 5. An attendant shall be present at all times to control animals that are outdoors and prevent nuisance issues including, but not limited to, noise.
 - 6. No animals shall be allowed to be outdoors between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M.
- (11) Micro-distilleries with tasting rooms.
- (12) Small breweries with taprooms.
- (13) Multiple principal buildings on one (1) lot of record.
- (E) Interim Uses. In addition to other uses specifically identified elsewhere in this chapter, and subject to applicable provisions of this section, the following are interim uses in the C-1 district and are further governed by section 152.013 Interim Use Permits of this chapter.
- (1) Outdoor service, sale and rental as an accessory use, provided that.
 - (a) Outside services, sales and equipment rental connected with the principal use is limited to thirty percent (30%) of the gross floor area of the principal use.
 - (b) Outside sales areas are fenced or screened from view of neighboring residential uses or an abutting residential district.

- (c) Sales area is surfaced with asphalt, concrete or pavers to control dust.
- (d) The use does not take up parking space as required for conformity to this chapter.
- (e) The interim use permit shall terminate upon a change of occupancy or other date as determined by the City Council in accordance with section 152.013 Interim Use Permits of this chapter.
- (2) Outdoor storage as an accessory use, provided that.
 - (a) Outside storage connected with the principal use is limited to thirty percent (30%) of the gross floor area of the principal use.
 - (b) The storage area is fenced and screened from view of neighboring residential uses, abutting residential districts and the public right-of-way.
 - (c) The storage area is surfaced with asphalt, concrete or pavers to control dust.
 - (d) The storage area does not take up parking space as required for conformity with this chapter.
 - (e) The storage does not include any waste.
 - (f) The interim use permit shall terminate upon a change of occupancy or other date as determined by the City Council.
- (3) Cannabis businesses including cannabis retail and cannabis delivery as regulated by Chapter 115: Cannabis Businesses of the Mayer, Minnesota Code of Ordinances.
- (F) Uses by Administrative Permit. In addition to other uses specifically identified elsewhere in this chapter, and subject to applicable provisions of this section and performance standards established by this chapter, and processing requirements of section 152.016 Administrative Permits of this chapter, the following are uses allowed in the C-1 district by administrative permit.
 - (1) Daycare accessory to a principal use.
 - (2) Sales, rental or display (indoor and outdoor) as an accessory use in association with an allowed principal use provided that.
 - (a) The area so occupied shall not exceed ten percent (10%) of the principal building.
 - (b) No storage or display of merchandise shall be permitted in required rear, side or front yards and shall be limited to the area of the customer entrances.
 - (c) The outdoor sales, rental, or display area shall not occupy space required for parking.
 - (3) Temporary structures as regulated by section 152.052 Temporary Structures of this chapter.
 - (4) Essential services.
- (G) Lot Requirements, Setbacks and Building Height. The following minimum requirements shall be observed in the C-1 district subject to the additional requirements, exceptions and modifications set forth in this chapter.
 - (1) Lot area: 20,000 square feet.
 - (2) Lot width: 100 feet.
 - (3) Front yard setback: 20 feet.
 - (4) Side yard setback: 20 feet or 30 feet abutting a residential district.
 - (5) Side yard setback abutting public right of way: 20 feet.
 - (6) Rear yard setback: 30 feet.
 - (7) Lot coverage: 75 percent.
 - (8) Maximum building height.
 - (a) Principal building: 40 feet.
 - (b) Accessory buildings: 20 feet.

§ 152.091 (C-2) CENTRAL BUSINESS DISTRICT.

- (A) Purpose. The purpose of the C-2 district is to recognize the existing “downtown” area of Mayer and its function as a social, trade, and service center for residents of the City and surrounding agricultural areas and specifically for the regulation of high intensity commercial uses. The C-2 district shall encourage the continuation of a viable downtown by promoting uses dependent on high volumes of pedestrian traffic, provide for regulation of the high intensity commercial and public uses located within the original core of the city and to encourage limited areas of parks and green space in the downtown. The C-2 district provides space for concentrated general business and commercial activities at locations where they are easily accessible to residential areas and, at the same time, minimizing negative impacts to residential neighborhoods.
- (B) Permitted uses. In addition to other uses specifically identified elsewhere in this chapter, the following uses are permitted in the C-2 district.
 - (1) Retail businesses. (grocery store, hardware, drug, clothing, furniture, eating and drinking places).
 - (2) Service businesses (laundry, barber, shoe repair, beauty salon, photography studio).
 - (3) Professional services (medical, dental, attorney).
 - (4) Insurance and real estate services.
 - (5) Repair services (jewelry, radio/television, but not auto-repair).

- (6) Bank, savings and loan, savings credit unions and other financial institutions.
 - (7) Banquet facilities with on-sale liquor.
 - (8) Commercial recreation, indoor.
 - (9) Tattoo parlors.
 - (10) Restaurants without a drive through service window.
 - (11) Daycare.
 - (12) Funeral homes and mortuaries.
 - (13) Governmental and public buildings and structures.
 - (14) Hotels.
 - (15) Offices and administrative facilities.
 - (16) Private clubs or lodges serving food and beverages with on-sale liquor.
 - (17) Restaurants, general with on-sale liquor.
 - (18) Brewpub.
 - (19) Off-street parking as a principal use.
- (C) Permitted Accessory Uses. In addition to other uses specifically identified elsewhere in this chapter, the following are permitted accessory uses in the C-2 district.
- (1) Roof-mounted wind energy conversion systems (WECS) as regulated by section 152.066 Alternative Energy Systems of this chapter.
 - (2) Roof or building mounted, ground mounted and community solar energy systems as regulated by section 152.066 Alternative Energy Systems of this chapter.
 - (3) Ground source heat pump systems as regulated by section 152.066 Alternative Energy Systems of this chapter.
 - (4) Buildings and structures for a use accessory to the principal use but such use shall not exceed thirty percent (30%) of the gross floor space of the principal use.
 - (5) Fences as regulated by section 152.057 Fences of this chapter.
 - (6) Signs as regulated by section 152.071 Sign Regulations of this chapter.
 - (7) Off-street loading as regulated by section 152.068 Off-street Loading Requirements of this chapter.
Off-street parking as regulated by section 152.067 (Off-street Parking and Driveway Requirements of this chapter, including semitrailer trucks.
- (D) Conditional Uses. In addition to other uses specifically identified elsewhere in this chapter, the following are conditional uses in the C-2 district and require a conditional use permit based upon procedures set forth in and regulated by section 152.012 Conditional Use Permits of this chapter.
- (1) Motor vehicle fuel sales with or without convenience grocery and/or prepared food, provided that.
 - (a) The sale of food items is in compliance with state and county standards.
 - (b) Vehicle fuel facilities are installed in accordance with state standards. Adequate space shall be provided to access fueling station and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by automotive fuel transports and unloading operations minimize conflict with circulation, access and other activities on the site.
 - (c) Wherever fuel stations are to be installed, station islands shall be installed.
 - (d) An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.
 - (2) Multiple-family dwellings within a building provided that.
 - (a) The residential dwelling units shall be located on the second floor or above and shall not be located on the main or street level story of the structure.
 - (b) Off-street parking for the dwelling units shall be provided as required in section 152.067 Off-street Parking and Driveway Requirements of this chapter.
 - (c) An internal site pedestrian circulation system consisting of sidewalks shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles clear of any obstacles or impediments.
 - (d) Stair access to the residential dwelling units shall not be located on any side of the structure which faces a public right-of-way except for alleys.
 - (e) The design of the dwelling units shall be such that their use for residential purposes is not readily apparent from a public right-of-way.
 - (3) Off-street parking as a principal use.
 - (4) Multiple principal buildings on one (1) lot of record.
 - (5) Drive-through service windows accessory to an allowed use, other than for convenience restaurants, provided that the following additional criteria are satisfied.
 - (a) Stacking. Segregated automobile stacking lane sufficient for the traffic generated by the use shall be provided for the service window.
 - (b) Traffic Control. The stacking lane and its access shall be designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.

- (c) Use of Street. No part of the public street or boulevard shall be used for stacking of automobiles.
- (d) Screening. The drive through service window and stacking lane shall be screened from view of adjacent residential properties.
- (6) Fitness centers limited to two thousand (2,000) square feet of gross floor area or less provided that.
 - (a) Adequate off-street parking shall be provided in compliance with section 152.067 Off-street Parking and Driveway Requirements of this chapter.
 - (b) Hours of operation shall be limited to five o'clock (5:00) A.M. to eleven o'clock (11:00) P.M. unless otherwise allowed by the City Council.
- (7) Religions institutions.
- (8) Theaters, indoor.
- (9) Micro-distilleries with tasting rooms.
- (10) Small breweries and taprooms.
- (E) Interim Uses. In addition to other uses specifically identified elsewhere in this chapter, and subject to applicable provisions of this section, the following are interim uses in the C-2 district and are further governed by section 152.013 Interim Use Permits of this chapter.
 - (1) Cannabis businesses including cannabis retail as regulated by Chapter 115: Cannabis Businesses of the Mayer, Minnesota Code of Ordinances.
 - (2) Outdoor service, sale and rental as an accessory use, provided that.
 - (a) Outside services, sales and equipment rental connected with the principal use is limited to thirty percent (30%) of the gross floor area of the principal use.
 - (b) Outside sales areas are fenced or screened from view of neighboring residential uses or an abutting residential district.
 - (c) Sales area is surfaced with asphalt, concrete or pavers to control dust.
 - (d) The use does not take up parking space as required for conformity to this chapter.
 - (e) The interim use permit shall terminate upon a change of occupancy or other date as determined by the City Council in accordance with section 152.013 Interim Use Permits of this chapter.
 - (3) Outdoor storage as an accessory use, provided that.
 - (a) Outside storage connected with the principal use is limited to thirty percent (30%) of the gross floor area of the principal use.
 - (b) The storage area is fenced and screened from view of neighboring residential uses, abutting residential districts and the public right-of-way.
 - (c) The storage area is surfaced with asphalt, concrete or pavers to control dust.
 - (d) The storage area does not take up parking space as required for conformity with this chapter.
 - (e) The storage does not include any waste.
 - (f) The interim use permit shall terminate upon a change of occupancy or other date as determined by the City Council.
 - (4) Single-family dwellings existing as of Zoning Ordinance approval date, 2026, provided that.
 - (a) The use shall be subject to the requirements applicable to single-family detached dwelling uses within the R-2 district.
 - (b) The interim use shall terminate upon subdivision or redevelopment of the property for a use allowed within the C-2 district.
- (H) Uses by Administrative Permit. In addition to other uses specifically identified elsewhere in this chapter, and subject to applicable provisions of this section and performance standards established by this chapter, and processing requirements of section 152.016 Administrative Permits of this chapter, the following are uses allowed in the C-2 district by administrative permit.
 - (1) Daycare accessory to a principal use.
 - (2) Sales, rental or display (indoor and outdoor) as an accessory use in association with an allowed principal use provided that.
 - (a) The area so occupied shall not exceed ten percent (10%) of the principal building.
 - (b) No storage or display of merchandise shall be permitted in required rear, side or front yards and shall be limited to the area of the customer entrances.
 - (c) The outdoor sales, rental, or display area shall not occupy space required for parking.
 - (3) Temporary structures as regulated by section 152.052 Temporary Structures of this chapter.
 - (4) Essential services.
- (I) Lot Requirements, Setbacks and Building Height. The following minimum requirements shall be observed in the C-2 district subject to the additional requirements, exceptions and modifications set forth in this chapter.
 - (1) Lot area: 7,500 square feet.
 - (2) Lot width: 50 feet.
 - (3) Front yard setback: None.
 - (4) Side yard setback: None.

- (5) Side yard setback abutting public right of way: None.
 - (6) Rear yard setback: None.
 - (7) Lot coverage: None.
 - (8) Maximum building height.
 - (a) Principal building: 40 feet or four (4) stories, whichever is less.
 - Accessory buildings: 20 feet.
- (J) Design Standards. The following special requirements shall apply to those uses in the C-2 district in addition to the requirements listed in section 152.063 Building Design Standards of this chapter.
- (1) Intent. The standards and guidelines set forth in this district are intended to encourage sensitive architectural rehabilitation and preservation of the older significant buildings as well as establish standards for new developments which emphasize harmonious and unifying architectural design that will tie the entire district together. All property located within this district shall be subject to all other applicable standards, procedures and regulations as specified within the Mayer, Minnesota Code of Ordinances. Where the provisions of the C-2 district and the other portions of the Mayer Code of Ordinances are in conflict, the more stringent requirement shall apply.
 - (2) Permitted, accessory, conditional, interim and administrative uses. All buildings, structures, land or premises shall be used, erected, constructed, reconstructed moved or altered according to the uses identified or described in this section.
 - (3) Lot and setback requirements.
 - (a) Minimum setbacks. No front yard, side yard or rear yard setbacks shall be required except as provided elsewhere in this section provided that the structure meets the following requirements.
 - 1. Structures must be designed to prevent snow, ice and other precipitation from falling on any public sidewalk.
 - 2. In order to reinforce the existing building line and to facilitate pedestrian access and circulation, all new principal buildings shall be built to the front property lines and shall be oriented so that the front of the building faces the public street, unless a variation meeting the general intent of this district and performance standards is approved by the City Council following review by the Planning Commission.
 - 3. All entrance and exit doors to buildings built to the front property line shall be recessed inwards so as not to open directly onto the adjoining street or sidewalk.
 - (b) Parking and paving setbacks.
 - 1. None, unless adjoining a residential district, then fifteen feet (15').
 - 2. All off-street loading berths shall be a minimum of ten feet (10') from any residential district.
 - (4) Building materials. Prohibited exterior materials. Unadorned pre-stressed concrete panels, non-decorative concrete block, metal siding with exposed fasteners, corrugated metal or unfinished metal shall not be used as exterior materials on that part of a building facing a public right-of-way except an alley. Painting previously unpainted brick on the facades of buildings is prohibited.
 - (5) Visual relief. No front elevation or elevation facing a public right of way may exceed forty feet (40') without the incorporation of visual relief. All new building elevations shall include a minimum of three (3) of the following elements creating visual relief.
 - (a) Accent materials.
 - (b) A visually pleasing front entry that, in addition to doors, shall be accented by a minimum of one-hundred fifty (150) square feet around the door entrance for single occupancy buildings and a minimum of three hundred (300) square feet total for the front of multi-tenant buildings (this entry and accenting shall be counted as one element).
 - (c) A minimum of twenty-five percent (25%) of the front elevation and each front that faces a street shall be glass. Glazing patterns and window styles of adjacent buildings shall be matched as much as possible.
 - (d) Contrasting, yet complementary material colors (not painted).
 - (e) A combination of horizontal and vertical design features.
 - (f) Varying wall depths.
 - (6) Design elements.
 - (a) Architectural features which create a sculptural or three-dimensional quality such as marquees, balconies, grill work, sculpted keystones, caryatids, detailed cornices, brackets, niches, and awnings shall be incorporated into the design of buildings or structures. Buildings shall be designed to match existing cornices, brick corbelling, details and patterns of adjacent buildings as much as possible.
 - (b) Flat roofs must have parapets and sloped roofs must be sloped a minimum of four/twelve (4/12) roof pitch.
 - (7) Franchise architecture. To maintain the unique character of downtown Mayer, buildings shall not be constructed or renovated using typical franchise architecture. Franchise architecture is defined as building design that is trademarked or identified with a particular franchise, chain or corporation and is generic or standard in nature. Franchises or national chains must follow the standards of this section to create a building that is compatible with downtown Mayer.
 - (8) Colors. Colors are an important element of the overall design concept for the C-2 district and should be complementary to the historical palette of the C-2 district, or other historic and significant buildings in the vicinity.

Color can be used to enhance or draw attention to specific parts of a building such as entries. Colors can be used to mask or diminish the visual importance of features such as service entries or storage and trash areas. The following items shall be observed with respect to building colors.

- (a) The predominant exterior colors shall be muted earth tones.
- (b) Trim and detail colors should provide contrasting accent. The number of accent colors should be limited to prevent a gaudy appearance.
- (c) Colors should represent the architectural style of the building.
- (d) Materials with natural colors such as brick or copper should be left unfinished unless there is a compelling reason to the contrary.
- (e) Bright or intense colors or very dark colors should be used sparingly and should typically be reserved for more delicate or intricate design elements such as grille work, as well as more transient features such as awnings, signs and flags.

Doors, screening walls, or other architectural features should be painted or finished to complement the color of the building.

(9) Awnings. Awnings may be used to enhance the character of buildings while providing sun protection for display windows, shelter for pedestrians, and a sign panel for businesses.

- (a) Awnings cannot extend across multiple storefronts and/or multiple buildings, unless the multiple buildings are used to operate the same use.
- (b) Awnings must be constructed of durable, protective, and water repellent materials.
- (c) Replacement of existing awnings must meet the requirements of section (9)(a) and (b) of this section.

(10) Expansions, exterior renovations and exceptions.

(a) All subsequent expansion and/or additions shall be constructed of those materials comparable to those used in the original construction and shall be designed in a manner conforming to the original architectural design and general appearance of the original building.

- 1. All portions of any buildings undergoing expansion or addition, so as to require the issuance of a building permit, shall be brought into conformance with all provisions of this section at the time the renovations or additions are completed unless the proposed additions do not exceed thirty percent (30%) of the floor area of the structure. Re-shingling, re-roofing or replacement of windows shall not constitute a renovation which requires the existing building to be brought into conformance with this section.
- 2. Any buildings undergoing exterior facade changes which do not include structural changes to the building shall bring the exterior building materials into compliance with this section unless the proposed facade changes do not exceed thirty percent (30%) of the gross wall elevations for all sides of the entire structure. For structures on corner lots this percentage is increased to fifty percent (50%) of the gross wall elevation of all sides of the structure.

(b) Existing building materials not specifically approved in this section may be allowed to be repaired or replaced only after it is demonstrated, to the satisfaction of the City Council that the proposed building meets three or more of the following standards.

- 1. The building shall be an accessory structure.
- 2. The building shall not be occupied by personnel.
- 3. The building shall be used to house materials, parts, or equipment that would otherwise constitute open storage.
- 4. The building shall be generally not visible from arterial or collector roadway corridors, as defined by the City.
- 5. The landscaping of the area surrounding the location shall provide natural visual barriers to the building.
- 6. The building shall be constructed of long-term maintenance free materials. A manufacturer's warranty shall be prima-facie evidence of compliance with this standard.
- 7. The proposed building is an addition to a structure that currently utilizes such materials and application of required design standards would be infeasible or impractical as determined by the City Council.

(c) It is recognized that there may be projects that require a departure from the requirements in this section in order to be feasible. Any deviance from the standards prescribed in this section will require a variance according to section 152.010 Variances of this chapter. Additional possible grounds to be considered in determining possible reasons for granting exceptions to this section are as follows: safety, public benefit, unique site or building characteristics or that complying with this section would have a detrimental effect on the use of the property. Financial hardship alone is not a basis to grant an exception. Exceptions will be reviewed by the Planning Commission who provides a recommendation to the City Council for action.

(11) Site plan review required. No building permit shall be issued for construction, expansion or remodeling in the C-2 district until a site plan review, pursuant to section 152.015 Site Plan Review of this chapter has been approved by the City Council to determine that the use and development is consistent with the requirements of this section.

- (A) Purpose. The purpose of this district is to provide land in proximity to major thoroughfares for the development of certain activities that will strengthen local employment opportunity and tax base of the City. Such a zone will be characterized by a positive overall visual appearance that is compatible with the predominant residential aesthetic character of the City.
- (B) Permitted uses. In addition to other uses specifically identified elsewhere in this chapter, the following uses are permitted in the C-I district.
- (1) Commercial establishments requiring large sites for outdoor display, sales, and storage (farm implement sales, motor vehicle sales, mobile home sales, and building material sales are examples).
 - (2) Wholesale businesses.
 - (3) Uses permitted in C-1 Highway Business District.
 - (4) Offices and administrative facilities.
 - (5) Manufacturing.
 - (6) Warehousing including self-storage or mini-storage facilities.
 - (7) Veterinary clinic, animal care, animal shelter, pet daycare, pet training, or animal hospital.
 - (8) Funeral homes and mortuaries.
 - (9) Instructional classes.
 - (10) Automobile repair.
 - (11) Building materials sales.
 - (12) Commercial catering businesses.
 - (13) Commercial printing establishments.
 - (14) Compounding, assembly, packaging, treatment, or storage of products and materials except waste.
 - (15) Governmental and public buildings and structures.
- (C) Permitted accessory uses. In addition to other uses specifically identified elsewhere in this chapter, the following are permitted accessory uses in the C-I district.
- (1) Buildings and structures for a use accessory to the principal use but such use shall not exceed thirty percent (30%) of the gross floor space of the principal use.
 - (2) Fences as regulated by section 152.057 Fences of this chapter.
 - (3) Off street loading as regulated by section 152.068 Off-street Loading Requirements of this chapter.
 - (4) Off street parking as regulated by section 152.067 (Off-street Parking and Driveway Requirements of this chapter, including semitrailer trucks.
 - (5) Outdoor storage and parking of land/sea containers and semi- tractor trailers as regulated by section 152.058 Outside Storage of this chapter.
 - (6) Signs as regulated by section 152.071 Sign Regulations of this chapter.
 - (7) Roof-mounted wind energy conversion systems (WECS) as regulated by section 152.066 Alternative Energy Systems of this chapter.
 - (8) Ground source heat pump systems as regulated by section 152.066 Alternative Energy Systems of this chapter.
 - (9) Roof or building mounted, ground mounted and community solar energy systems as regulated by section 152.066 Alternative Energy Systems of this chapter.
- (D) Conditional uses. In addition to other uses specifically identified elsewhere in this chapter, the following are conditional uses in the C-I district and require a conditional use permit based upon procedures set forth in and regulated by section 152.012 Conditional Use Permits of this chapter.
- (1) Multiple principal buildings on one lot of record.
 - (2) Animal kennels for dogs, cats and other domestic animals provided that.
 - (a) The facility shall be licensed in accordance with the rules of the Minnesota Board of Animal Health.
 - (b) Indoor animal kennel floors and walls shall be made of nonporous materials or sealed to make it nonporous.
 - (c) A room or cage separate from the primary kennel area shall be provided to adequately separate animals that are sick or injured from healthy animals.
 - (d) All animal waste shall be disposed of at least once per day to prevent a public nuisance by being flushed down an existing sanitary sewer system or enclosed in a container of sufficient construction to eliminate odors and organisms that shall be emptied by a waste disposal service a minimum of two (2) times every seven (7) days, or as otherwise determined to be necessary to protect public health, safety and welfare.
 - (e) A ventilation system shall be provided capable of completely exchanging internal air.
 - (f) Within a multiple tenant building, there shall be adequate physical separation, including soundproofing, between the kennel and other individual tenant spaces to protect public health and safety and prevent nuisance issues.
 - (g) Outdoor exercise areas shall be allowed for a kennel within a single occupancy building only, subject to the following requirements.
 1. The property shall be set back a minimum of five hundred feet (500') from any Residential District.
 2. The outdoor exercise area shall be located only within an interior side yard or rear yard.
 3. The outdoor exercise area shall be set back a minimum of fifteen feet (15') from all lot lines.

4. A solid fence with a minimum height of six feet (6') shall be provided to screen the outdoor exercise area from surrounding properties and public rights-of-way.
 5. An attendant shall be present at all times to control animals that are outdoors and prevent nuisance issues including, but not limited to, noise.
 6. No animals shall be allowed to be outdoors between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M.
- (3) Automobile repair provided that.
- (a) Not less than twenty five percent (25%) of the lot, parcel or tract of land shall remain as landscaped green area according to the approved landscape plan.
 - (b) The entire area other than occupied by buildings or structures or planting shall be surfaced with bituminous material or concrete which will control dust and drainage. The entire area shall have a perimeter curb barrier, a stormwater drainage system and is subject to the approval of the City Engineer.
 - (c) The hours of operation shall be between seven o'clock (7:00) A.M. and eight o'clock (8:00) P.M. Evening hours of operation shall be subject to the approval by the City.
 - (d) All painting must be conducted in an approved paint booth. All paint booths and all other activities of the operation shall thoroughly control the emission of fumes, dust or other particulate matter so that the use shall be in compliance with the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 1-15, as amended.
- (4) Commercial towers as regulated by section 152.065 Commercial Wireless Telecommunication Service Towers and Antennae of this chapter.
- (5) Motor vehicle fuel sales with or without convenience grocery and/or prepared food, provided that.
- (a) The sale of food items is in compliance with state and county standards.
 - (b) Vehicle fuel facilities are installed in accordance with state standards. Adequate space shall be provided to access fueling station and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by automotive fuel transports and unloading operations minimize conflict with circulation, access and other activities on the site.
 - (c) Wherever fuel stations are to be installed, station islands shall be installed.
 - (d) An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.
- (E) Interim Uses. In addition to other uses specifically identified elsewhere in this chapter, and subject to applicable provisions of this section, the following are interim uses in the C-I district and are further governed by section 152.013 Interim Use Permits of this chapter.
- (1) Outdoor service, sale and rental as an accessory use, provided that.
 - (a) Outside services, sales and equipment rental connected with the principal use is limited to thirty percent (30%) of the gross floor area of the principal use.
 - (b) Outside sales areas are fenced or screened from view of neighboring residential uses or an abutting residential district.
 - (c) Sales area is surfaced with asphalt, concrete or pavers to control dust.
 - (d) The use does not take up parking space as required for conformity to this chapter.
 - (e) The interim use permit shall terminate upon a change of occupancy or other date as determined by the City Council in accordance with section 152.013 Interim Use Permits of this chapter.
 - (2) Cannabis businesses including cannabis cultivation, cannabis manufacturer, hemp manufacturer, wholesale, cannabis retail, cannabis transportation and cannabis delivery as regulated by Chapter 115: Cannabis Businesses of the Mayor, Minnesota Code of Ordinances.
- (F) Uses by Administrative Permit. In addition to other uses specifically identified elsewhere in this chapter, and subject to applicable provisions of this section and performance standards established by this chapter, and processing requirements of section 152.016 Administrative Permits of this chapter, the following are uses allowed in the C-I district by administrative permit.
- (1) Daycare accessory to a principal use.
 - (2) Sales, rental or display (indoor and outdoor) as an accessory use in association with an allowed principal use provided that.
 - (a) The area so occupied shall not exceed ten percent (10%) of the principal building.
 - (b) No storage or display of merchandise shall be permitted in required rear, side or front yards and shall be limited to the area of the customer entrances.
 - (c) The outdoor sales, rental, or display area shall not occupy space required for parking.
 - (3) Temporary structures as regulated by section 152.052 Temporary Structures of this chapter.
 - (4) Essential services.
- (G) Lot Requirements, Setbacks and Building Height. The following minimum requirements shall be observed in the C-I district subject to the additional requirements, exceptions and modifications set forth in this chapter.
- (1) Lot area: 15,000 square feet.

- (2) Lot width: 100 feet.
- (3) Front yard setback: 30 feet.
- (4) Side yard setback: 20 feet or 30 feet abutting a residential district.
- (5) Side yard setback abutting public right of way: 30 feet.
- (6) Rear yard setback: 30 feet.
- (7) Residential district setback: 50 feet.
- (8) Lot coverage: 85 percent.
- (9) Maximum building height.
 - (a) Principal building: 40 feet.
 - (b) Accessory buildings: 20 feet.
- (H) Design Standards. The following special requirements shall apply to those uses in the C-I district in addition to the requirements listed in section 152.063 Building Design Standards of this chapter.
 - (1) Prohibited structures.
 - (a) Building types. No basement, shack, shed, trailer, tent, or other structure of a temporary character shall be constructed, placed, maintained, or used on any lot except accessory to and during construction of the permanent building.
 - (b) Building materials. Face materials, which rapidly deteriorate or become unsightly such as galvanized metal, unfinished structural clay shall not be used.
 - (2) Permitted building materials. Structural systems of all buildings shall be in compliance with the Uniform Building Code as adopted and in effect in the City of Mayer at the time of application for a building permit. The lower thirty percent (30%) of the exterior front of all buildings, as measured from ground elevation, facing the main access street shall consist of materials comparable in grade and quality to the following.
 - (a) Brick.
 - (b) Natural stone.
 - (c) Pre-cast concrete units and concrete block, provided that surfaces are molded, serrated or treated with a textured material in order to give the wall surface a three-dimensional character.
 - (d) Wood, provided surfaces are finished for exterior use and only woods of proven exterior durability such as cedar, redwood and cypress.
 - (3) Variance to thirty percent (30%) requirement. The thirty percent (30%) requirement may be varied as determined appropriate to accommodate taller buildings or new buildings constructed next to or in the immediate vicinity of other buildings in order to provide a uniform and consistent effect for the area.
 - (4) Planning Commission approval. If material other than those listed above or a variance for the thirty percent (30%) requirement is proposed, it shall be subject to review by the Planning Commission and approval by the City Council.
 - (5) Outside storage and screening. All materials, supplies, merchandise or other similar matter not on display for direct sale, rental or lease to the ultimate consumer or user, except those items exempt in section 152.058 Outside Storage of this chapter, shall be stored within a completely enclosed building or within the confines of a one hundred percent (100%) opaque wall or fence eight feet (8') in height. Merchandise that is offered for sale as described heretofore may be displayed beyond the confines of a building, but the area occupied by such outdoor display shall not constitute a greater number of square feet than ten percent (10%) of the ground floor area of the building housing the principal use, unless such merchandise is of a type customarily displayed outdoors, such as garden supplies.

§ 152.093 (I-1) LIGHT INDUSTRIAL DISTRICT.

- (A) Purpose. The purpose of the I-1 district is to provide for the establishment of warehousing and light industrial development. The overall character of the I-1 district is intended to have an office/warehouse character, thus industrial uses allowed in this district shall be limited to those which can compatibly exist adjacent to both lower intensity business uses and high intensity manufacturing uses.
- (B) Permitted Uses. In addition to other uses specifically identified elsewhere in this chapter, the following uses are permitted in the I-1 district.
 - (1) Automobile repair.
 - (2) Building materials sales.
 - (3) Commercial catering businesses.
 - (4) Commercial printing establishments.
 - (5) Compounding, assembly, packaging, treatment, or storage of products and materials except waste.
 - (6) Distribution facility.
 - (7) Governmental and public utility buildings and structures.
 - (8) Indoor firearm and archery ranges.
 - (9) Instructional classes.
 - (10) Laboratories, research and development facilities.
 - (11) Manufacturing.

- (12) Offices and administrative facilities.
 - (13) Transportation terminals.
 - (14) Warehousing, including self-storage or mini-storage facilities.
 - (15) Wholesale businesses.
 - (16) Data centers.
 - (17) Breweries and small breweries.
 - (18) Distilleries and micro-distilleries.
- (C) Permitted Accessory Uses. In addition to other uses specifically identified elsewhere in this chapter, the following are permitted accessory uses in the I-1 district.
- (1) Buildings and structures for a use accessory to the principal use but such use shall not exceed thirty percent (30%) of the gross floor space of the principal use.
 - (2) Fences as regulated by section 152.057 Fences of this chapter.
 - (3) Off street loading as regulated by section 152.068 Off-street Loading Requirements of this chapter.
 - (4) Off street parking as regulated by section 152.067 (Off-street Parking and Driveway Requirements of this chapter, including semitrailer trucks.
 - (5) Outdoor storage and parking of land/sea containers and semi- tractor trailers as regulated by section 152.058 Outside Storage of this chapter.
 - (6) Signs as regulated by section 152.071 Sign Regulations of this chapter.
 - (7) Sexually oriented uses, accessory, as regulated by chapter 114 Sexually Oriented Businesses of the Mayer, Minnesota Code of Ordinances.
 - (8) Roof-mounted wind energy conversion systems (WECS) as regulated by section 152.066 Alternative Energy Systems of this chapter.
 - (9) Ground source heat pump systems as regulated by section 152.066 Alternative Energy Systems of this chapter.
 - (10) Roof or building mounted, ground mounted and community solar energy systems as regulated by section 152.066 Alternative Energy Systems of this chapter.
- (D) Conditional Uses. In addition to other uses specifically identified elsewhere in this chapter, the following are conditional uses in the I-1 district and require a conditional use permit based upon procedures set forth in and regulated by section 152.012 Conditional Use Permits of this chapter.
- (1) Multiple principal buildings on one (1) lot of record.
 - (2) Animal kennels for dogs, cats and other domestic animals provided that.
 - (a) The facility shall be licensed in accordance with the rules of the Minnesota Board of Animal Health.
 - (b) Indoor animal kennel floors and walls shall be made of nonporous materials or sealed to make it nonporous.
 - (c) A room or cage separate from the primary kennel area shall be provided to adequately separate animals that are sick or injured from healthy animals.
 - (d) All animal waste shall be disposed of at least once per day to prevent a public nuisance by being flushed down an existing sanitary sewer system or enclosed in a container of sufficient construction to eliminate odors and organisms that shall be emptied by a waste disposal service a minimum of two (2) times every seven (7) days, or as otherwise determined to be necessary to protect public health, safety and welfare.
 - (e) A ventilation system shall be provided capable of completely exchanging internal air.
 - (f) Within a multiple tenant building, there shall be adequate physical separation, including soundproofing, between the kennel and other individual tenant spaces to protect public health and safety and prevent nuisance issues.
 - (g) Outdoor exercise areas shall be allowed for a kennel within a single occupancy building only, subject to the following requirements.
 - 1. The property shall be set back a minimum of five hundred feet (500') from any Residential District.
 - 2. The outdoor exercise area shall be located only within an interior side yard or rear yard.
 - 3. The outdoor exercise area shall be set back a minimum of fifteen feet (15') from all lot lines.
 - 4. A solid fence with a minimum height of six feet (6') shall be provided to screen the outdoor exercise area from surrounding properties and public rights-of- way.
 - 5. An attendant shall be present at all times to control animals that are outdoors and prevent nuisance issues including, but not limited to, noise.
 - 6. No animals shall be allowed to be outdoors between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M.
 - (3) Automobile repair provided that.
 - (a) Not less than twenty five percent (25%) of the lot, parcel or tract of land shall remain as landscaped green area according to the approved landscape plan.
 - (b) The entire area other than occupied by buildings or structures or planting shall be surfaced with bituminous material or concrete which will control dust and drainage. The entire area shall have a perimeter curb barrier, a stormwater drainage system and is subject to the approval of the City Engineer.
 - (c) The hours of operation shall be between seven o'clock (7:00) A.M. and eight o'clock (8:00) P.M. Evening hours of operation shall be subject to the approval by the City.

- (d) All painting must be conducted in an approved paint booth. All paint booths and all other activities of the operation shall thoroughly control the emission of fumes, dust or other particulate matter so that the use shall be in compliance with the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 1-15, as amended.
- (4) Commercial towers as regulated by section 152.065 Commercial Wireless Telecommunication Service Towers and Antennae of this chapter.
- (5) Sexually oriented uses, principal, as regulated by chapter 114 Sexually Oriented Businesses of the Mayer, Minnesota Code of Ordinances.
- (6) Data Centers.
- (E) Interim Uses. In addition to other uses specifically identified elsewhere in this chapter, and subject to applicable provisions of this section, the following are interim uses in the I-1 district and are further governed by section 152.013 Interim Use Permits of this chapter.
 - (1) Outdoor service, sale and rental as an accessory use, provided that.
 - (a) Outside services, sales and equipment rental connected with the principal use is limited to thirty percent (30%) of the gross floor area of the principal use.
 - (b) Outside sales areas are fenced or screened from view of neighboring residential uses or an abutting residential district.
 - (c) Sales area is surfaced with asphalt, concrete or pavers to control dust.
 - (d) The use does not take up parking space as required for conformity to this chapter.
 - (e) The interim use permit shall terminate upon a change of occupancy or other date as determined by the City Council in accordance with section 152.013 Interim Use Permits of this chapter.
 - (2) Solar farms as regulated by section 152.066 Alternative Energy Systems of this chapter.
 - (3) Cannabis businesses including cannabis cultivation, cannabis manufacturer, hemp manufacturer, wholesale, cannabis transportation and cannabis delivery as regulated by Chapter 115: Cannabis Businesses of the Mayer, Minnesota Code of Ordinances.
- (F) Uses by Administrative Permit. In addition to other uses specifically identified elsewhere in this chapter, and subject to applicable provisions of this section and performance standards established by this chapter, and processing requirements of section 152.016 Administrative Permits of this chapter, the following are uses allowed in the I-I district by administrative permit.
 - (1) Daycare accessory to a principal use.
 - (2) Sales, rental or display (indoor and outdoor) as an accessory use in association with an allowed principal use provided that.
 - (a) The area so occupied shall not exceed ten percent (10%) of the principal building.
 - (b) No storage or display of merchandise shall be permitted in required rear, side or front yards and shall be limited to the area of the customer entrances.
 - (c) The outdoor sales, rental, or display area shall not occupy space required for parking.
 - (3) Temporary structures as regulated by section 152.052 Temporary Structures of this chapter.
 - (4) Essential services.
- (G) Lot Requirements, Setbacks and Building Height. The following minimum requirements shall be observed in the I-1 district subject to the additional requirements, exceptions and modifications set forth in this chapter.
 - (1) Lot area: 30,000 square feet.
 - (2) Lot width: 120 feet.
 - (3) Front yard setback: 40 feet.
 - (4) Side yard setback: 30 feet or 50 feet abutting a residential district.
 - (5) Side yard setback abutting public right of way: 30 feet.
 - (6) Rear yard setback: 30 feet.
 - (7) Residential district setback: 50 feet.
 - (8) Lot coverage: 85 percent.
 - (9) Maximum building height.
 - (a) Principal building: 50 feet or four (4) stories, whichever is less.
 - (b) Accessory buildings: 25 feet.

§ 152.094 (P-I) PUBLIC-INSTITUTIONAL DISTRICT.

- (A) Purpose. It is intended that the P-I district provide for a specific zoning district allowing facilities devoted to serving the public and opportunities for government facilities, schools, churches, hospitals, libraries, parks and other similar public and institutional uses. It is unique in that the primary objective of uses within this district is the provision of services, frequently on a nonprofit basis, rather than the sale of goods or services. It is intended that uses within such a district will be compatible with adjoining development, and they normally will be located along arterial or major collector streets with full availability of urban services.

- (B) Permitted Uses. In addition to other uses specifically identified elsewhere in this chapter, the following uses are permitted in the P-I district.
- (1) Government buildings, structures and facilities, including community centers, public works buildings and fire stations, utilities, rights-of-way, easements, parks, open spaces and vacant land.
 - (2) Schools, religious institutions, cultural and educational facilities, and uses, libraries, fire stations, hospitals, health facilities, and emergency medical facilities.
 - (3) Communication towers, subject to requirements in section 152.065 Commercial Wireless Telecommunication Service Towers and Antennae of this chapter.
 - (4) Parks, trails, play fields, playgrounds and directly related buildings and structures.
- (C) Permitted Accessory Uses. In addition to other uses specifically identified elsewhere in this chapter, the following are permitted accessory uses in the P-I district.
- (1) Roof-mounted wind energy conversion systems (WECS) as regulated by section 152.066 Alternative Energy Systems of this chapter.
 - (2) Ground source heat pump systems as regulated by section 152.066 Alternative Energy Systems of this chapter.
 - (3) Roof or building mounted, ground mounted and community solar energy systems as regulated by section 152.066 Alternative Energy Systems of this chapter.
 - (4) Accessory uses and buildings incidental and customary to uses allowed as permitted, conditional, interim and administrative permits in this section.
 - (5) Fences as regulated by section 152.057 Fences of this chapter.
 - (6) Signs as regulated by section 152.071 Sign Regulations of this chapter.
 - (7) Roof-mounted wind energy conversion systems (WECS)
Ground source heat pump systems
- (D) Conditional Uses. In addition to other uses specifically identified elsewhere in this chapter, the following are conditional uses in the P-I district and require a conditional use permit based upon procedures set forth in and regulated by section 152.012 Conditional Use Permits of this chapter.
- (1) Wind energy conversion systems (WECS) mounted on a tower as regulated by section 152.066 Alternative Energy Systems of this chapter.
 - (2) Automobile parking lots, City of Mayer only, as a principal use.
 - (3) Public civic auditoriums, indoor recreation centers, arenas or other facilities, with an event seating capacity of more than three hundred (300) persons.
- (E) Interim Uses. In addition to other uses specifically identified elsewhere in this chapter, and subject to applicable provisions of this section, the following are interim uses in the P-I district and are further governed by section 152.013 Interim Use Permits of this chapter.
- (1) Solar farms as regulated by section 152.066 Alternative Energy Systems of this chapter.
 - (2) Temporary classroom type structure for use by public institutions.
- (F) Uses by Administrative Permit. In addition to other uses specifically identified elsewhere in this chapter, and subject to applicable provisions of this section and performance standards established by this chapter, and processing requirements of section 152.016 Administrative Permits of this chapter, the following are uses allowed in the P-I district by administrative permit.
- (1) Essential services.
 - (2) Temporary structures as regulated by section 152.052 Temporary Structures of this chapter.
- (G) Lot Requirements, Setbacks and Building Height, The following minimum requirements shall be observed in the P-I district subject to the additional requirements, exceptions and modifications set forth in this chapter.
- (1) Lot area: 20,000 square feet.
 - (2) Lot width: 100 feet.
 - (3) Front yard setback: 30 feet.
 - (4) Side yard setback: 30 feet.
 - (5) Side yard setback abutting public right of way: 30 feet.
 - (6) Rear yard setback: 30 feet.
 - (7) Lot coverage: 50 percent.
 - (8) Maximum building height.
 - (a) Principal building: 40 feet.
 - (b) Accessory buildings: 20 feet.
- (H) Design Standards. The architectural appearance and functional design of the building and site shall maintain a high standard of architectural and aesthetic compatibility with surrounding uses so as to positively reflect the desired community character. All sides of the principle and accessory structures are to have essentially the same or coordinated, harmonious exterior finish materials and treatment.

§ 152.095 ZONING STANDARDS TABLE.

District	Minimum Lot Area or Lot Area Per Unit	Minimum Lot Width	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Maximum Building Height	Maximum Lot Coverage
A-1	40 acres	300 ft	50 ft	50 ft	50 ft	3 stories or 35 ft Farming Related Buildings: 50 ft	None
R-1	Interior: 10,500 sq ft Corner: 12,000 sq ft	Interior: 80 ft Corner: 95 ft	30 ft	Interior: 10 ft Corner: 25 ft	30 ft	3 stories or 35 ft	35%
R-2	Interior: 8,400 sq ft Corner: 10,000 sq ft Detached Townhouse: 5,000 sq ft/unit ¹ Two-Family: 5,000 sq ft/unit ¹	Interior: 65 ft Corner: 77.5 ft	25 ft Base Lot: 25 ft	Interior: 7.5 ft Corner: 20 ft Base Lot Detached Townhouse & Two-Family: 7.5 ft Detached Townhouse: 15 ft between Buildings Two-Family: 15 ft between buildings	30 ft Base Lot: 30 ft	3 stories or 35 ft	40% Detached Townhouse: 50% ² Two-Family: 50% ²
R-3	Detached Townhouse: 5,000 sq ft/unit ¹ Two-Family: 5,000 sq ft/unit ¹ Townhouse: 3,800 sq ft/unit ¹		Public ROW: 25 ft Base Lot: 25 ft Private Street Curb: 25 ft	Base Lot Detached Townhouse & Two-Family: 7.5 ft Base Lot Detached Townhouse: 10 ft between Buildings Two-Family: 15 ft between buildings Townhouse: 20 ft between buildings	Base Lot: 30 ft	3 stories or 35 ft	50% ²
R-4	Multiple-Family: 20,000 sq ft Senior: 20,000 sq ft Nursing Homes: 20,000 sq ft Two-Family: 5,000 sq ft/unit ¹ Townhouse: 3,800 sq ft/unit ¹ Multiple-Family: 1,500 sq ft/unit ¹ Senior: 1,000 sq ft/unit ¹ Nursing Homes: 1,000 sq ft/unit ¹	Multiple-Family: 100 ft Senior: 100 ft Nursing Homes: 100 ft	Public ROW Two-Family & Townhouse: 20 ft Public ROW Multiple-Family, Senior & Nursing Homes: 30 ft Base Lot Two-Family & Townhouse: 25 ft Base Lot Multiple-Family, Senior & Nursing Homes: 35 ft Private Street Curb Two-Family & Townhouse: 25 ft Private Street Curb Multiple-Family, Senior & Nursing Homes: 35 ft	Base Lot Two-Family: 7.5 ft Base Lot Detached Townhouse: 10 ft between buildings Base Lot Multiple-Family, Senior & Nursing Homes: 30 ft Two-Family: 14 ft between buildings Townhouse: 20 ft between buildings Multiple-Family: 25 ft between buildings Senior: 25 ft between buildings Nursing Homes: 25 ft between buildings	Base Lot: 30 ft	3 stories or 35 ft Multiple-Family: 4 stories or 45 ft Senior: 4 stories or 45 feet	Two-Family: 50% ² Townhouse: 50% ² Multiple-Family: 60% Senior: 60%

C-1	20,000 sq ft	100 ft	20 ft	Interior: 20 ft Corner: 30 ft Residential District: 30 ft	30 ft	40 ft	75%
C-2	7,500 sq ft	50 ft	None	None	None	40 ft	None
C-1	15,000 sq ft	100 ft	30 ft	Interior: 20 ft Corner: 30 ft Residential District: 30 ft	30 ft	40 ft	85%
I-1	30,000 sq ft	120 ft	40 ft	Interior: 30 ft Corner: 30 ft Residential District: 40 ft	30 ft	4 stories or 50 ft	85%
P-1	20,000 sq ft	100 ft	30 ft	Interior: 30 ft Corner: 30 ft	30 ft	40 ft	50%
¹ Minimum lot area per dwelling unit.							
² Lot coverage is to include both the base lot and unit lot.							

§ 152.096 (SL) SHORELAND OVERLAY DISTRICT.

- (A) Intent. The uncontrolled use of shorelands of Mayer affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise subdivision, use and development of shorelands of public waters. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by Mayer.
- (B) Jurisdiction. The provisions of this section shall apply to the shorelands of the public waters as classified in division (E) of this section. Pursuant to Minnesota Rules, Parts 6120.2500 through 6120.3900, lakes, ponds, or flowage less than ten acres in size are exempt from this chapter. A body of water created by a private user where there was no previous shoreland is exempt from this section.
- (C) Variances. The Board of Appeals and Adjustments shall hear and decide requests for variances in accordance with the rules that it has adopted for the conduct of business. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in division (D) hereof shall also include the summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance. For existing developments, the application for variance shall clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, shall require reconstruction of a nonconforming sewage treatment system.
- (D) Notifications to the Department of Natural Resources. Copies of all notices of any public hearings to consider variances or amendments under local shoreland management controls shall be sent to the Department of Natural Resources Commissioner's designated representative and postmarked at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats shall include copies of the subdivision/plat. A copy of approved amendments and subdivisions/plats, and final decisions granting variances under local shoreland management controls shall be sent to the Commissioner's designated representative and postmarked within ten (10) days of final action.
- (E) Shoreland Classification System. The public waters of Mayer have been classified below consistent with the criteria found in Minnesota Rules, Part 6120.3300, and the Protected Waters Inventory Map for Carver County, Minnesota. The shoreland area for the waterbodies listed below shall be as defined in this section and as shown on the Official Zoning Map.
 - (1) Rivers and streams.
 - (a) Tributary streams: South Fork Crow River.
- (F) Lot area and width standards. The lot area (in square feet) and lot width standards (in feet) for single, duplex, triplex and quad residential lots created after the date of enactment of this chapter for the lake and river/stream classification are as follows.

- (1) Sewered tributary rivers/streams lot widths. There are no minimum lot size requirements for rivers and streams. The lot width standards for single, duplex, triplex and quad residential developments for tributary rivers or streams are as follows.

Unit	Lot Width
Single	75 feet
Duplex	100 feet
Triplex	120 feet
Quad	120 feet

- (2) Only land above the ordinary high-water level of public waters shall be used to meet lot area standards, and lot width standards shall be met at both the ordinary high-water level and at the building line.

(G) Placement of structures on lots.

- (1) When more than one setback applies to a site, structures and facilities shall be located to meet all setbacks. Structures and on-site sewage treatment systems shall be set back from the ordinary high-water level as follows.

Classes of Public Waters	Sewered Structures	Unsewered Structures	Sewage Treatment System
Tributary River	50 feet	100 feet	75 feet

- (2) When a structure exists on a lot on either side, the setback of a proposed structure shall be the greater of the distances set forth in the above table or the setback of the existing structure. One (1) water-oriented accessory structure, designed in accordance with these provisions, may be set back a minimum distance of ten feet (10') from the ordinary high-water level.

(H) Additional structure setbacks. The following additional structure setbacks apply, regardless of the classification of the waterbody.

Setback from	Setback
Top of bluff	30 feet
Unplatted cemetery	50 feet
Right-of-way line of federal, state, county highway	50 feet
Right-of-way line of town road, public street, or other roads or streets not classified	20 feet

(I) Bluff impact zones. Structures and accessory facilities, except stairways and landings, shall not be placed within bluff impact zones.

(J) Non-residential uses without water-oriented needs. Non-residential uses without water-oriented needs shall be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, shall either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

(K) Design criteria for structures.

- (1) High water elevations. Structures shall be placed in accordance with any floodplain regulations applicable to the site as outlined in section 152.097 (FP) Floodplain Management Overlay District of this chapter. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed shall be determined as follows.

- (a) For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high-water level, whichever is higher.
- (b) For rivers and streams classified by the Minnesota Department of Natural Resources, by placing the lowest floor at least three feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least three feet above the ordinary high-water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations shall be done by a qualified engineer or hydrologist consistent with Minnesota Rules, Parts 6120.5000 to 6120.6200, governing the management of floodplain areas. If more than one approach is used, the highest flood protection elevation determined shall be used for placing structures and other facilities.

- (c) Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in

this item if the structure is construed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long-duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

- (2) Water-oriented accessory structures. Each lot may have one water-oriented accessory structure not meeting the normal structure setback in this subchapter if this water-oriented accessory structure complies with the following provisions.
 - (a) The structure or facility shall not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than two hundred and fifty (250) square feet. Detached decks shall not exceed eight feet (8') above grade at any point.
 - (b) The setback of the structure or facility from the ordinary high-water level shall be at least ten feet (10').
 - (c) The structure or facility shall be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, or color, assuming summer, leaf-on conditions.
 - (d) The roof may be used as a deck with safety rails, but shall not be enclosed or used as a storage area.
 - (e) The structure or facility shall not be designed or used for human habitation and shall not contain water supply or sewage treatment facilities.
- (3) Stairway, lifts and landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts shall meet the following design requirements.
 - (a) Stairways and lifts shall not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned residential developments.
 - (b) Landings for stairways and lifts on residential lots shall not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (32) square feet may be used for commercial properties, public open-space, and recreational properties.
 - (c) Canopies or roofs are not allowed on stairways, lifts, or landings.
 - (d) Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.
 - (e) Stairways, lifts, and landings shall be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water, assuming summer, leaf-on conditions, whenever practical.
 - (f) Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of subsection (K) Design Criteria for Structures (3)(a) to (e) of this section are complied with in addition to the requirements of Minnesota Rules, Chapter 1340.
- (4) Significant historic sites. No structure shall be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.
- (5) Steep slopes. The City Administrator shall evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions shall be attached to permits to prevent erosion and to preserve existing vegetative screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.
- (L) Height of structure. All structures in residential districts, except churches and nonresidential agricultural structures, shall not exceed thirty-five feet (35') in height.
- (M) Vegetation alterations.
 - (1) Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated herein are exempt from the following vegetation alteration standards.
 - (2) Removal or alteration of vegetation is allowed subject to the following standards.
 - (a) Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable if permitted as part of a development approved by the City Council if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.
 - (b) In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view of the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that.
 1. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced.
 2. Along rivers, existing shading of water surfaces is preserved.
 3. The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

- (N) Connections to public waters. Excavations where the intended purpose is connection to public waters, such as boat slips, canals, lagoons, and harbors, shall be controlled by this section. Permission for excavations may be given only after the Commissioner of the Department of Natural Resources has approved the proposed connection to public waters.
- (O) Placement and design of roads, driveways, and parking areas.
 - (1) Public and private roads and parking areas shall be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation shall be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.
 - (2) Roads, driveways, and parking areas shall meet structure setbacks and shall not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and shall be designed to minimize adverse impacts.
 - (3) Public and watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met.
- (P) Stormwater management. Impervious surface coverage of lots shall not exceed twenty-five percent (25%) of the lot area.

§ 152.097 (FP) FLOODPLAIN MANAGEMENT OVERLAY DISTRICT.

- (A) Statutory Authorization, Findings of Fact and Purpose.
 - (1) Statutory authorization. The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the City Council does ordain as follows.
 - (2) Purpose.
 - (a) This section regulates development in the flood hazard areas of the City. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this section to promote the public health, safety, and general welfare by minimizing these losses and disruptions.
 - (b) National Flood Insurance Program compliance. This section is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59-78. as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.
 - (c) This section is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.
- (B) General Provisions.
 - (1) Lands to which this section applies. This section applies to all lands within the jurisdiction of the City within the boundaries of the floodway, flood fringe and general floodplain districts. The boundaries of these districts are determined by scaling distances on the Flood Insurance Rate Map, or as modified in accordance with subsection (C) Establishment of Floodplain Districts of this chapter.
 - (a) The Floodway, Flood Fringe and General Floodplain Districts are overlay districts that are superimposed on all existing zoning districts. The standards imposed in the overlay districts are in addition to any other requirements in this chapter. In case of a conflict, the more restrictive standards will apply.
 - (b) Where a conflict exists between the floodplain limits illustrated on the official floodplain maps and actual field conditions, the flood elevations shall be the governing factor in locating the regulatory floodplain limits.
 - (c) Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Board of Appeals and Adjustments and to submit technical evidence.
 - (2) Incorporation of maps by reference.
 - (a) The following FIRM's together with all attached material are hereby adopted by reference and declared to be a part of the Official Zoning Map and this chapter. The attached material includes the Flood Insurance Study for Carver County, Minnesota, and Incorporated Areas, dated December 21, 2018 and the Flood Insurance Rate Map panels enumerated below, dated December 21, 2018, all prepared by the Federal Emergency Management Agency. These materials are on file at City Hall.
 - 1. 27019C0043D.
 - 2. 27019C0044D.
 - 3. 27019C0063D.
 - (b) Future City growth areas extend on to the following FIRM's.
 - 1. 27019C0045D.

2. 27019C0061D.
 3. 27019C0160D.
 4. 27019C0180D.
- (3) Abrogation and greater restrictions. It is not intended by this section to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. However, where this section imposes greater restrictions, the provisions of this section prevail. All other ordinances inconsistent with this section are hereby repealed to the extent of the inconsistency only.
 - (4) Warning and disclaimer of liability. This section does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This section does not create liability on the part of the City or its officers or employees for any flood damages that result from reliance on this section or any administrative decision lawfully made hereunder.
 - (5) Severability. If any section, clause, provision, or portion of this section is adjudged unconstitutional or invalid by a court of law, the remainder of this section shall not be affected and shall remain in full force.
 - (6) Definitions. For purposes of this section, definitions relating to floodplain management are located in section 152.005 Rules and Definitions of this chapter.
 - (7) Annexations. The Flood Insurance Rate Map panels adopted by reference in subsection (2) above, may include floodplain areas that lie outside of the corporate boundaries of the City at the time of adoption of this chapter. If any of these floodplain land areas are annexed into the City after the date of adoption of this chapter, the newly annexed floodplain lands will be subject to the provisions of this chapter immediately upon the date of annexation.
- (C) Establishment of Floodplain Districts.
- (1) Districts.
 - (d) Floodway District. The Floodway District includes those areas within Zones AE delineated within floodway areas as shown on the Flood Insurance Rate Maps adopted in subsection (B) General Provisions (2) of this chapter as well as other delineated lakes, wetlands and other basins, and are determined to be at or below the ordinary high-water level as defined in M.S. § 103G.005, Subd. 14.
 - (e) Flood Fringe District. The Flood Fringe District includes areas within Zones AE on the Flood Insurance Rate Map adopted in subsection (B) General Provisions (2) of this section, but located outside of the floodway. For lakes, wetlands and other basins within Zones A that do not have a floodway delineated, the Flood Fringe District also includes those areas below the one percent (1%) annual chance (100-year) flood elevation but above the ordinary high-water level as defined in M.S. § 103G.005, Subd. 14.
 - (f) Reserved for General Floodplain District.
 - (2) Applicability. Where Floodway and Flood Fringe Districts are delineated on the floodplain maps, the standards in subsection (E) Floodway District and (F) Flood Fringe District of this section will apply, depending on the location of a property. Locations where Floodway and Flood Fringe Districts are not delineated on the floodplain maps are considered to fall within the General Floodplain District. Within the General Floodplain District, the Floodway District standards in subsection (E) Floodway District of this section apply unless the floodway boundary is determined, according to the process outlined in subsection (N) Amendments of this section.
- (D) Requirements For All Floodplain Districts.
- (1) Permit required. A permit must be obtained from the City Administrator to verify if a development meets all applicable standards outlined in this section prior to conducting the following activities.
 - (a) The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in this section.
 - (b) The construction of a dam, on-site septic system, or any fence not meeting the definition of farm fence outlined in section 152.005 Rules and Definitions of this chapter.
 - (c) The change or extension of a nonconforming use.
 - (d) The repair of a structure that has been damaged by flood, fire, tornado, or any other source.
 - (e) The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.
 - (f) Relocation or alteration of a watercourse (including new or replacement culverts and bridges), unless a public waters work permit has been applied for.
 - (g) Any other type of development as defined in this section.
 - (2) Minimum development standards. All new construction and substantial improvements must be.
 - (a) Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - (b) Constructed with materials and utility equipment resistant to flood damage.
 - (c) Constructed by methods and practices that minimize flood damage.
 - (d) Constructed with electrical, heating, ventilation, ductwork, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (3) Flood capacity. Floodplain developments must not adversely affect the hydraulic capacity of the channel and

adjoining floodplain of any tributary watercourse or drainage system.

- (4) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
- (5) Critical facilities, as defined section 152.005 Rules and Definitions of this chapter, are to be located, so that the lowest floor is not less than two feet above the regional flood elevation, or the five hundred (500) year flood elevation, whichever is higher.

(E) Floodway District (FW).

- (1) Permitted uses. The following uses, subject to the standards set forth in subsection (E) Floodway District (2) below, are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay district.
 - (a) General farming, pasture, grazing, farm fences, outdoor plant nurseries, horticulture, forestry, sod farming, and wild crop harvesting.
 - (b) Industrial-commercial loading areas, parking areas, and airport landing strips.
 - (c) Open space uses, including but not limited to private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, hunting and fishing areas, and single or multiple purpose recreational trails.
 - (d) Residential yards, lawns, gardens, parking areas, and play areas.
 - (e) Railroads. streets. bridges. utility transmission lines and pipelines. provided that the Department of Natural Resources' Area Hydrologist is notified at least ten days prior to issuance of any permit.

(2) Standards for floodway permitted uses.

- (a) The use must have a low flood damage potential.
- (b) The use must not involve structures or obstruct flood flows. The use must not cause any increase in flood damages, nor any increase in flood elevations in areas where a floodway has been established, as certified by a registered professional engineer.
- (c) Any facility that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (one percent (1%) chance) flood.

(3) Conditional uses. The following uses may be allowed as conditional uses following the standards and procedures set forth in section 152.097 (FP) Floodplain Management Overlay District of this chapter and further subject to the standards set forth in subsection (E) Floodway District (4) below, if otherwise allowed in the underlying zoning district.

- (a) Structures accessory to primary uses listed in subsection (E) Floodway District (1)(a) through (c) above and primary uses listed in subsection (E) Floodway District (3)(b) and (c) below.
- (b) Grading, extraction. fill and storage of soil. sand, gravel, and other materials.
- (c) Marinas, boat rentals, permanent docks, piers, wharves. water control structures, and navigational facilities.
- (d) Storage yards for equipment. machinery, or materials.
- (e) Fences that have the potential to obstruct flood flows.
- (f) Levees or dikes intended to protect agricultural crops for a frequency flood event equal to or less than the ten-year frequency flood event.

(4) Standards for floodway conditional uses.

- (a) A conditional use must not cause any increase in flood damages, nor any increase in flood elevations in areas where a floodway has been established, as certified by a registered professional engineer.
- (b) Fill; storage of materials and equipment.
 1. Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must be protected from erosion by vegetative cover, mulching, riprap or other acceptable method. Permanent sand and gravel operations and similar uses must be covered by a long-term site development plan.
 2. Temporary placement of fill. other materials, or equipment which would cause an increase to the stage of the one percent (1%) chance or regional flood may only be allowed if the City has approved a plan that assures removal of the materials from the floodway based upon the flood warning time available.
- (c) Accessory structures. Accessory structures, as identified in subsection (E) Floodway District (3)(a) above, may be permitted, provided that.
 3. Structures are not intended for human habitation.
 4. Structures will have a low flood damage potential.
 5. Structures will be constructed and placed so as to offer a minimal obstruction to the flow of floodwaters.
 6. Structures must be elevated on fill or structurally dry floodproofed and watertight to the regulatory flood protection elevation. Certifications consistent with subsection (K) Administration (2)(b) of this section shall be required.
 7. As an alternative, an accessory structure may be floodproofed in a way to accommodate internal flooding. To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings on at least

two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The openings shall have a minimum net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding, have a net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention. A floodproofing certification consistent with subsection (K) Administration (2)(b) of this section shall be required.

- (d) Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters are subject to the provisions of M.S. § 103G.245.
 - (e) A levee, dike or floodwall constructed in the floodway must not cause an increase to the one percent (1%) chance or regional flood. The technical analysis must assume equal conveyance or storage loss on both sides of a stream.
- (F) Flood Fringe District (FF).
- (1) Permitted uses. Permitted uses are those uses of land or structures allowed in the underlying zoning district(s) that comply with the standards in subsection (2) below.
 - (2) Standards for flood fringe permitted uses.
 - (a) All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, is at or above the regulatory flood protection elevation. The finished fill elevation for structures must be no lower than one foot (1') below the regulatory flood protection elevation and the fill must extend at the same elevation at least fifteen feet (15') beyond the outside limits of the structure. Elevations must be certified by a registered professional engineer, land surveyor or other qualified person designated by the community.
 - (b) Accessory structures. As an alternative to the fill requirements of subsection (2)(a) above, structures accessory to the uses identified in subsection (1) above may be designed to accommodate the inundation of floodwaters, meeting the following provisions, as appropriate.
 - 1. The accessory structure constitutes a minimal investment and satisfy the development requirements in subsection (D) Requirements For All Floodplain District (2) of this section.
 - 2. Any enclosed accessory structure shall not exceed five hundred and seventy-six (576) square feet in size, and only be used for parking and storage. Any such structure shall be designed and certified by a registered professional engineer, or be designed in accordance with the following floodproofing standards: to allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot (1') above grade. The openings shall have a minimum net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding, have a net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention.
 - (c) The cumulative placement of fill or similar material on a parcel must not exceed 1,000 cubic yards, unless the fill is specifically intended to elevate a structure in accordance with subsection (1)(a) above, or if allowed as a conditional use under subsection (3)(b) below.
 - (d) All service utilities, including ductwork, must be elevated or water-tight to prevent infiltration of floodwaters.
 - (e) All fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.
 - (f) All new principal structures must have vehicular access at or above an elevation not more than two feet (2') below the regulatory flood protection elevation, or must have a flood warning/emergency evacuation plan acceptable to the City.
 - (g) Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (one percent (1%) chance) flood.
 - (h) Manufactured homes and recreational vehicles must meet the standards of subsection (J) Manufactured Homes and Recreational Vehicles of this section.
 - (3) Conditional uses. The following uses may be allowed as conditional uses following the standards and procedures set forth in subsection (K) Administration (4) of this section and further subject to the standards set forth in subsection (4) below, if otherwise allowed in the underlying zoning district(s).
 - (a) The placement of floodproofed nonresidential basements below the regulatory flood protection elevation. Residential basements, are not allowed below the regulatory flood protection elevation.
 - (b) The cumulative placement of more than 1,000 cubic yards of fill when the fill is not being used to elevate a structure in accordance with subsection (4)(a) below.
 - (4) Standards for flood fringe conditional uses.
 - (a) The standards for permitted uses in the flood fringe, listed in subsection (2)(d) through (h) above, apply to all conditional uses.
 - (b) All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection

elevation must be structurally dry floodproofed, which requires making the structure watertight with the walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A floodproofing certification consistent with subsection (K) Administration (2)(b) of this section shall be required.

- (c) The placement of more than one thousand (1,000) cubic yards of fill or other similar material on a parcel (other than for the purpose of elevating a structure to the regulatory flood protection elevation) must comply with an approved erosion/sedimentation control plan.
 - 1. The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the regional (one percent (1%) chance) flood event.
 - 2. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the City.
 - 3. The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.

(G) General Floodplain District (GF). (Reserved.)

(H) Subdivision Standards.

(1) Subdivisions. No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply or sewage treatment facilities. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this section.

- (a) All lots within the floodplain districts must be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation.
- (b) All subdivisions must have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the regional (one percent (1%) chance) flood has been approved by the City. The plan must be prepared by a registered engineer or other qualified individual, and must demonstrate that adequate time and personnel exist to carry out the evacuation.
- (c) For all subdivisions in the Floodplain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.
- (d) (Reserved for General Floodplain District (GF)).
- (e) Subdivision proposals must be reviewed to assure that.
 - 1. All such proposals are consistent with the need to minimize flood damage within the floodprone area.
 - 2. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
 - 3. Adequate drainage is provided to reduce exposure of flood hazard.

(I) Utilities, Railroads, Roads, and Bridges.

- (1) Public utilities. All public utilities and facilities such as gas, electrical sewer, and water supply systems to be located in the floodplain must be floodproofed in accordance with the State Building Code or elevated to the regulatory flood protection elevation.
- (2) Public transportation facilities. Railroad tracks, roads, and bridges to be located within the floodplain must comply with subsections (E) Floodway District and (F) Flood Fringe District of this section. These transportation facilities must be elevated to the regulatory flood protection elevation where failure or interruption of these facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.
- (3) On-site water supply and sewage treatment systems. Where public utilities are not provided:
 - (a) On-site water supply systems must be designed to minimize or eliminate infiltration of floodwaters into the systems and are subject to the provisions in Minnesota Rules 4725.4350, as amended.
 - (b) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters, they must not be subject to impairment or contamination during times of flooding, and are subject to the provisions in Minnesota Rules 7080.2270, as amended.

(J) Manufactured Homes and Recreational Vehicles.

- (1) Manufactured homes. Manufactured homes and manufactured home parks are subject to applicable standards for each floodplain district. In addition:
 - (a) New and replacement manufactured homes must be elevated in compliance with subsection (F) Flood Fringe District of this section and must be securely anchored to a system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
 - (b) New manufactured home parks and expansions to existing manufactured home parks must meet the

appropriate standards for subdivisions in subsection (H) Subdivision Standards of this section. New or replacement manufactured homes in existing manufactured home parks must meet the vehicular access requirements for subdivisions in subsection (H) Subdivision Standards (1)(b) of this section.

- (2) Recreational vehicles. New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Recreational vehicles placed in existing recreational vehicle parks, campgrounds or lots of record in the floodplain must either:
 - (a) Meet the requirements for manufactured homes in subsection (1) above, or
 - (b) Be travel ready, meeting the following criteria:
 1. The vehicle must have a current license required for highway use.
 2. The vehicle must be highway ready. meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks.
 3. No permanent structural type additions may be attached to the vehicle.
- (K) Accessory structures may be permitted in the Flood Fringe District, provided that they constitute a minimal investment, do not hinder the removal of the vehicle should flooding occur, and meet the standards outlined in subsection D Requirements For All Floodplain Districts (2) and subsection subsection (H) Subdivision Standards of this section Administration.
 - (1) Duties. The City Administrator or other official designated by the Mayer City Council, must administer and enforce this section.
 - (2) Permit application requirements.
 - (a) Application for permit. Permit applications must be submitted to the City Administrator on forms provided by the City Administrator. The permit application must include the following as applicable.
 1. A site plan showing all pertinent dimensions, existing or proposed buildings, structures, and significant natural features having an influence on the permit.
 2. Location of fill or storage of materials in relation to the stream channel.
 3. Copies of any required municipal, county, state or federal permits or approvals.
 4. Other relevant information requested by the City Administrator as necessary to properly evaluate the permit application.
 - (b) Certification. The applicant is required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this section. Floodproofing measures must be certified by a registered professional engineer or registered architect as being in compliance with applicable floodproofing standards in the State Building Code. Accessory structures designed in accordance with subsection (F) Flood Fringe District (2)(b) of this section are exempt from certification, provided sufficient assurances are documented. Any development in established floodways must not cause any increase in flood elevations or damages, as certified by a registered professional engineer.
 - (c) Certificate of zoning compliance for a new, altered, or nonconforming use. No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the City Administrator stating that the use of the building or land conforms to the requirements of this section.
 - (d) Recordkeeping of certifications and as-built documentation. The City Administrator must maintain records in perpetuity documenting.
 1. All certifications referenced in subsection (2)(b) above as applicable.
 2. Elevations complying with subsection (F) Flood Fringe (2)(a) of this section. The City Administrator must also maintain a record of the elevation to which structures and alterations to structures are constructed or floodproofed.
 - (e) Notifications for watercourse alterations. Before authorizing any alteration or relocation of a river or stream, the City Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to M.S. § 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Regional Office of the Federal Emergency Management Agency (FEMA).
 - (f) Notification to FEMA when physical changes increase or decrease base flood elevations. As soon as is practicable, but not later than six months after the date such supporting information becomes available, the City Administrator must notify the Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.
- (3) Variances.
 - (a) Variance applications. An application for a variance to the provisions of this section will be processed and reviewed in accordance with applicable state statutes and section 152.010 Variances of this chapter.
 - (b) Adherence to state floodplain management standards. A variance must not allow a use that is not allowed in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.
 - (c) Additional variance criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied.

1. Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 2. Variances may only be issued by a community upon the following.
 - i. A showing of good and sufficient cause.
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant.
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 3. Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (d) Flood insurance notice. The City Administrator must notify the applicant for a variance that.
1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage.
 2. Such construction below the base or regional flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.
- (e) General considerations. The community may consider the following factors in granting variances and imposing conditions on variances and conditional uses in floodplains.
1. The potential danger to life and property due to increased flood heights or velocities caused by encroachments.
 2. The danger that materials may be swept onto other lands or downstream to the injury of others.
 3. The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions.
 4. The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner.
 5. The importance of the services to be provided by the proposed use to the community.
 6. The requirements of the facility for a waterfront location.
 7. The availability of viable alternative locations for the proposed use that are not subject to flooding.
 8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 9. The relationship of the proposed use to the Comprehensive Land Use Plan and flood plain management program for the area.
 10. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 11. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
- (f) Submittal of hearing notices to the Department of Natural Resources (DNR). The City Administrator must submit hearing notices for proposed variances to the DNR sufficiently in advance to provide at least ten (10) days' notice of the hearing. The notice may be sent by electronic mail or U.S. mail to the respective DNR area hydrologist.
- (g) Submittal of final decisions to the DNR. A copy of all decisions granting variances must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. mail to the respective DNR area hydrologist.
- (h) Recordkeeping. The City Administrator must maintain a record of all variance actions, including justification for their issuance, and must report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.
- (4) Conditional uses.
- (a) Administrative review. An application for a conditional use permit under the provisions of this section will be processed and reviewed in accordance with section 152.012 Conditional Use Permits of this chapter.
 - (b) Factors used in decision-making. In passing upon conditional use applications, the City Council must consider all relevant factors specified in other subsections of this section, and those factors identified in subsection (3)(e) above.
 - (c) Conditions attached to conditional use permits. In addition to the standards identified in subsections (E) Floodway District (4) and (F) Flood Fringe District (4) of this section, the City Council may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this section. Such conditions may include, but are not limited to, the following.
 1. Limitations on period of use, occupancy, and operation.
 2. Imposition of operational controls, sureties, and deed restrictions.
 3. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
 - (d) Submittal of hearing notices to the Department of Natural Resources (DNR). The City Administrator must submit

hearing notices for proposed conditional uses to the DNR sufficiently in advance to provide at least ten (10) days' notice of the hearing. The notice may be sent by electronic mail or U.S. mail to the respective DNR area hydrologist.

- (e) Submittal of final decisions to the DNR. A copy of all decisions granting conditional uses must be forwarded to the DNR within ten (10) days of such action. The notice may be sent by electronic mail or U.S. mail to the respective DNR area hydrologist.

(L) Non-conformities.

(1) Continuance of nonconformities. A use, structure, or occupancy of land which was lawful before the passage or amendment of this section but which is not in conformity with the provisions of this section may be continued subject to the following conditions. Historic structures, as defined in section 152.005 Rules and Definitions of this chapter, are subject to the following provisions.

- (a) A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its flood damage potential or degree of obstruction to flood flows except as provided in subsection (1)(b) below. Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.
- (b) Any addition or structural alteration to a nonconforming structure or nonconforming use that would result in increasing its flood damage potential must be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP1 thru FP4 floodproofing classifications) allowable in the State Building Code, except as further restricted in subsection (1)(d) below.
- (c) If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this section, as described in section 152.050 Nonconforming Buildings, Structures and Uses of this chapter.
- (d) If any structure experiences a substantial improvement as defined in this section, then the entire structure must meet the standards of subsections (E) Floodway District and (F) Flood Fringe District of this section for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively. If the current proposal, including maintenance and repair during the previous three hundred and sixty-five (365) days, plus the costs of any previous alterations and additions since the first Flood Insurance Rate Map exceeds fifty percent (50%) of the market value of any nonconforming structure, the entire structure must meet the standards of subsections (E) Floodway District and (F) Flood Fringe District of this section of this section.
- (e) If any nonconformity is substantially damaged, as defined in this section, it may not be reconstructed except in conformity with the provisions of this section. The applicable provisions for establishing new uses or new structures in subsections (E) Floodway District and (F) Flood Fringe District of this section will apply depending upon whether the use or structure is in the floodway or flood fringe, respectively.
- (f) If any nonconforming use or structure experiences a repetitive loss, as defined in section 152.005 Rules and Definitions of this chapter, it must not be reconstructed except in conformity with the provisions of this section.

(M) Violations and Penalties.

- (1) Violation constitutes a misdemeanor. Violation of the provisions of this section or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) constitute a misdemeanor and will be punishable as defined by law.
- (2) Other lawful action. Nothing in this section restricts the City from taking such other lawful action as is necessary to prevent or remedy any violation. If the responsible party does not appropriately respond to the City Administrator within the specified period of time, each additional day that lapses will constitute an additional violation of this section and will be prosecuted accordingly.
- (3) Enforcement. Violations of the provisions of this section will be investigated and resolved in accordance with the provisions of sections 152.011 Appeals and 152.017 General Administration of this chapter. In responding to a suspected ordinance violation, the City Administrator and the Board of Appeals and Adjustments may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The City must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

(N) Amendments.

- (1) Floodplain designation – restrictions on removal. The floodplain designation on the Official Zoning Map must not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Department of Natural Resources (DNR) if it is determined that, through other measures, lands are adequately protected for the intended use.
- (2) Amendments require DNR approval. All amendments to this section must be submitted to and approved by the Department of Natural Resources (DNR) prior to adoption.
- (3) Map revisions require ordinance amendments. The floodplain district regulations must be amended to incorporate

any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in section 152.097 (FP Floodplain Management Overlay District (B) General Provisions (2) of this chapter.

§ 152.098 (PUD) PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT.

- (A) Purpose and Intent. The purpose of this section is to provide for the modification of certain regulations under a flexible regulatory process as compared to the more rigid development regulations common to traditional zoning districts when it can be demonstrated that such modification would result in a high quality development that would preserve or create features or facilities of benefit to the community, such as, but not limited to open space, or active recreational facilities or preserving natural resources, which features or facilities would not have been provided if no regulations were modified. These features or facilities would be compatible with surrounding development, and would conform to the goals and policies of the Comprehensive Plan. Throughout this section, PUD shall mean the same as "Planned Unit Development."
- (B) Benefit to the Public Intended. PUD's are intended to encourage the efficient use of land and resources, to promote greater efficiency in public utility serves and encourage innovation in the planning and building of all types of development. Planned unit developments shall demonstrate at least one benefit to the public, including but not limited to the following. The applicant bears the burden of demonstrating that one or more public benefits exist.
- (1) Innovations in residential development that.
 - (a) Proactively and tangibly address the demand for housing for all economic levels.
 - (b) Provide greater variety in tenure, type, design, and siting of dwellings.
 - (c) Provide for the creation of affordable housing units through an efficient use of land resulting in smaller networks of utilities and streets, thereby lowering housing costs and public investments, except that tangible plans to maintain dwelling unit affordability provided one or more additional public benefits are found to exist.
 - (2) The reestablishment, preservation and/or enhancement of desirable site characteristics such as natural topographic and geologic features.
 - (3) A variety of housing types/densities together with preservation of open space/natural features within one development.
 - (4) The creation of active and/or passive recreational opportunities and/or facilities that would not have been provided if no regulations were modified.
 - (5) A more desirable environment than would be possible through the application of zoning and subdivision regulations of the City.
- (C) Types of Planned Unit Developments and Where Permitted.
- (1) Two types of planned unit developments are hereby established subject to the use regulations of the zone in which the PUD is proposed to be located and provided the standards of section (C)(2) below are achieved.
 - (a) Single-family PUD's, comprised of detached dwelling units on individual lots, necessary street right-of-way to serve such dwelling units and any common open space, recreational facilities or other areas or facilities.
 - (b) Non single-family PUD's, comprised of attached dwelling units, detached dwelling units not on individual lots, commercial, retail, office, service, public, quasi-public or industrial buildings, or any combination thereof, the necessary streets and other public and/or private rights-of-way to serve such uses, and any appurtenant common open space, recreational facilities or other areas or facilities.
 - (c) A PUD may comprise both of the above types, subject to compliance with the use regulations of the zoning district in which the PUD is proposed to be located.
 - (2) Planned unit developments may be located in any zoning district subject to use regulations, provided that.
 - (a) The use(s) permitted in the PUD shall be governed by the use regulations of the underlying zoning classification or other generally applicable City regulations governing permitted uses, permitted accessory uses, conditional uses and interim uses, including overlay and special district regulations;
 - (c) The design of a PUD shall take into account the relationship of the site to the surrounding areas. The perimeter of the PUD shall be so designed as to minimize undesirable impact of the PUD on adjacent properties and, conversely, to minimize undesirable impact of adjacent land use and development characteristics on the PUD.
 - (d) Common open space shall be either held in common ownership by all owners of that specific use in the PUD or dedicated for public use with approval of the City Council. Whenever possible, common open space shall be linked to the open space areas of adjoining developments. Common open space shall be of such size, shape, character, and locations as to be useable for its proposed purpose.
- (D) General Requirements and Permitted Modifications.
- (1) In general. In considering a proposed PUD project, the approval thereof may involve modifications in the regulations, requirements and standards of the zoning district in which the project is located, and in chapter 151: Subdivisions of the Mayer Code of Ordinances. In modifying such regulations, requirements and standards as they may apply to a PUD project, the standard identified within this section (D)(1) and the limitations set forth in section (D)(2) and (3) shall apply. In order to be granted any such modifications, the applicant shall demonstrate that the proposed

development complies with the purpose of this chapter. The applicant shall bear the burden of supporting any change in requirements. The City may increase any requirements necessary to make the project conform to the purposes of this chapter.

- (a) Front yard setbacks. The requirements for minimum front yard setbacks for the zoning district in which the planned unit development is located shall apply to all exterior boundary lines of the site, except if the proposed use in the PUD adjacent to the exterior property line of the site, is substantially the same use as the existing uses adjacent to the exterior boundary line of the site of the planned unit development.
 - (b) Distance between buildings. The minimum distance between structures shall be ten feet (10').
 - (c) Building height. Building height shall be governed by the requirements of the underlying zoning district classification as set forth therein.
 - (d) All permitted, permitted accessory, conditional and interim uses contained in the underlying zoning district shall be treated as permitted, permitted accessory, conditional, interim and administrative uses in the PUD overlay district. Uses not listed as permitted, permitted accessory, conditional, interim or administrative in a specific district shall not be allowed in a PUD unless it is found that the use is complementary to the functionality of the development and the other uses found therein.
 - (e) An increase in density may be permitted to encourage the preservation of natural resources, topography and geological features. Excluded from the calculation shall be areas which would normally not be developable such as waterways or water bodies, wetlands, shorelands, floodplains, steep slopes, hydric soils and the like in addition to areas required for streets, parks, pedestrian facilities, storm water controls and placement of public utilities.
 - (f) Off-street parking and loading space shall be provided in each PUD in the same ratios for types of building and uses as required in the underlying zoning district. However, the City may reduce the number of parking spaces required provided PUD applicants submit information demonstrating a reduced need for parking facilities (e.g., senior housing complex, PUDs featuring joint parking facilities, parking study, proximity to and availability of bus service coupled with transit-friendly design, and the like).
 - (g) The streets connecting with any PUD must be of sufficient size and character to accommodate the traffic to be produced by the project. The streets connecting with any PUD shall not significantly alter the character of existing residential neighborhoods. Evaluation of the proposal pursuant to this section shall include consideration of the following criteria.
 1. The increase in traffic which will be generated by the development.
 2. The present width and condition of streets to be affected.
 3. Presence or absence of improved sidewalks and trails.
 4. Potential impacts upon the value of surrounding properties.
 5. Anticipated effect upon availability of parking.
 6. Existence of a particular conflict between vehicular and pedestrian traffic.
 7. The street type designated in the Comprehensive Plan.
 - (h) The City may reduce paved right-of-way width requirements outlined in Title XV: Land Usage, Chapter 151: Subdivisions of the Mayer Code of Ordinances for streets contained within the PUD providing.
 1. A demonstrated benefit to the public exists that would not exist if not for the reduction of street width.
 2. The City Engineer and City's emergency service providers (fire, ambulance, and police) review the PUD to determine adequacy of proposed street widths. The City may require total right-of-way widths (including non-paved) to adhere to standards contained within Title XV: Land Usage, Chapter 151: Subdivisions of the Mayer Code of Ordinances .
- (2) Non single-family PUD's. Non-single-family PUD's shall be subject to the following limitations in modification of regulations in addition to those limitations set forth within the underlying zoning district:
- (a) When a PUD containing dwelling units is proposed on property having more than one underlying residential district, zone the total number of dwelling units allowed may be determined by totaling the number of dwelling units allowed to be located on each portion of the PUD area located in a separate zone according to the regulations of that zone.
 - (b) The City, at its discretion, may allow the number of units arrived at under section (D)(3)(a) above to be located anywhere within the PUD subject to the PUD approval process set forth in this section and provided the City makes a finding of fact that a public benefit resulting from such action is present.
- (E) Subdivision Requirements. The approval of a preliminary and final plat shall be required of all projects which involve or contemplate the subdivision of land and the procedures set forth in Title XV: Land Usage, Chapter 151: Subdivisions of the Mayer Code of Ordinances shall be followed concurrently herewith. The approved final development plan shall be a binding site plan. A lease of land not involving a residential structure shall be exempt from Title XV: Land Usage, Chapter 151: Subdivisions of the Mayer Code of Ordinances, if the lease conforms to the final development plan.
- (F) Pre-Application Informational Meeting and Concept Plan Required.
- (1) Informal meeting. Prior to filing an application for preliminary PUD plan approval, the applicant of the proposed PUD shall arrange for and attend an informational meeting with City staff. At such conference, the applicant shall be

prepared to generally describe the applicant's proposal for a PUD. The primary purpose of the meeting shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the conformity to the provisions of this chapter before incurring substantial expense in the preparation of detailed plans, surveys, and other data.

- (2) Following a pre-application/informational meeting but prior to submitting an application for preliminary plan approval, the applicant for a proposed PUD shall submit to the City a general concept plan for review by City staff and/or the Planning Commission and City Council.

(a) Purpose. The general concept plan provides an opportunity for the applicant to submit a plan to the city showing the applicant's basic intent and the general nature of the entire development without incurring substantial cost. This concept plan serves as the basis for the informational meeting so that the proposal may be considered at an early stage. The following elements of the proposed general concept plan represent the immediate significant elements which the City shall review and for which a decision shall be rendered:

1. Overall maximum PUD density range.
2. General location of major streets and pedestrian walkways.
3. General location and extent of public and/or common open space.
4. General location of residential and non-residential land uses with approximate intensities of development.
5. Staging and timetable of development.
6. Other special criteria for development.

(G) Preliminary and Final PUD Plan Approval Required.

- (1) Each PUD shall require preliminary and final plan approval according to the following process.

(a) Preliminary PUD plan review.

1. Process.

A. The applicant for a PUD shall apply for a preliminary plan review. The Planning Commission shall make a recommendation to the City Council to approve or deny the preliminary plan and the City Council shall take final action on the application. City Council approval of the preliminary plan indicates that the applicant can proceed to final plan review. The application for preliminary plan review shall be accompanied by supporting information as listed in this section or as deemed necessary by the City to fully explain the property, the applicant and the proposed development. The application may include further information, as the applicant deems appropriate for the preliminary plan review for the proposed PUD. The City may require additional information depending on the complexity of the proposal.

B. The timeframe for the City action begins at the point of submittal of a complete application for the preliminary PUD plan review. An approved preliminary PUD plan shall expire within one (1) year, if a final plan has not been filed and approved, unless an extension is granted by the City Council.

(b) Final PUD plan review.

1. Process. The applicant shall have secured final plan review approval by the City Council within one year following the date of approval of the preliminary PUD plan review. If application for final plan review is not received within one (1) year, the preliminary plan review will be considered abandoned and a new application for preliminary plan review must be submitted. The City Council shall make a final determination on approval of the final PUD plan review.

(c) Fees. The required application fee shall accompany applications for concept plan, preliminary PUD plan and final PUD plan. The applicant shall pay fees as set forth by the City Council.

(d) Public hearing notices. All preliminary PUD plan applications shall require a public hearing and shall be noticed and processed as follows.

1. After the filing of a preliminary PUD plan application, the City shall set a date for a public hearing. Notice of the hearing shall be posted and published at least ten (10) days prior to the date of the hearing. Notice of proposed preliminary PUD plan shall be mailed to each property owner within three hundred and fifty feet (350') of the proposed PUD boundary. Upon hearing the request, the Planning Commission shall recommend approval, denial or conditional approval of the preliminary PUD plan and shall state the reasons for its action. The City Council shall consider the recommendation by the Planning Commission shall approve, deny or modify the request for the preliminary PUD plan.

(e) Developer's agreements. A developer's agreement may be executed, at the discretion of the City, reflecting all terms and conditions of the approved PUD plans and financial requirements.

- (2) If land subdivision is requested in conjunction with the PUD plan, both preliminary and final PUD plan approvals shall be processed concurrently with the platting procedures set forth in Title XV: Land Usage, Chapter 151: Subdivisions of the Mayer Code of Ordinances . Required data, parkland/fee-in-lieu of parkland dedication, design standards and required improvements shall be the same as per a conventional subdivision and as set forth within Title XV: Land Usage, Chapter 151: Subdivisions of the Mayer Code of Ordinances . In addition to the data requirements itemized within Title XV: Land Usage, Chapter 151: Subdivisions of the Mayer Code of Ordinances the application shall also include information necessary to process the PUD preliminary and final plan(s) as contained within this section. The City may waive requirements determined to be redundant.

- (3) The preliminary plan and the final plan may be combined and together processed through review as a final PUD plan. In addition, the applicant may need to file concurrent rezoning, preliminary plat, or final plat applications in accordance with the procedures set forth in this chapter or Title XV: Land Usage, Chapter 151: Subdivisions of the Mayer Code of Ordinances .
- (H) Phased Development. Development of the project may be phased, in which case each complete phase may be processed separately through both preliminary development plan review and final PUD plan review. A map showing all property owned or controlled by the developer which is contiguous to the development site or which is within the area determined by the City to be relevant for comprehensive planning and environmental assessment purposes, together with a conceptual plan of the property's eventual development through all potential phases shall be submitted with the application for the first phase. The developer is not responsible for providing a conceptual plan for contiguous or nearby property which is not owned or controlled by the developer. The conceptual plan shall conform to the purposes of this chapter and shall be used by the City to review all phases of the development. All phases of the development shall conform to the conceptual plan, all conditions of approval, and applicable regulations.
- (I) Preliminary PUD Plan Contents of Complete Application.
- (1) The applicant shall file with the City a preliminary PUD plan (seven large scale copies and fifteen 11x17 copies), which includes the following.
- (a) A legal description of the property proposed to be developed.
 - (b) A map of the subject property and surrounding area determined by the City to be relevant for comprehensive planning, environmental assessment or zoning review purposes, which shall depict comprehensive plan designations, zoning classifications and existing land uses and utility mains/urban facilities including parks and streets.
 - (c) A proposed site plan for the subject property depicting the following.
 1. Topography at two foot (2') contours.
 2. Individual trees over eight inches (8") in trunk diameter measured four feet (4') above the base of the trunk in areas to be developed or otherwise disturbed.
 3. Designated placement, location, and principal dimensions of lots, buildings, streets, parking areas, recreation areas and other open space, landscaping areas and utilities.
 4. If the developer owns or otherwise controls property adjacent to the proposed development, a conceptual plan for such property demonstrating that it can be developed in a compatible manner with the proposed development.
 - (d) A conceptual landscape plan showing existing and proposed landscaping including groundcover, shrubbery and tree species.
 - (e) Drawing and/or text showing scale, bulk and architectural character of proposed structures.
 - (f) For single-family PUD's, a conceptual drawing depicting the number and location of lots which would be allowed if no regulations were modified.
 - (g) Special features including but not limited to critical areas and sites or structures of historic significance.
 - (h) Text describing conditions or features which cannot be adequately displayed on maps or drawings.
 - (i) A narrative stating how the proposed development complies with the goals and policies of the Comprehensive Plan.
 - (j) A narrative stating how the proposed plan impacts adjacent property owners.
 - (k) A narrative describing the public benefit of the proposed PUD.
 - (l) A narrative describing proposed operation/maintenance of the development including open areas, stormwater features and recreational facilities resulting from the subdivision.
 - (m) If applicable, draft conditions, covenants and restrictions and other documents relating to operation and maintenance of the development, including all of its open areas and recreational facilities.
 - (n) Information normally required within the underlying zoning classification relating to site plan review.
 - (o) Other information required by the City.
- (J) Preliminary PUD Plan Criteria for Approval.
- (1) Preliminary PUD approval shall be granted by the City only if the applicant demonstrates that.
- (a) The proposed project shall not be detrimental to present and potential surrounding land use.
 - (b) Land surrounding the proposed development can be planned in coordination with the proposed development and can be developed so as to be mutually compatible.
 - (c) Streets and sidewalks, existing and proposed, are suitable and adequate to carry anticipated traffic within the proposed project and in the vicinity of the proposed project, in light of the criteria set forth in Title XV: Land Usage, Chapter 151: Subdivisions of the Mayer Code of Ordinances and the Comprehensive Plan.
 - (d) Services including potable water, sanitary sewer and storm drainage are available or can be provided by the development prior to occupancy.
 - (e) Each phase of the proposed development, as it is planned to be completed, contains the required parking spaces, recreation spaces, landscape and utility areas necessary for creating and sustaining a desirable and stable environment.

- (f) The project conforms with the purposes and standards prescribed in this chapter.
- (g) The project conforms to the Comprehensive Plan.
- (2) Conformance with the design standards and required improvements as set forth within Title XV: Land Usage, Chapter 151: Subdivisions of the Mayer Code of Ordinances .
- (K) Preliminary PUD Plan Minor and Major Changes to an Approved Preliminary PUD.
 - (1) A proposed minor change to an approved preliminary PUD shall be incorporated into the application for final PUD approval, and any notification regarding such final PUD approval shall describe the proposed minor change(s). A “minor change” means any departure from the conditions of preliminary approval which is not a “major change” and includes but is not limited to the following/
 - (a) Reductions to the number of dwelling units in a structure.
 - (b) Reductions to the number of residential dwelling units.
 - (c) Reductions to the number of nonresidential structures.
 - (d) Revisions to heights of structures.
 - (e) Revisions to location of internal roads.
 - (f) Revisions similar in nature to those above as determined by the City.
 - (2) A proposed major change to an approved preliminary PUD shall require reapplication for preliminary PUD approval and a public hearing and any notification regarding such preliminary PUD approval shall describe the proposed major change or changes. A “major change” is any departure from the conditions of preliminary PUD approval which would result in any of the following.
 - (a) Revisions to the approved design concept.
 - (b) Revisions to the approved use(s).
 - (c) An increase in the number of residential dwelling units.
 - (d) An increase in square footage of nonresidential structures.
 - (e) A decrease in the amount of landscaping, site perimeter buffering, and open space.
 - (f) An increase in traffic volumes or change in circulation patterns which impacts surrounding development.
- (L) Final PUD Plan Contents of Complete Application.
 - (1) Within twelve (12) months following the approval of the preliminary PUD, the applicant shall file the final PUD conforming to the approved preliminary PUD. The final PUD shall include the following.
 - (a) A survey of the property, showing for all areas to be developed or disturbed, existing features, including topography at two foot (2') contours, buildings, structures, trees over eight inches (8") in trunk diameter measured four feet (4') above the base of the trunk, streets, utility easements, rights-of-way, and existing land uses.
 - (b) Elevation and perspective drawings of project structures and improvements.
 - (c) Proposed final association documents, declarations of covenants, conditions and restrictions and other documents relating to operation and maintenance of the development, including all of its open areas and recreational facilities, which documents shall be recorded upon final PUD approval.
 - (d) Proposed final agreements which may have been required as conditions of preliminary PUD approval.
 - (e) A development schedule.
 - (f) The following plans and diagrams.
 - 1. An off-street parking plan.
 - 2. A circulation diagram indicating the proposed movement of vehicles and pedestrians within the planned unit development, and to and from existing and programmed thoroughfares; any special engineering features and traffic regulating devices needed to facilitate or ensure the safety of this circulation pattern must be shown.
 - 3. Landscaping and tree planting plan, including site grading.
 - 4. A topographic map or model of the site and surrounding vicinity.
 - (2) In the event that development standards were submitted and approved as part of the preliminary PUD plan, development standards shall be made binding upon all future owners of the property in a manner acceptable to the City and may be submitted in lieu of elevation and perspective drawings of project improvements.
- (M) Final PUD Plan Criteria for Approval. Final PUD approval shall be granted by the City only if the applicant demonstrates that the final PUD substantially conforms to the approved preliminary PUD. For the purposes of this section, “substantially conforms” means that, as compared to the preliminary PUD, the final PUD contains no revisions in density, uses, design, or development standards or in the site plan, other than the minor changes pursuant to section (K) above.
- (N) Final PUD Plan Extension of Time for Filing. For good cause shown, the City, at its discretion, may grant an extension of time of one (1) year for filing the final PUD and required accompanying papers, and may grant additional one (1) year extensions, provided however, the City shall have the right to reexamine and update any conditions made to mitigate development impact.
- (O) Final PUD Plan Failure to File and Termination.
 - (1) In the event the final PUD or any required application and materials are not filed within twelve (12) months following approval of a preliminary PUD, except as provided elsewhere in this chapter or as noted in section (O)(2) below,

the approval of the preliminary PUD shall lapse and the approval shall be deemed null and void and without force or effect.

- (2) When it is determined as part of the preliminary PUD approval that the final PUD is to be phased, the final PUD for the first phase shall be submitted within twelve (12) months of preliminary approval. The final development plan for each subsequent phase shall be submitted within the schedule established at the time of preliminary PUD approval. In the case of a PUD which includes a subdivision, the final PUD shall be submitted within two (2) years of receiving preliminary approval.
 - (3) The time period for filing of a final PUD shall not include periods of time during which progress on the final PUD was reasonably halted or delayed due to the filing and pendency of legal actions challenging an approval granted by the City pursuant to this chapter; provided, that in all cases when more than two (2) years have elapsed subsequent to the date of approval of a preliminary PUD the applicant shall be required to comply with all current building, construction, subdivision and other applicable standards of the City prior to being granted approval of the final PUD; provided, that a change in zoning district classification enacted subsequent to approval of the final development plan shall not affect the project.
- (P) Final PUD Plan Adjustments to Approved Final PUD.
- (1) City staff is authorized to allow adjustments in accordance with section (P)(2) below. City staff shall allow only such adjustments as are consistent with guidelines established in section (P)(2), and in no case shall an adjustment be allowed if it will increase the total amount of floor space authorized in the approved final PUD, or the number of dwelling units or density, or decrease the amount of parking or loading facilities or permit buildings to locate substantially closer to any boundary line or change substantially any point of ingress or egress to the site.
 - (2) For the purposes of this section, "adjustments" means any departure from the conditions of final PUD approval which complies with the following criteria.
 - (a) The adjustment maintains the design intent and quality of the original approval.
 - (b) The amount of landscaping, buffering and open space shall not be reduced.
 - (c) The number of dwelling units in residential developments and the square footage of structures shall not increase.
 - (d) The adjustment shall not relocate a building, street or other use more than twenty feet (20') in any direction and shall not reduce any required yard and/or setback.
 - (e) The height of buildings and other structures shall not increase.
 - (f) Views from both structures on-site and off-site shall not be substantially reduced.
 - (g) Traffic volumes shall not increase and circulation patterns shall not change.
 - (h) Changes in colors, plant material and parking lot configurations are minor.
 - (i) The adjustment does not add significant new environmental impacts or significantly increase environmental impacts disclosed in the original documents.
 - (j) City staff determines that the change will not increase any adverse impacts or undesirable effects of the project, or that the change in no way significantly alters the project.
- (Q) Letter of Credit Required for Final PUD Plan. No final PUD shall be implemented until the applicant files with the City a letter of credit approved by the City, executed by a surety company authorized to do business in the state, or other equivalent security approved by the City Attorney, in an amount equal to one hundred and twenty-five percent (125%) of the estimated cost of all public improvements, utilities and landscaping, conditioned upon the applicant's completion of such portions of the project according to the submitted final PUD and the provisions of this chapter, and, in addition, providing that no change, extension of time, alteration or addition to the project will in any way affect the obligation on the letter of credit. Such letter of credit shall also be conditioned upon full restoration of the site in the event that grading, clearing or any other site preparation or work is begun and abandoned, and in the determination of the City, it will better serve the public health, welfare and safety to restore the site rather than to require completion of public improvements, utilities and landscaping. If the PUD is also being subdivided, the letter of credit required to be posted by the subdivision of property as per Title XV: Land Usage, Chapter 151: Subdivisions of the Mayer Code of Ordinances, to the extent that it satisfies the requirements of this section, shall be accepted as full or partial fulfillment of the requirements hereof.
- (R) Operating and Maintenance Requirements for PUD Common Open Space and Service Facilities.
- (1) Whenever common open space or service facilities are provided within the PUD, the PUD plan shall contain provisions to assure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard.
 - (2) Common open space and service facilities within a PUD shall be placed under the ownership of one or more of the following.
 - (a) Landlord control where only use by tenants is anticipated.
 - (b) Property owners' association, provided all of the following conditions are met.
 1. Prior to the use, occupancy, sale or the execution of contracts for sale of an individual building unit, lots, parcel, tract, townhouse, apartment, or area, a declaration of covenants, conditions and restrictions or an equivalent document as specified in Minnesota Statutes shall be filed with the City prior to the filings of the documents with the County Recorder's Office.

2. The declaration of covenants, conditions and restrictions or equivalent document shall specify that deeds, leases or documents of conveyance affecting buildings, units, lots, parcels, tracts, townhouses or apartments shall subject the properties to the terms of the declaration.
 3. The declaration of covenants, conditions and restrictions shall provide that an owners' association or corporation may be formed and if such an association or corporation is formed, property owners must be members of the association or corporation which shall maintain all properties and common areas in good repair and which shall assess individual property owners' proportionate shares of joint or common costs. This declaration may be subject to the review and approval of the City Attorney. The intent of this requirement is to protect the property values of the individual owner through establishing effective private control.
 4. The declaration shall additionally provide that in the event the association or corporation fails to maintain properties in accordance with the applicable rules and regulations of the City, or fails to pay taxes or assessments on properties as they become due, and in the event the City incurs any expenses not immediately reimbursed by the association or corporation, then the City shall have the right to assess each property its pro rata share of the expenses. Such assessments, together with interest thereon and costs of collection, shall be a lien on each property against which such assessment is made.
 5. Membership in the association must be mandatory for each owner within that neighborhood in the PUD, as determined with the approval of the final PUD, and any successive buyer and the association must be responsible for liability insurance, taxes, and the maintenance of the open space facilities to be deeded to it.
 6. The open space restrictions must be permanent and not for a given period of years.
 7. Property owners must pay their pro rata share of the cost of the association by means of an assessment to be levied by the association which meets the requirements for becoming a lien on the property in accordance with state law and the association must be able to adjust the assessment to meet changing needs.
 8. The by-laws and rules of the association and all covenants and restrictions to be recorded must be approved by the City Council prior to the approval of the final PUD plan.
- (3) Staging of common open space. The construction and provision of all of the common open space and public improvements and recreational facilities that are shown on the final development plan for a PUD must proceed at the same rate as the construction of dwelling units or other private facilities.
- (S) Building Permits and Certificates of Occupancy. The City shall issue building permits for buildings and structures which conform with the approved final PUD and with all other applicable City ordinances and regulations. The City shall issue a certificate of occupancy for completed buildings or structures which conform to the requirements of the approved final PUD and all other applicable City ordinances and regulations. The construction and development of all the open spaces and public and recreational facilities of each project phase must be completed or bonded before any certificate of occupancy will be issued.
- (T) Extension of Time for Construction. For good cause shown, the City, at its discretion, may grant one (1) extension of time for commencement or continuation of construction subsequent to approval of the final PUD.
- (U) Termination of PUD and Failure to Commence or Continue Construction.
- (1) If construction has not been started within two (2) years from the date of approval of a final PUD with an associated subdivision, or two (2) years from the date of approval of any other final PUD, or if construction has been commenced but the work has been abandoned for a period of one (1) year or more, and if no extension of time has been granted as provided in herein, the authorization granted for the PUD project shall terminate and all permits and approvals issued pursuant to such authorization shall expire and be null and void.
 - (2) The time period of commencing or continuing construction shall not include periods of time during which commencement of construction or continuation of construction was reasonably halted or reasonably delayed due to the filing of pendency of legal action challenging an approval granted by the City pursuant to this chapter; however, in all cases, when more than two years have elapsed subsequent to the date of approval of a final PUD with associated subdivision, or more than two years have elapsed subsequent to the date of approval of any other final PUD the applicant shall be required to comply with all current building, construction, subdivision and other applicable standards of the City; provided, that a change in zoning district classification enacted subsequent to approval of the final development plan shall not affect the project.
- (V) Sale of lots. Lots in a platted PUD may be sold to separate owners according to the separate lots as shown in the plat filed and approved in connection therewith. No sale shall be permitted which subdivides a lot in such a manner as to create a new lot line except as provided in Title XV: Land Usage, Chapter 151: Subdivisions of the Mayer Code of Ordinances .
- (W) Lots subject to final PUD plan. All lots or other divisions of a subdivided PUD shall remain subject to compliance with the final development plan regardless of the fact of subdivision in compliance with Title XV: Land Usage, Chapter 151: Subdivisions of the Mayer Code of Ordinances or lot(s) and division(s) of a subdivided PUD were subsequently conveyed.