

CHAPTER IX.
BUILDING AND LAND USE REGULATION
PART 1. Permits, Inspections And Fees.
As amended June 4th, 1984.

901.01 Permits, Inspections, And Fees. The issuance of permits, conduction of inspections and collection of fees shall be as hereafter provided. It should be kept in mind that fees are a legal method of financing the Land Use Planning and Zoning Committee of the City of Winthrop.

901.02 Fee Structure.

Subdivision 1. Fees for land use permits (building permits) shall be based on the square footage of any proposed structure, excluding “Miscellaneous Structures” as hereinafter defined, pursuant to the following schedule:

- a. Residential:
 - i. Below ground footage-one cent (.01) per square foot.
 - ii. On grade, including “earth homes” – one cent (.01) per square foot.
 - iii. Second floor-one cent (.01) per square foot.
- b. Commercial:
 - i. One cent (.01) per square foot.
- c. Industrial:
 - i. One cent (.01) per square foot.

Total cost of a building permit shall not exceed \$50.00 and shall not be less than \$5.00.

Subdivision 2. “Miscellaneous Structures”, generally defined as including detached accessory structures of 20 square feet or less, which structures are not permanently affixed; privacy or decorative yard fences; or landscaping improvements shall be assessed a flat fee of Five and no/100 (\$5.00) Dollars and shall be otherwise exempt from the schedule of fees outlined above.

Subdivision 3. Payment of the fees described above shall be made contemporaneous with the submission of the application for permit.

901.03 Permits.

Subdivision 1. The Zoning Administrator shall be empowered to issue permits for “miscellaneous structures” and all other structures and uses after timely and proper application therefor, but without the necessity of prior approval of the City Planning Commission or the City Council, except as provided in subdivision 2 of this section.

901.03 Permits (cont.)

Subdivision 2. Permits for structures or uses that require a variance, a conditional use permit, that are contingent upon an amendment to the district boundaries or text of the city zoning regulations, or which in the opinion of the Zoning Administrator warrant further and additional consideration shall be requested by way of formal application made to the City Planning Commission and City Council.

901.04 Inspection. The Zoning Administrator may inspect the site of the proposed structure to confirm that the structure or use conforms with other applicable regulatory ordinances and is consistent with the plans submitted with the application for the land use permit.

901.05 Fire Zone District. The entire city shall be deemed one fire zone.

901.06 Violations And Penalties. The penalty described in the Uniform Building Code, 1976 Edition, Chapter Two, Section 205, shall be in keeping with Minnesota Statutes 603.031, which provides for a maximum fine of \$500 or imprisonment for 90 days, or both.

**CITY OF WINTHROP
ZONING ORDINANCE**

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April 21, 2011

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Zoning.

902.01 Intent and Purpose.

Pursuant to the authority conferred by the State of Minnesota in Section 462.357, and for the purpose of:

1. Promoting and protecting the public health, safety, and general welfare of the inhabitants of the incorporated area of the City of Winthrop;
2. Protecting and conserving the character, social, and economic stability of agricultural, residential, commercial, industrial, and other use areas;
3. Securing the most appropriate use of land;
4. Preventing the overcrowding of the land and undue congestion of population;
5. Providing adequate sunlight, air, and reasonable access;
6. Facilitating adequate and economical provision of transportation, water supply, and sewage disposal;
7. Planning for location of schools, recreation facilities, and other public requirements.

This ordinance, which shall be known and cited as the Winthrop Zoning Ordinance, is an ordinance setting minimum and maximum standards for the height and size of buildings, the size of yards, courts, and other open spaces, the density of population, the location and use of buildings; and land for trade, commerce, industry, residence, and other purposes; creating districts for said purposes and establishing the boundaries thereof; providing for changes in regulations, restrictions, and boundaries of such districts; defining certain terms used herein; providing for enforcement and administration; and imposing penalties for the violation of this ordinance.

902.02 Title.

This Ordinance shall be known as "The Zoning Ordinance of Winthrop, Minnesota" and will be referred to herein as "this ordinance."

902.03 Jurisdiction, Application and Interpretation.

Subdivision 1. Jurisdiction.

The jurisdiction of this Ordinance shall apply to all of the area within the corporate limits of the City of Winthrop. This Ordinance shall also apply to the unincorporated area within two miles of its limits, provided that the governing bodies or body of any unincorporated area adjacent to the City have not adopted ordinances for the zoning of land uses. Should any governing body have zoning ordinances, this Ordinance shall only apply after a joint resolution has been adopted by the City and the affected governing body which confers the zoning authority to the City.

Subdivision 2. Application and Interpretation.

1. In their application and interpretation, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and welfare.
2. Where the conditions imposed by any provision of this Ordinance are either more or less restrictive than comparable conditions imposed by any law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.
3. No structure shall be erected, converted, enlarged, reconstructed, or altered, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this Ordinance.
4. Except as herein provided, no building, structure, or premises shall hereafter be used or occupied and no building permit shall be granted that does not conform to the requirements of this Ordinance.

Subdivision 3. Severability.

1. If any court of competent jurisdiction shall judge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.
2. If any court or competent jurisdiction shall judge invalid the application of any provision of this Ordinance 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.

902.04 Rules and Definitions.

Subdivision 1. Rules.

For purposes of this Ordinance words used in the singular number include the plural; and the plural the singular; the present tense includes the past and future tenses and the future the present; the word "shall" is mandatory, the word "may" is permissive; all measured distances shall be to the nearest integral foot; whenever a word or term defined hereinafter appears in the text of this Ordinance its meaning shall be construed as set forth in such definition thereof.

Subdivision 2. Definitions.

For the purposes of this Ordinance, certain words and terms are herein defined:

1. **Accessory Building.** A subordinate building or structure on the same lot or part of the main building, occupied by or devoted exclusively to an accessory use.
2. **Accessory Use.** A use naturally and normally incidental to, subordinate to, and auxiliary to the principal permitted use of the premises.
3. **Agriculture** - The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the agricultural product; provided, however, that the operation of any such accessory uses shall be secondary to that of primary agricultural activities.
4. **Alley.** Any dedicated public way providing a secondary means of ingress and/or egress to land or structures thereon.
5. **Automobile, Wrecking, or Junkyard.** A place maintained for keeping, storing, or piling in commercial quantities, whether temporarily, irregularly, or continually; buying or selling at retail, or wholesale, any old, used, or second-hand material of any kind, including used motor vehicles, machinery, and/or parts thereof, cloth, rugs, clothing, paper, rubbish, bottles, rubber, iron or other metal, or articles which from its worn condition render it practically useless for the purpose for which it was made and which is commonly classed as junk. This shall include a lot or yard for the keeping of unlicensed motor vehicles or the remains thereof for the purpose of dismantling, sale of parts, sale as scrap, storage or abandonment. This shall not prohibit the keeping of one (1) unlicensed motor vehicle within a garage or other structure in residential districts or two (2) unlicensed motor vehicles not including farm equipment within a farm in the agricultural district.

902.04 Rules And Definitions (cont.)

6. **Basement.** That portion of a floor of a building which is wholly or partially, up to fifty (50%) percent, underground or below grade.
7. **Boarder.** A person who receives lodging in exchange for a fee or services.
8. **Building.** Any structure, either temporary or permanent, having a roof, and used or built for the shelter or enclosure of any person, animal, or chattel or property of any kind. When any portion thereof is completely separated from every other party thereof by division walls from the ground up and without openings, each portion of such building shall be deemed as a separate building.
9. **Buildable Area.** That part of the lot remaining after required yards have been provided.
10. **Building Principal.** A building or structure in which the main or principal use of the lot on which said building or structure is situated is conducted.
11. **Building Height.** The vertical distance measured from the average ground level adjoining the building to the highest point of the roof surface if a flat roof, to the deck line of mansard roofs, and to the mean height level between eaves and ridge of gable, hip, and gambrel roof.
12. **Building Setback Line.** The front line of the building or the legally established line which determines the location of the building with respect to the street line.
13. **Carport.** A structure permanently attached to a dwelling having a roof supported by columns but not otherwise enclosed.
14. **Clinic.** A clinic for the purpose of this ordinance is a public or proprietary institution providing diagnostic, therapeutic, or preventive treatment of ambulatory patients by a group of doctors.
15. **Club, Private.** Land, buildings, or premises owned or operated by a corporation, association, or group of individuals for a social, educational, recreational, charitable, political, or patriotic purpose and such land, buildings, or premises are not available for unrestricted public access and use.
16. **Commissioner.** The Minnesota Commissioner of Natural Resources.

902.04 Rules And Definitions (cont.)

17. **Conditional Use.** A use which, because of unique characteristics, cannot be classified as a permitted use in any particular district. After due consideration, in each case, of the impact of such use upon neighboring

land and of the public desirability for the particular use at the particular location a "Conditional Use Permit" may be issued.

18. 16. **Council (City).** The duly elected and qualified governing body of the City of Winthrop, Minnesota.
19. 17. **District Zoning.** Any section of the incorporated area of the City of Winthrop within which certain uniform regulations and requirements of various combinations thereof apply under the provisions of this ordinance.
20. 18. **Dwelling.** A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family and multiple-family dwellings but not including hotels, motels, and garage space.
21. 19. **Dwelling, Multiple.** A building used or intended to be used as a dwelling, by three (3) or more families, where each dwelling unit is divided by a party wall extending the full height of the building. Each unit is capable of individual use and maintenance without trespassing upon adjoining properties, and utilities and service facilities are independent for each property.
22. 20. **Dwelling, Single-Family.** A dwelling occupied by only one (1) family; and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for one (1) family only.
23. 21. **Dwelling, Two-Family.** A dwelling so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for occupancy by two (2) families.
24. **Easement.** A grant by a property owner for the use of a strip of land for the purpose of construction and maintaining utilities, including but not limited to sanitary sewers, watermains, electric lines, telephone lines, storm sewer or storm drainage ways, and gas lines.
25. **Essential Services.** The phrase "essential services" means the erection, construction, alteration, or maintenance by public utilities or municipal departments of commissions of underground or overhead gas, electrical, communication, steam, or water transmissions or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, and other similar equipment and accessories in connection therewith (but not including buildings) reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety, or general welfare.

902.04 Rules And Definitions (cont.)

26. **Family.** A family is any number of persons living together in a room or rooms comprising a single housekeeping unit and related by blood,

marriage, adoption, or any unrelated person who resides therein as though a member of the family including the domestic employees thereof. Any group of persons not so related but inhabiting a single house shall, for the purpose of this ordinance, be considered to constitute one family for each five (5) persons, exclusive of domestic employees, contained in such group.

27. **Farming.** The cultivating or pasturing, of a parcel of land or using it for the raising of livestock or fowl for commercial purposes.
28. **Farmstead.** Property on which structures and a farm dwelling are located for management, storage, and general farm operation.
29. **Floor Area, Ground.** The area within the exterior walls of the main building or structure as measured from the outside walls at the ground level, not including garages or enclosed or unenclosed porches and not including attached utility or accessory rooms having three or more exterior sides.
30. **Garage, Community.** Any space, structure, or series of structures for the storage of motor vehicles for the use of two or more occupants of property in the vicinity and having no public shop or service therein.
31. **Garage, Private.** An accessory building designed or used for the storage of property owned and used by the occupants of the building to which it is accessory.
32. **Gasoline Service Station.** A building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water, and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles, but not including special facilities for the painting, major repair, or similar servicing thereof.
33. **Home Occupation.** Any occupation of a service character which is clearly secondary to the main use of the premises as a dwelling, and does not change the character thereof or have any exterior evidence of such secondary use. The occupation shall be carried on or conducted only by members of a family residing in the dwelling.
34. **Hotel.** Any building or portion thereof where lodging is offered to transient -guests for compensation and in which there are more than five (5) sleeping rooms with no cooking facilities in an individual room or apartment.

902.04 Rules And Definitions (cont.)

35. **Lot.** A lot is a piece or parcel of land occupied or to be occupied by a building, structure, or use, or by other activity permitted thereon and

including the open spaces required under this ordinance, and having its principal frontage on a public street.

36. **Lot Area.** The area of a horizontal place within the lot lines.
- ~~25.~~ **Lot Corner.** A lot situated at the junction of two (2) or more intersecting streets.
26. **Lot Coverage.** The part of the percentage of the lot occupied by buildings or structures, including accessory buildings or structures.
27. **Lot Depth.** The shortest horizontal distance between the front lot line and the rear lot line measured from a ninety (90) degree angle from the street right-of-way within the lot boundaries.
28. **Lot Frontage.** The front of a lot shall be, for purposes of complying with this Ordinance, that boundary abutting a public right-of-way having the least width.
29. **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.
30. **Lot Width.** The shortest horizontal distance between the side lot lines measured at right angles to the lot depth.
31. **Lot of Record.** A lot which is part of a subdivision, the map of which has been recorded in the office of the Sibley County Recorder or a lot described by metes and bounds, the deed to which has been recorded in the office of the Sibley County Recorder prior to the effective date of this Ordinance.
32. **Mobile Home.** A transportable structure suitable for year-round occupancy and having water, electrical, and sewer connections similar to a single family dwelling.
33. **Manufactured Home.** A structure, transportable in one or more sections, which in the traveling mode is eight (8) feet or more in width or forty (40) feet 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, Section 327.31 through 327.35. A modular/manufactured home shall be congruous to a single family dwelling. *As amended April 1st, 1985.*

34. **Modular Home.** A non-mobile housing unit that is basically fabricated at a central factory and transported to a building site where final installations are made, permanently affixing the module to a permanent foundation.
35. **Motel** A motel is a business comprising a series of attached, semi detached, or detached rental units with or without eating facilities for the overnight accommodation of transient guests.
36. **Motor Vehicle.** Any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, motor scooters, all-terrain vehicles (ATVs), trucks, tractors, go-carts, golf carts, campers, and trailers.
37. **Non-Conforming Building, Structure, Or Use.** A building, structure, or use which does not conform with the district regulations in which it is situated.
38. **Parking Space.** An area sufficient in size to store one (1) standard automobile, which has adequate access to a public street or alley.
39. **Permitted Use.** A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements and performance standards (if any) of such district.
40. **Person.** Any individual, corporation, firm, partnership, association, organization, or other group acting as a unit. It also includes any executor, administrator, trustee, receiver, or other representative appointed by law. Whenever the word "person" is used in any section prescribing a penalty or fine, it shall include the partners or members of any corporation, etc. who are responsible for the violation.
41. **Self Service Storage.** A building that contains partitioned sections or stalls that are used for storage.
42. **Setback.** The minimum horizontal distance between any part of a building and the right-of-way or lot line.
43. **Story.** That portion of a building included between the surface of any floor and the surface of the floor next above it, or the space between such a floor and the ceiling next above it. A basement shall be considered a story if its ceiling is over five (5) feet above the average established grade.
44. **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.
45. **Townhouse.** Single-family attached units in a structure housing three (3) or more dwelling units contiguous to each other, only by the share of one (1) common wall, and each dwelling unit shall have separate and individual front and rear entrances.

46. **Use.** The purpose for which land or buildings thereon are designed, arranged, or intended to be occupied or used, or for which they are occupied or maintained.
47. **Variance.** The waiving of specific literal provisions of the zoning ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration. Variances are to be granted only when it is demonstrated that a waiving of the provision will be in keeping with the spirit and intent of the zoning ordinance. Furthermore, hardship must be demonstrated on a non-economic basis.
48. **Wind Turbine.** A device that converts wind energy into electrical power.
49. **Yard.** An open space on the lot which is unoccupied and unobstructed from its lowest level to the sky. A yard extends along a lot line at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.
50. **Yard, Corner Side.** A yard extending across the full depth of a corner lot and having a width equal the shortest distance between the right-of-way line along the lot's secondary frontage and the building line of the main building.
51. **Yard, Front.** A yard extending across the front of the lot between the side lot lines and lying between the front line of the lot and the nearest line of the building.
52. **Yard, Rear.** A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.
53. **Yard, Side.** A yard between the side line of the lot and the nearest line of the building and extending from the front -line of the lot to the rear yard.
54. **Zoning Administrator.** The person that the City Council has assigned the responsibility of administering and enforcing the Zoning Ordinance.

902.05 General Requirements.

Subdivision 1. Intent.

The intent of this Section of the Zoning Ordinance is to establish general development performance standards. The regulations provided herein shall apply equally to all districts except where special provisions provide otherwise.

Subdivision 2. Parking and Loading Requirements.

In all zoning districts, with the exception of

1. "C-1" district, except for dwellings, meeting halls, churches, auditoriums, or governmental uses in said "C-1" district

Off-street parking facilities for the storage of self-propelled motor vehicles for the use of occupants, employees, and patrons of the buildings or structures hereafter erected, altered, or extended after the effective date of this ordinance, shall provide as herein prescribed.

Off-Street Parking Dimensions. The dimensions for parking stalls and associated driving aisles shall conform to the standards as adopted and amended, from time to time, by the City Council.

Parking of automobiles and other motor vehicles is permitted in the front and side yards in manufacturing districts when screened by a greenbelt eight (8) feet in width.

1. Loading space shall not be construed as supplying off-street parking space.
2. When units or measurements used in determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded, and fractions over one-half shall require one (1) parking space.
3. Whenever a use requiring off-street parking is increased in floor area, and such use is located in a building existing on or before the effective date of this ordinance, additional parking space for the additional floor area shall be provided and maintained in amounts hereafter specified for that use.
4. For the purpose of this section, "Floor Area", in the case of offices, merchandising, or service types of uses, shall mean the gross floor area used or intended to be used for services to the public as customers, patrons, clients, or patients as tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise.
6. Off-street parking facilities for dwellings shall be provided and located on the same lot or parcel of land as the building they are intended to serve.
7. The location of required off-street parking, for facilities for other than dwellings shall be within three hundred (300) feet of the building they are

intended to serve, measured from the nearest point of the off-street parking facilities and the nearest point of the building or structure.

8. Where a use is not specifically mentioned, off-street parking requirements shall be the same as for similar use.

9. Nothing in this section shall be construed to prevent collective provisions of off-street parking facilities for two (2) or more buildings or uses provided, collectively, such facilities shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the following table.
10. Nothing in this section shall prevent the extension of or an addition to a building or structure into an existing parking area which is required for the original building or structure when the same amount of space taken by the extension or addition is provided by an enlargement of the existing parking area, or an additional area within three hundred (300) feet of such building.
11. The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings as specified above shall be determined in accordance with the following table and the space so required and shall be irrevocably reserved for such use.

USE

PARKING SPACES REQUIRED

A. RESIDENTIAL:

One-Family, Two-Family and Multiple-Family

Two (2) spaces per dwelling unit.

Boarders or Renters

One (1) parking space for each Person for whom accommodations are provided for sleeping.

Other Residential:

Congregate Housing

One-half (1/2) space per dwelling unit.

B. COMMERCIAL:

General

One (1) space per two hundred (200) sq. ft. of retail or sales floor area, unless specifically

noted.

Automobile Service Station	Two (2) spaces per service stall, plus one (1) for each employee on major shift and two (2) stalls per gasoline pump. (parking adjacent to each pump may be used to satisfy parking requirement).
Banks	One (1) space per two hundred fifty (250) sq. ft. of gross floor area.
Convenience Store	Without Gas Pumps - One (1) space per two hundred (200) sq. ft. of sales area. With Gas Pumps - One (1) space per two hundred (200) sq. ft. of retail sales area, plus two (2) spaces per each pump (parking adjacent to each pump may be used to satisfy retail parking requirement).
Drive-Thru Facility	Three (3) off-street stacking spaces per drive-thru lane.
Furniture and Appliance	One (1) space per four hundred (400) sq. ft. of gross sales floor area, and one (1) space per employee on major shift.
Hotel or Motel	One (1) space per unit, plus one (1) space per four (4) seats located in an accessory restaurant and/or lounge and one (1) space per each two (2) employees.
Self Service-Storage	One (1) parking stall for every two (2) storage units. A parking space adjacent to a storage unit may be counted as one (1) parking space.
Restaurant and eating and non-alcoholic drinking establishments	One (1) space per each four (4) seats, one (1) space for each two (2) employees on major shift, one (1) space for each delivery vehicle,

and one (1) space for customer food pick-up.

USE

PARKING SPACES REQUIRED

C. SERVICE BUSINESS USES:

Automobile Repair	Three (3) spaces per service stall, plus one (1) for each employee on major shift.
Beauty and Barber Shops	Three (3) spaces per operator station.
Carwash	Three (3) off-street vehicle stacking spaces per wash stall and one (1) off-street parking space per employee on major shift.
Private Club	One (1) space per three (3) persons of the maximum capacity of the facility.
Motor Vehicle, Manufactured Home, Bicycle or Motorcycle, and Manufactured Home Sales	One (1) space per employee, one (1) space for each two hundred fifty (250) square feet of office area, and five (5) spaces per one thousand (1,000) sq. ft. of enclosed sales area.

D. OFFICES AND RELATED USES:

General Standards	One (1) parking space per each two hundred fifty (250) sq. ft. of gross floor area.
Other Office Uses	
Medical and Dental Offices	One (1) parking space per each two hundred (200) sq. ft. of gross floor area.

E. RECREATIONAL USES:

General Standards	One (1) space per four (4) persons of the maximum occupancy load.
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USE

PARKING SPACES REQUIRED

Specific Recreational Uses

Auction House, Skating Rink, Health Clubs	One (1) parking space for each four hundred (400) sq. ft. of gross floor area.
Billiard Parlor, Dance Hall	One (1) parking space per fifty (50) sq. ft. of gross floor area.
Bowling Lanes	Five (5) spaces per lane, plus fifty percent (50%) of the spaces otherwise required for any accessory use (e.g., bars, restaurants).
Golf Courses	Five (5) parking spaces per green, plus fifty percent (50%) of the spaces otherwise required for any accessory use (e.g., bars, restaurants).
Indoor Movie Theater	One (1) parking space for each four (4) seats.
Auditorium, Gymnasium, Community Center	One (1) parking space for each four (4) persons of the maximum occupant load.
Miniature Golf Course, Archery Range, Golf Driving Range	Ten (10) spaces respectively.

F. INDUSTRIAL USES:

Manufacturing, Testing, Research or Lab	Four (4) off-street parking spaces, plus one (1) space per employee on the major shift, or one (1) space for each three hundred (300) sq. ft. of floor area.
Truck Terminals	Three (3) off-street parking spaces, plus one (1) per employee on the largest working shift.

USE

PARKING SPACES REQUIRED

Warehousing and Wholesale Business Three (3) off-street parking spaces, plus one (1) space per employee on the largest working shift.

G. INSTITUTIONAL USES:

Church and Other Religious Institutional
Hospital One (1) space per four (4) seats of maximum seating capacity in largest congregation area.
One (1) space per each four (4) beds, plus one (1) space per each three (3) employees on the largest shift.

H. LIBRARIES / MUSEUMS:

General Standards One (1) space per two hundred fifty (250) sq. ft. of floor area or one (1) space per four (4) seats at the maximum occupancy load, whichever is greater, plus one (1) space per employee on the largest work shift.

I. SCHOOLS:

Elementary and Junior High One (1) space per staff member, plus one (1) space per each two (2) classrooms.
Senior High School One (1) space per staff member, plus one (1) space per five (5) students.

J. CLINICS:

General Standards One (1) space per each two hundred fifty (250) sq. ft. of floor area plus, one (1) space per staff member.

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

(a) Adequate ingress and egress shall be provided.

- (b) Such parking lots shall be maintained in a usable dustproof condition, such as concrete, blacktop, properly treated crushed rock, or some other permanently surfaced area and shall be kept graded and drained to properly dispose of surface water.
- (c) Whenever such parking lot boundary adjoins property zoned for residential use, a setback of eight (8) feet from said lot line shall be required.
- (d) Necessary curbs or other protections against damage to adjoining properties, streets, and sidewalks shall be provided and maintained upon request of the Zoning Administrator.
- (e) Plans for the construction of any such parking lot must be approved by the Zoning Administrator before construction is started. No such land shall be used for parking until approved by the Zoning Administrator.
- (f) A drainage plan may be submitted upon request of the Zoning Administrator.

12. Required loading berths in connection with any structure which is to be erected or substantially altered and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, with a gross floor area of ten thousand (10,000) square feet or more, there shall be off-street loading provided on the basis of the following:

<u>Gross Floor Area</u> <u>Square Feet</u>	<u>Minimum Required</u> <u>Loading Berths</u>
10,000 to 16,000	1
16,000 to 40,000	2
40,000 to 70,000	3
70,000 to 100,000	4
each additional 40,000	1 additional

Subdivision 3. Accessory Buildings.

1. In all residential districts, detached accessory buildings shall be located in the side or rear yards. When located within ten (10) feet of the side or rear wall of the principal building in the district, they shall comply with all yard requirements applicable to the principal building in said district.
2. Where accessory buildings are to be located more than ten (10) feet from a side or rear wall of the principal building, they shall not be located closer than four (4) feet from an adjoining side or rear lot line. All accessory buildings shall be set back a minimum of thirty (30) feet from all street right-of-way lines. Accessory buildings are further limited not to exceed over one (1) story or sixteen (16) feet in height.

2. All garages shall, if the vehicle entrance faces a public alley, be set back at least twenty (20) feet from the public alley right-of-way.
3. In no case shall the door of any structure, building, or improvement, be erected or constructed so as to extend beyond any lot line.
4. In business and manufacturing districts, accessory buildings and uses may occupy any of the ground area which the principal building is permitted to occupy. Accessory buildings such as buildings for parking attendants, guard shelters, gate houses, and transformer buildings may be located in the front or side yard in the Industrial District.

Subdivision 4. General Fencing, Screening, Landscaping, and Storage.

1. Fence Requirements

- a. Fence Setbacks. Fences shall be set back two feet from the rear and side property lines. If mutual written consent of adjoining property owners is obtained, the fence may be placed up to the property line. Fencing shall be setback a minimum of two feet from all street rights-of-way. No fence shall be permitted to encroach on any public right-of-way.
- b. Sight Triangle. No fence, wall, structure, coniferous trees, or obstruction, other than chain link fences with openings of 1 5/8" to 2" not exceeding 48" in height, shall be erected, established, or maintained on a corner lot within a triangular area bounded by the lot lines and a line connecting points on each lot line twenty (20) feet from the intersection of such lot lines. An object within this area not exceeding thirty inches (30") in height as measured from the centerline elevation of the street shall not be considered as an obstruction to vision. This section does not apply to the "C-1" District.
- c. Maximum Fence Height. The following fence heights shall be allowed. In the case of grade separation, the height shall be determined on the basis of measurement from the average point between the highest and lowest grade.

Maximum Fence Height

District	Front Yard	Side Yard	Rear Yard
A-1	4 feet	6 feet	6 feet
R-1	4 feet	6 feet	6 feet
R-3	4 feet	6 feet	6 feet
R-M	4 feet	6 feet	6 feet
P/SP	4 feet	6 feet	6 feet
P	4 feet	6 feet	6 feet
C-1	4 feet	8 feet	8 feet
C-2	4 feet	8 feet	8 feet
I-1	8 feet	8 feet	8 feet
I-2	8 feet	8 feet	8 feet

- d. Approved Fence Materials.—Materials used in constructing fences for private use shall not endanger the public's health or safety. Fences shall not be constructed of snow fence (wooden slat with wire or plastic), woven wire, or barbed wire. Fences shall not be electric without a conditional use permit. New, like new, or well maintained fence material shall be used at the time of fence installation. The material used must be stone, brick, finished wood, chained link, or vinyl. Fences shall be constructed so that the finished side (or the side without exposed support or posts) faces neighboring property.

e. Fence Maintenance. Every fence shall be maintained in a condition of reasonable repair. If allowed by the property owner to become and remain in a condition of disrepair or danger, or constitute a nuisance (public or private), the City through its police department, shall commence proper proceedings for the abatement thereof, as allowed under the general nuisance code. Every damaged or missing element of any fence shall be repaired or replaced immediately.

2. Screening and Landscaping

a. All materials and equipment, except as provided in the district provisions of this Ordinance, shall be stored within a building or structure or screened so as not to be visible from adjoining properties, except the following:

1. Usable laundry equipment (clothes lines)
2. Recreational equipment and vehicles
3. Construction and landscaping material currently being used on the premises

1. In all commercial and industrial districts adjacent to residential districts and not divided by streets, there shall be a twenty (20) foot wide planting strip composed of grass, trees, and shrubs provided along the property line. A screening fence may be utilized when approved by the Planning Commission. Such fence shall not exceed eight (8) feet in height nor be less than six (6) feet in height.

2. In all zoning districts the lot area remaining after providing for parking, driveways, loading, sidewalks, or other requirements shall be planted and maintained in grass, sodding, shrubs, or other acceptable vegetation or landscaping techniques.

Subdivision 5. Unplatted Property.

1. Any person desiring to construct a dwelling or building on vacant unplatted property shall submit to the Zoning Administrator a land survey of said premises and information on the location and dimensions of proposed buildings, location of easements crossing the property, and other information which may be necessary to ensure conformance to city ordinances.

2. The Zoning Administrator shall review the land survey to determine if the division and creation of the property was in compliance with the statutes and regulations applicable at the time of said division. If the Zoning Administrator finds that the division of the property was in compliance with legal requirements applicable at the time of the division, the lot shall be recognized and development of the property shall be allowed in conformance to the building and zoning regulations of the city. If the Zoning Administrator finds that the division of the property was not in compliance with legal requirements applicable at the

time of the division, the lot shall not be recognized and current standards and procedures for platting shall be imposed.

Subdivision 6. Dwelling Unit Restrictions.

4. No basement (except when used as a portion of the living space of the family), cellar, garage, tent or accessory building shall, at any time, be used as a residence or dwelling unit, temporarily or permanently.
5. Except in the case of planned unit developments provided in Section 16 of this Ordinance, not more than one (1) principal building shall be located on a lot.
6. On a through lot (a lot fronting on two (2) parallel streets) or a corner lot, both street lot lines shall be front lot lines for applying yard and parking requirements.
7. Mobile homes, as defined in Section 4, shall be limited to locations as provided in Section 10.

Subdivision 7. Non-Conforming Uses.

1. Except as otherwise provided by law, any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this Ordinance, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, 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 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged. In this case, a municipality may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body. Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.

Subdivision 8. General Performance Standards.

1. Sewage Facilities. All buildings that have sewage facilities shall be connected to community sewer facilities when available. Where sewers are not constructed or in operation, all sewage facilities shall be connected to disposal systems which meet or exceed the requirements as established in the Sibley County Zoning Ordinance. This provision shall not apply to temporary construction sites, or portable units.

2. Glare. Any lighting used to illuminate an off-street parking area, sign, or other structure, shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, where-from floodlights shall not be directed into any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Any light or combination of lights which cast light on a public street shall not exceed one (1) foot candle (meter reading) as measured from the center line of said street. Any light or combination of lights which cast light on residential property shall not exceed one (1) foot candle (meter reading) as measured from said property.
3. Emission Standards. Emission or creation of noise, odors, heat, glare, vibration, smoke, toxic or noxious fumes, and dust or other particulate matter shall conform to standards established by the State of Minnesota. Detailed plans relating to the proposed use and operation may be required before issuance of a building permit to ensure compliance with these regulations.
4. Smoke and Particulate Matter. Any use established, enlarged, or remodeled after the effective date of this section shall be so operated as to control the emission of smoke or particulate matter to the degree that it is not detrimental to nor shall it endanger the public safety, health, comfort, or general welfare of the public and shall be so operated as to comply with the State of Minnesota standards.
5. Dust. Solid or liquid particulate shall not be emitted at any point in concentrations exceeding State of Minnesota standards.
6. Odors. Any use established, enlarged, or remodeled after the effective date of this Ordinance shall be so operated as to prevent the emission of odorous matter as regulated by the State of Minnesota.
7. Toxic or Noxious Matter. Any use established shall be so operated as not to discharge across the boundaries of the property or through percolation into the subsoil toxic or noxious matter in such concentration as to be detrimental to and or endanger the public health, safety, or welfare or exceed State of Minnesota standards.
8. Noise. Any use established, enlarged, or remodeled after the effective date of this Ordinance shall be so operated as to meet noise standards as regulated by the State of Minnesota.
9. Explosives. Any use requiring warehousing storage, utilization, or manufacturing of explosive products which could degrade and become unstable shall comply with the Minnesota State Fire and Safety Rules; and shall not be located less than four hundred (400) feet from any dwelling and/or Residential District.

10. Compliance. In order to ensure compliance with the performance standards set forth above, the Zoning Administrator may require the owner or operator of any permitted or Conditional Use to have made such investigations and tests as may be required to show adherence to the performance standards. Such investigation and tests may be required to be carried out by an independent testing organization at the land owner's/ applicant's expense as may be selected by the City.

Subdivision 9. Height and Yard Exceptions.

1. Chimneys, cooling towers, elevator bulk head, fire towers, drive-in movie theater screens, grain elevators, silos, stacks, tanks, water towers, pumping towers, radio or television towers, monuments, cupolas, steeples, and mechanical appurtenances pertaining to and necessary to the permitted use of the district in which they are located, shall not be included in calculating the height of the principle structure.
2. Outside stairways, fire escapes, fire towers, porches, platforms, decks, balconies, boiler flues, and other similar projections shall be considered as part of the building and not allowed as part of the required space for yards, courts, or unoccupied space, provided, however, that this provision shall not apply to:
 - (a) One (1) fireplace of one (1) chimney, not more than eight (8) feet in length and projecting not more than thirty (30) inches into the allowable side yard setback.
 - (b) Platforms, terraces, egress windows, or steps below the first floor level may extend into a front or rear yard not more than five (5) feet or into a side yard not more than four (4) feet.
 - (c) Unenclosed porches or other ground level unenclosed projections not over one (1) story in height may extend into a front or rear yard not more than five (5) feet or into a side yard not more than four (4) feet.
 - (d) Attached decks may extend eight feet into the required front yard setback provided that the deck is at least ten feet from the front property line. The height of the deck shall not exceed the height of the front entrance of the principal building.
3. Exception for Continuation of Existing Building Line. In an instance where the building line of a legal nonconforming principal structure and/or attached private garage is not set back from a property line in conformance with this Chapter, the principal structure and attached private garage may be structurally expanded in a manner consistent with the existing building line and in conformance with the following restrictions:
 - (a) The use of the structure is conforming to the zoning district in which it is located.

- (b) The expansion of the structure shall not be located closer to the lot line than the existing building line, and at least one-half of the required setback is provided between the building line of the expansion and the lot line.
 - (c) The expansion of the structure will not reduce any other required setback below the minimum standards of this Ordinance.
 - (d) The expansion of the structure will conform to all other restrictions of this Ordinance, including but not limited to, density, lot coverage, building height, and parking and loading requirements.
 - (e) The height of the expansion shall not be greater than the existing structure at the existing building line.
 - (f) Adequate drainage will be provided and the drainage shall be directed away from adjacent private property.
 - (g) Written permission must be received from the property owner that is adjacent to the structure expansion before a building permit is secured.
4. Side Yard Exceptions for Attached Private Garages. For single-family dwellings with an attached private garage in existence on the effective date of this Chapter, the required side yard setback may be reduced to three (3) feet for the purpose of constructing an addition to the attached private garage; provided the attached private garage is less than twenty-four (24) feet in width on the effective date of this Ordinance. The addition to the attached garage shall only be allowed in conformance with the following:
- (a) The cumulative width of the existing garage and garage addition shall not be more than twenty-four (24) feet.
 - (b) The building height of the garage addition shall not be greater than the building height of the existing attached garage.
 - (c) The garage addition shall not encroach into a recorded easement.
 - (d) The garage addition shall comply with all the other requirements of this Ordinance and the Uniform Building Code.
 - (e) The existing garage and garage addition shall only be used as a private garage.
 - (f) Adequate drainage shall be provided and drainage shall be directed away from adjacent private property.

5. Ground Mounted Solar Panels

- (a) Ground Mounted solar panels shall be not be located in the required front yard setback and shall be within the rear yard and setback at least five (5) feet from property lines. Solar panels affixed to roofs are allowed.

Subdivision 10. Relocated Buildings.

- 1. The relocation of a building that is greater than twelve (12) feet in width from one lot to another within the City shall require a Conditional Use Permit based on the procedures set forth and regulated herein and in Section 17 of this Ordinance.
- 2. In addition to the requirements of the Application for Conditional Use Permits set forth in Section 17 of the Ordinance, the applicant shall provide the following information.
 - (a) Photographs showing all sides of the building to be relocated, the relocation area, and the building adjacent to the relocation area.
 - (b) The route of travel of the building to be relocated.
 - (c) A statement describing arrangements made with regard to obstructions along the route of travel.
 - (d) Such other information requested by the City Council, ~~or~~ the Planning Commission or Clerk.

Subdivison 11 Signs

- 1. Purpose: The purpose of this section is to protect, insure, maintain, and regain the natural and scenic beauty and attractiveness of the roadside throughout Winthrop. By the construction of public roads, the public has created views to which the public retains a right of view and it is the intent of these standards to prevent the taking of that right. Signs are recognized as accessory uses and are permitted in all districts subject to the regulations of this ordinance.
- 2. Approval of Plan and Location: A permit shall be required to erect any sign in the City. The Permit fee shall be set by the Council from time to time. No sign shall be erected by any person until the plan for the proposed sign has been received by the Planning Commission and approved by the City Council. The signage plan shall contain the following information:
 - a. location of existing and proposed buildings on the site;
 - b. location of existing buildings within one hundred (100) feet of the site;
 - c. location and height of all existing and proposed signs on the site, complete with route of electrical supply to signs, if wired;

- d. all specifications and dimensions of signs including the lettering size and graphics;
 - e. description of sign and frame materials and colors, including supports;
 - f. planter box details, if used, such as materials used, plant types, their sizes, the number of plants to be used, their spacing, etc;
 - g. if it is a wall sign, include the wall anchorage details;
 - h. written permission to have the sign from property owner if sign is not located on applicant's property.
3. Sign Sizing Criteria: The size of signage allowed is based upon the front footage of the building located upon the property as follows (if no building is located upon the property, the size of sign shall be based upon the front lot footage):

<u>FRONT FOOTAGE</u>	<u>SIZE OF SIGN ALLOWED</u>
Up to 50 feet	100 square feet
51 to 100 feet	150 square feet
101 to 150 feet	185 square feet
151 to 200 feet	212 square feet
201 to 250 feet	237 square feet
251 feet or more	250 square feet

4. Signs That Do Not Need Permits: Signs that do not need permits are official government related signs, temporary real estate or construction signs not more than 8 square feet in size, political signs not larger than 8 square feet in size, and signs for special events for non-profit organizations not more than 32 square feet in size. In addition:
- a. Political signs must be removed within seven (7) days following the date of election or elections to which they apply;
 - b. Garage and Rummage Sale signs do not require permits, but they are only to be erected for no more than 72 hours and cannot be larger than 6 square feet;
 - c. Traffic control signs including parking type informational signs are not required to have a permit.
 - d. Construction signs must be removed when the project is completed;
 - e. Signs that identify the address or identity of a residence or residents do not need a permit, but residential type signs must be affixed to a structure or building located on the property;
 - f. Event signs shall be self supporting and not tacked, posted, painted, or otherwise affixed to the walls of buildings, trees, fences, or poles. Said signs shall be removed within forty-eight (48) hours after the culmination of the special event.

- g. Special event signs that are for businesses or other “for profit” entities that are not more than 32 square feet in size do not need a permit as long as the special event sign is not erected for longer than ten (10) days.
5. Home Occupation Signs: Home occupation signs shall be removed when the service is no longer offered on site.
6. Prohibited Signs: No sign shall be permitted:
- a. in a location which would interfere with the view of any traveler on any roadway, approaching vehicles, or of traffic control devices;
 - b. on rocks, trees, plants, or public utility poles;
 - c. containing a rotating beam or beam of light resembling an emergency vehicle;
 - d. which simulates any official, directional, or warning sign erected or maintained by the State, County, municipality or any other governmental subdivision or which incorporates or makes use of light simulating or resembling traffic signals or control signs;
 - e. which casts a distracting or confusing ray of light onto or visible from a public roadway;
 - f. which interferes with public facilities or the maintenance thereof;
 - g. which obstructs any windows, doors, fire escape, stairway or opening essential to the provision of light, air, ingress, or egress from any building;
 - h. which contains more than two (2) surface areas or facings;
 - i. within the right-of-way of any public road, except as erected by an official unit of government for the direction of traffic or necessary public information;
 - j. No sign shall be located within 50 feet of another sign located on the same side of the street if it is within 300 feet of an intersection. If the sign is not located within 300 feet of an intersection, it cannot be within 100 feet of another sign on the same side of the street;
 - k. No sign shall be permitted that does not comply with the setback requirements for structures in its respective zoning district;
 - l. Billboards are not permitted in any zoning district

7. Non-Conforming signs: Signs lawfully existing at the time of the adoption of this Ordinance may be continued although the use, size, or location does not conform with the provisions of this ordinance. However, the signs shall be deemed a non-conforming use.

8 Sign Maintenance:

- a. Painting: The owner of any sign shall be required to have such sign properly painted at least once every two (2) years, if needed, including all parts and supports of the sign, unless such supports are galvanized or otherwise treated to prevent rust.

- b. **Area Around Sign:** The owner, or lessee of any sign or the owner of the land on which the sign is located shall keep the grass, weeds, or other growth cut and the area free from refuse between the sign and street and also for a distance of six (6) feet behind and at the ends of each sign.
9. **Obsolete Signs:** Any signs which no longer advertise a bona fide business or product sold shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or land upon which the sign may be found within ten (10) days after written notice from the City Council.
 10. **Unsafe or Dangerous Signs:** Any sign which in the opinion of the City Council becomes structurally unsafe or endangers public safety shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure or land upon which the sign is located within ten (10) days after written notification from the City Council.
 11. **Violations:** A violation of any provision of this ordinance is considered a misdemeanor. *As amended October 1st, 2007.*

902.06 General District Provisions.

Subdivision 1. Establishment of Districts.

The following district classifications are hereby established within the City of Winthrop:

1. "A-1" Agricultural District
2. "R-1" Single and Two Family Residential District
3. "R-M" Mobile Home Residential District
4. "R-3" Multi Family Dwelling District
5. "PSP" Public/Semi-Public
6. "P" Park/Open Space
7. "C-1" Central Business District
8. "C-2" Highway Commercial District
9. "I-1" General Industry District
10. "I-2" Heavy Industry District

Subdivision 2. Zoning District Application.

1. The boundaries of the districts enumerated in this section are hereby established and adopted as shown upon the map on file in the Office of

the City Clerk designated "The Official Zoning Map of the City of Winthrop, Minnesota," dated and as subsequently amended and bearing the signatures of the Mayor and City Clerk, which map with all notations, references, data, and other information shown thereon is hereby made part of this Ordinance as if the same were fully set forth herein.

2. Annexed Land. - All land which may hereafter become a part of the City of Winthrop through annexation shall be automatically classified in the "A1" Agricultural District until otherwise changed by amendment procedure as prescribed by Section 18 of this Ordinance.

Subdivision 3. Zoning District Boundaries.

The boundaries of districts are the center lines of streets, the center lines of alleys, the rear lot lines where there are no alleys, the side lines of recorded lots, or designated distances where land is unplatted.

Subdivision 4. 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 case the City Council, the Planning Commission, or a property owner may request a study by the City 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. Upon receipt of the staff study, the City Council may, if appropriate, initiate an amendment to the zoning ordinance to provide for the particular use under consideration or may find that the use is not compatible for development within the City.

Subdivision 5. Opt Out of Minnesota Statutes, Section 462.3593.

Pursuant to authority granted by Minnesota Statutes, Section 462.3596, subdivision 9, of the City of Winthrop opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

As amended August 1st, 2016.

902.07 "A-1" Agricultural District.

Subdivision 1. Intent.

To establish and preserve areas for low density residential and outdoor recreation without permitting an intensity of development which would require the provision of municipal facilities and services; and further to allow agricultural uses in this district.

Subdivision 2. Permitted Uses.

1. Agriculture, including farm dwellings and agricultural related buildings and structures, but not including commercial feed lots or similar commercial operations.

2. Public parks, recreational areas, wildlife areas and game refuges.
3. Nurseries and tree farms.
4. Essential Services.
5. Slaughtering, limited to livestock raised on the farmstead.

Subdivision 3. Permitted Accessory Uses.

1. Operation and storage of vehicles, machinery, and equipment which is incidental to permitted or conditional uses allowed in this district
2. Boarding or renting of rooms to not more than two (2) persons
3. Home Occupations

Subdivision 4. Conditional Uses.

The following uses require a Conditional Use Permit based on the procedures set forth and regulated in Section 17 of this Ordinance:

1. Governmental and public utility buildings and structures necessary for the health, safety, and general welfare of the community.
2. Commercial outdoor recreational areas including golf courses, club houses, swimming pools, and similar facilities.
3. Kennels, animal hospitals, stables, and riding academies provided that the property containing such use is adequate and is adequately separated from residential, commercial, and industrial districts.
4. Churches, schools, and similar uses.
5. Uses which, in the judgment of the Planning Commission and City Council, are similar to those listed in this zoning district as outlined in the process of 902.06, Subdivision 4.

Subdivision 5. Lot, Yard, Area, and Height Requirements.

Minimum Lot Area (Sq Feet)	Minimum Lot Width	Front Yard	Side Yard	Rear Yard	Corner Side Yard
20,000	100 feet	30 feet	15 feet	50 feet	15 feet

1. Building Height. Residential structures hereafter erected shall not exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.

902.08 "R-1" Single-Family and Two-Family Residential District.

Subdivision 1. Intent.

It is the intent of this district to permit the development of single-family and two-family dwellings in the community, to provide reasonable standards for such development, to avoid overcrowding, and to prohibit the use of land which would be incompatible with or detrimental to the essential residential character of such district.

Subdivision 2. Permitted Uses.

1. Single-family and two-family dwellings, the living quarters of which, shall be constructed upon perimeter foundations, full basements or at least frost footings a minimum depth below grade of forty-eight (48) inches, that form complete enclosures under exterior walls (i.e., perimeter), a minimum width of twenty-four (24) feet over at least one hundred percent (100%) of its length, a minimum length of thirty-two (32) feet, a minimum total square footage of seven hundred sixty-eight (768) square feet.

As amended April 7th, 1997.

2. Public parks and playgrounds
3. Essential services
4. Agriculture other than the raising and keeping of livestock, however, homeowners or renters who keep horses on their property when the property is annexed into the City will be allowed to keep horses as long as they continue to own or rent the property. When the property is sold or the renter moves out, horses can no longer be kept on the property. Property annexed into the City that does not have horses at the time of annexation will not be allowed to have horses once the annexation is complete.

As amended July 5th, 2011.

Subdivision 3. Permitted Accessory Uses.

1. Private garages, parking spaces, and car ports for passenger cars, trucks, recreational vehicles, and equipment
2. Home occupations
3. Swimming pools and tennis courts
4. Tool houses and similar buildings for storage of domestic equipment and non commercial recreation equipment
5. Boarding or renting of rooms to not more than two (2) persons

Subdivision 4. Conditional Uses.

The following uses shall require a Conditional Use Permit based on the procedures set forth in Section 17 of this Ordinance:

1. Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community

2. Residential Planned Unit Developments regulated by Section 16 of this Ordinance
3. Public or semi public recreational buildings, community centers, educational buildings, schools, churches, and day care centers
4. Nurseries but not including greenhouses
5. Nursing homes, rest homes, assisted living facilities, and homes for the aged provided that adequate parking is provided and the site is accessible to commercial service areas.
6. Uses which, in the judgment of the Planning Commission and City Council, are similar to those listed in this zoning district as outlined in the process of 902.06, Subdivision 4.
7. Pet boarding and/or pet day care.
As amended September 2nd, 2014.

Subdivision 5. Lot, Yard, Area and Height Requirements.

1. Single-Family Requirements.

Minimum Lot Area (Sq Feet)	Minimum Lot Width	Front Yard	Side Yard	Rear Yard	Corner Side Yard
7,000	75 feet*	30 feet	6 feet	25 feet	15 feet

* Lots created before April 7, 1997 may have a minimum lot width of 50 feet.

2. Two-Family Requirements

Minimum Lot Area (Sq Feet)	Minimum Lot Width	Front Yard	Side Yard	Rear Yard	Corner Side Yard
10,000	100 feet*	30 feet	6 feet	25 feet	15 feet

* Lots created before April 7, 1997 may have a minimum lot width of 75 feet.

3. Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one (1) adjacent structure, the setback shall be the average of the required setback and the setback of the adjacent structure. In no case shall the front yard setback requirement exceed thirty (30) feet.
4. Maximum Coverage. Lot coverage of all structures shall not exceed thirty-five percent (35%).
As amended April 7th, 1997.
5. Building Height. Residential structures hereafter erected shall not exceed thirty-five (35) feet in height.

902.09 R-3 – Multi Family Residential District.

Subdivision 1. Intent.

It is the intent of this district to permit the development of single-family and two-family dwellings in the community: to provide reasonable standards for high-density residential development.

Subdivision 2. Permitted Uses.

- a. Single-Family and Two-family dwellings, the living quarters of which shall be constructed upon perimeter foundations, full basements or at least frost footings a minimum depth below grade of forty-eight (48) inches, that form complete enclosures under exterior walls (i.e., perimeter), a minimum width of twenty-four (24) feet over at least on hundred percent (100%) of its length, a minimum length of thirty-two (32) feet, a minimum total square footage of seven hundred sixty-eight (768) square feet.
- b. Public parks and playgrounds
- c. Essential Services

Subdivision 3. Permitted Accessory Uses.

- (a) Private garages, parking spaces, and car ports for passenger cars, trucks, recreational vehicles, and equipment
- (b) Home Occupations
- (c) Swimming pools and tennis courts
- (d) Tool houses and similar buildings for storage of domestic equipment and non commercial recreation equipment
- (e) Boarding or renting of rooms to not more than two (2) persons

Subdivision 4. Conditional Uses.

The following uses shall require a Conditional Use Permit based on the procedures set forth in Section 17 of this Ordinance:

1. Governmental and public utility buildings and structures necessary for the health, safety, and general welfare of the community
2. Residential Planned Unit Developments regulated by Section 16 of this Ordinance
3. Public or semi public recreational buildings, community centers, educational buildings, schools, churches, and day care centers

4. Nursing homes, rest homes, assisted living facilities, and homes for the aged provided that adequate parking is provided and the site is accessible to commercial service areas
5. Multiple family dwellings
6. Uses which, in the judgment of the Planning Commission and City Council, are similar to those listed in this zoning district as outlined in the process of 902.06, Subdivision 4.

Subdivision 5. Lot, Yard, Area and Height Requirements.

1. Single Family Requirements

<u>Minimum Lot Area (Sq Feet)</u>	<u>Minimum Lot Width</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>	<u>Corner Side Yard</u>
<u>7,000</u>	<u>75 feet*</u>	<u>30 feet</u>	<u>6 feet</u>	<u>25 feet</u>	<u>15 feet</u>

* Lots created before April 7, 1997 may have a minimum lot width of 50 feet.

2. Two Family Requirements

<u>Minimum Lot Area (Sq Feet)</u>	<u>Minimum Lot Width</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>	<u>Corner Side Yard</u>
<u>10,000</u>	<u>100 feet*</u>	<u>30 feet</u>	<u>6 feet</u>	<u>25 feet</u>	<u>15 feet</u>

* Lots created before April 7, 1997 may have a minimum lot width of 75 feet.

3. Multiple Family Requirements

<u>Minimum Lot Area (Sq Feet)</u>	<u>Minimum Lot Width</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>	<u>Corner Side Yard</u>
<u>12,000 with 2,000 sq ft for each additional dwelling</u>	<u>100 feet*</u>	<u>30 feet</u>	<u>10 feet</u>	<u>25 feet</u>	<u>15 feet</u>

4. Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one (1) adjacent structure, the setback shall be the average of the required setback and the setback of the adjacent structure. In no case shall the front yard setback requirement exceed thirty (30) feet.
5. Maximum Coverage. Lot coverage of all structures shall not exceed thirty-five percent (35%).
6. Building Height. Residential structures hereafter erected shall not exceed thirty-five (35) feet in height.

902.10 Public/Semi Public District

Subdivision 1. Intent.

It is the intent of this district to provide sites for public facilities which serve the City including schools, churches, and government facilities.

Subdivision 2. Permitted Uses.

1. Existing schools
2. Existing libraries
3. Existing churches
4. Existing government buildings or facilities
5. Essential services

Subdivision 3 Conditional Uses.

1. Schools or expansion of an existing school
2. New libraries or expansion of an existing library
3. New churches or expansion of an existing church
4. New government buildings or expansion of a government building

Subdivision 4. Permitted Accessory Uses.

- a. Private garages and accessory buildings
- b. Athletic fields
- c. Swimming pools and tennis courts

Subdivision 5. Lot, Yard, Area and Height Requirements.

1. Minimum Lot Area

Minimum Lot Area (Sq Feet)	Minimum Lot Width	Front Yard	Side Yard	Rear Yard	Corner Side Yard
20,000	100 feet	30 feet	30 feet	30 feet	15 feet

2. Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one (1) adjacent structure, the setback shall be the average of the required setback and the setback of the adjacent structure. In no case shall the front yard setback requirement exceed thirty (30) feet.
3. Maximum Coverage. Lot coverage of all structures shall not exceed fifty percent (50%).

4. Building Height. Structures hereafter erected shall not exceed forty (40) feet in height.

902.11 “P” Parks and Open Space

Subdivision 1. Intent.

It is the intent of this district to identify parks and recreational areas within the City and allow park areas to continue to develop in a manner according to this Ordinance.

Subdivision 2. Permitted Uses.

1. Existing park areas
2. Essential services

Subdivision 3 Conditional Uses

1. New park areas

Subdivision 4. Permitted Accessory Uses.

1. Accessory buildings
2. Athletic fields
3. Swimming pools and tennis courts
4. Playground apparatus

Subdivision 5. Lot, Yard, Area and Height Requirements.

1. Minimum Lot Area

Minimum Lot Area (Sq Feet)	Minimum Lot Width	Front Yard	Side Yard	Rear Yard	Corner Side Yard
20,000	100 feet	30 feet	30 feet	30 feet	15 feet

2. Maximum Coverage. Lot coverage of all structures shall not exceed twenty percent (20%).
3. Building Height. Structures hereafter erected shall not exceed thirty five (35) feet in height.

902.12 "R-M" Mobile Home District.

Subdivision 1. Intent. It is the intent of this district to permit the development of mobile homes parks and mobile home subdivisions in the community; to supplement applicable state laws pertaining to mobile homes; to provide reasonable standards for site development of such parks; to avoid over-

crowding; to provide set-backs and other development standards which will make such developments more attractive, safe and pleasant to live in, and compatible with other land uses and developments in the community.

All statutes of the State of Minnesota pertaining to the regulation of Mobile Homes and Mobile Homes Parks are hereby adopted by reference and are declared to be an integral part of this ordinance as if they were reproduced in their entirety herein; provided, that where standards of this ordinance are higher or more restrictive than said statutes, this ordinance shall govern.

Subdivision 2. Definitions. For purposes of this section of this ordinance, certain words are herein defined; in addition to the definitions of Section 4 Subdivision 2 of this Ordinance.

1. **Driveway.** A minor private way used by vehicles and pedestrians of a mobile home lot.
2. **Mobile Home Lot.** A parcel of land for the placement of a single mobile home and the exclusive use of its occupants.
3. **Mobile Home Park.** A contiguous parcel of land which has been developed for the placement of mobile homes and is owned by an individual, a firm, trust, partnership, public or private association or corporation.
4. **Mobile Home Stand.** That part of an individual lot which has been reserved for the placement of one mobile home unit.
5. **Park Management.** The person who owns or has charge, care or control of the mobile home park.
6. **Park Street.** A private way which affords principal means of access to individual mobile home lots, or auxiliary buildings.
7. **Permit.** A written permit or certification issued by the building inspector permitting the construction, alteration and extension of any permanent structure within the mobile home park under provisions of this Ordinance and regulations issued hereunder.
8. **Service Building.** A structure housing toilet, lavatory and such other facilities as may be required by this Ordinance.
9. **Sewer Connection.** The connection consisting of all pipes, fittings and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe of the sewerage system serving the mobile home park.
10. **Sewer Riser Pipe.** That portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home unit.

902.12 “R-M” Mobile Home District (cont.)

11. **Water Connection.** The connection consisting of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobile home.
12. **Water Riser Pipe.** That portion of the water supply system serving the mobile home park which extends vertically to the ground elevation and terminates at a designated point at each mobile home lot.

Subdivision 3. Permitted Uses. In an "R-M" district, no building or land shall be used, and no building shall thereafter be erected or structurally altered except for one or more of the following uses:

1. Single family or multiple dwelling units including cluster-type dwelling developments and accessory structures.
2. Mobile home subdivision and/or condominium developments.
3. Mobile home park or development.
4. Any accessory building and use customarily incident thereto. No part of any park shall be used for non-residential purposes, except such uses as are required for the direct servicing and well-being of park residents and for the management and maintenance of the park. Nothing in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home stand and connected to the pertinent utilities.
5. Transportation rights-of-way, public utility lines and mains.
6. Municipal buildings and structures necessary for the general health, protection and welfare of the public.

Subdivision 4. Conditional Uses.

1. All mobile home parks shall require a conditional use permit in addition to being located in the Mobile Home zoning district and shall be subject to additional provisions set forth in this Section.
2. Home occupations subject to the following:
 - (a) compliance with Section 4, Subdivision 2; 37 of this ordinance
 - (b) the use can be reasonably and safely conducted in a mobile home structure; and
 - (c) all requirements of Section 17 are met

Subdivision 5. Lot Yard And Area Requirements - Mobile Home Subdivision

1.

Lot Area	Yard Setbacks			
<u>Sq. Feet</u>	<u>Lot Width</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
5000	50'	25'	10'	20'
2. The maximum building height shall not exceed twenty (20) feet.
3. Maximum site coverage: Lot coverage shall not exceed fifty (50) percent.

902.12 "R-M" Mobile Home District (cont.)

Subdivision 6. Other Requirements.

1. **General Requirements:** Condition of soil, ground water level, drainage, and topography shall not create hazards to the property or the health and safety of the occupants. The site should not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion subject to unpredictable or sudden flooding.
2. **Soil and Ground Cover Requirements:** Exposed ground surfaces in all parts of every mobile home park shall be paved or covered with stone, screenings, or other solid material, or protected with a vegetative growth that is capable or preventing soil erosion and of eliminating objectionable dust.
3. **Site Drainage Requirements:** The ground surface in all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, efficient manner.
4. Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home stand and connected to the pertinent utilities.
5. **Required Separation Between Mobile Homes - Mobile Home Parks:** (a) Mobile homes shall be separated from each other and from other buildings and structures by at least twenty (20) feet or the sum of the heights of both trailer units, whichever is greater. Mobile homes placed end-to-end must have minimum clearance of fifteen (15) feet; (b) An Accessory structure such as an awning, cabana, storage cabinet, carport, windbreak, and porch which has an opaque top or roof, shall, for purposes of all separation requirements, be considered to be part of the mobile home; and (c) minimum lot sizes shall not be less than 5,000 square feet.
6. **Open Space:** A minimum of five hundred (500) square feet per mobile home shall be provided for definable play areas and open space within the mobile home park. Such areas of open space and play area shall not be areas included within any setback nor shall they include any areas of less than twenty (20) feet in length or width.
7. **Required Setbacks, Buffer Strips and Screening:** (a) All mobile homes shall be located at least thirty (30) feet from any property boundary line abutting upon a public street or highway and at least twenty (20) feet from other property boundary lines; (b) There shall be a minimum distance of fifteen (15) feet between the mobile home stand and abutting park street; and (c) All mobile home parks located adjacent to residential, recreational, commercial or industrial land uses shall provide screening such as fences, shrubs, trees, along the property boundary line separating the park and such uses; and shall be maintained in a neat and orderly fashion.
8. **Cluster Development:** Cluster development shall be encouraged; in such cases, the Planning Commission and City Council may vary or modify the strict application and requirements of paragraphs 5, 6, and 7 as applied herein to more readily accommodate this development concept.
9. **Average Density:** Notwithstanding the type of development concept used, the maximum density shall be seven mobile homes per acre.

10. Accessory Buildings: (a) One accessory building for outside storage of equipment and refuse is required; and (b) The accessory buildings shall be a minimum of 48 square feet and designed of weather resistant material that will enhance the general appearance of the lot.
11. Every mobile home in the city shall be secured against wind damage by a "tie down" or other acceptable means.

Subdivision 7. Mobile Home Park Street System And Car Parking.

1. General Requirements: All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Such access shall be provided by streets, driveways or other means.
2. Park Entrance: Entrances to mobile home parks shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets. No parking shall be permitted on the park entrance street for a distance of 100 feet from its point of beginning.
3. Internal Streets: Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and in any case shall meet with the following requirements:
 - (a) All streets except minor streets shall be a minimum of thirty (30) feet in width from face of curb to face of curb. Streets without curb shall be considered minor streets.
 - (b) Dead end streets shall be limited in length to 500 feet and shall be provided at the closed end with a cul-de-sac having an outside roadway diameter of at least one hundred (100) feet. All dead end streets shall be marked with approved signs and they shall be placed at the entrance to the dead end streets.
 - (c) Minor streets twenty-five (25) feet in width shall be acceptable only if less than 500 feet long and serving less than eight (8) mobile homes or of any length if mobile home lots abut on one side only.
4. Car Parking: Off-street parking areas for the use of park occupants and guests. Such areas shall be furnished at a rate of at least two (2) car spaces for each mobile home lot, of which at least one-half of the spaces may be in compounds. All off-street parking areas shall be paved concrete or bituminous surface or crushed rock treated with oil so it is dust free.
5. Required Illumination of Park Street Systems: All parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night: (1) All parts of the park street systems: 0.6 foot candle and (2) Potentially hazardous locations, such as major street intersections and steps or stepped ramps: individually illuminated, with a minimum of 0.6 foot candle.

902.12 “R-M” Mobile Home District (cont.)

6. **Street Construction and Design Standards:**

- (a) Pavements: All streets shall be provided with a paved concrete or bituminous surface. Pavement edges shall be protected to prevent raveling of the wearing surface and shifting of the pavement base. Street surfaces shall be maintained, free of cracks, holes and other hazards.
- (b) Grades: Longitudinal grades of all streets shall range between .4% and 8.00%. Transverse grades (crown) of all streets shall be sufficient to insure adequate transverse drainage.

If conditions warrant, an adequate storm sewer system shall be provided to dispose of all runoff water. The storm sewer system may be connected to existing City storm sewer system upon City approval.

- (c) Intersections: Within fifty (50) feet of an intersection, streets shall be at right angles. A distance of at least eighty-five (85) feet shall be maintained between the center lines of offset intersection streets. Intersections of more than two streets at one point shall be avoided.

Subdivision 8. Park Walks.

- 1. General Requirements: All parks shall be provided with safe, convenient, all season pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual mobile homes, the park streets and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.
- 2. Common Walk System: A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of four and one-half feet.
- 3. Individual Walks: All mobile homes shall be connected to common walks, to paved streets, or to paved driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two feet.

Subdivision 9. Mobile Home Park – General Requirements.

- 1. Patio: Each mobile home lot shall have a 4" concrete patio with minimum dimensions of 9' by 20'.
- 2. Trees: A minimum of one tree per lot is required. In open area and park area, a minimum of 20 trees per acre is required.
- 3. Skirt: All mobile homes shall have skirts around the entire trailer made of metal, plastic, fiberglass or comparable, non-combustible material approved by the Building Inspector and shall be painted to match the appropriate trailer so that it will enhance the general appearance thereof.
- 4. All mobile homes shall be serviced by City water system.

902.12 “R-M” Mobile Home District (cont.)

5. All mobile homes shall be serviced by City sanitary sewer system.
6. Service Building and Other Community Service Facilities:
 - a. General: The requirements of this section shall apply to service buildings, recreation buildings and other community service facilities such as management offices, repair shops, storage areas, sanitary facilities, laundry facilities, indoor recreation areas, and commercial uses supplying essential goods or services for the exclusive use of park occupants.
 - b. Structural Requirements for Buildings: All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites, and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.
 - c. Barbecue Pits, Fireplaces, Stoves and Incinerators: Cooking shelters, barbecue pits, fireplaces, wood-burning stoves and incinerators shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisances both on the property on which used and on neighboring property, and shall comply with all appropriate ordinances, laws or other regulations.
7. The storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding, accident or fire hazards or air pollution.
8. Insect and Rodent Control
 - a. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation.
 - b. Parks: Parks shall be maintained free of accumulation of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.
 - c. Storage Areas: Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe and other building material shall be stored at least one foot above ground.
 - d. Screens: Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.
 - e. Brush, Weeds and Grass: The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

902.12 “R-M” Mobile Home District (cont.)

9. Natural gas piping systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems and no outside or buried fuel tanks will be allowed.
10. Fire Protection:
 - a. Litter, Rubbish, etc.: Mobile home parks shall be kept free of litter, rubbish and other flammable material.
 - b. Fire Extinguishers: Portable fire extinguishers rated for classes A, B, and C fires shall be kept visible in service buildings and at other locations conveniently and readily accessible for use by all of the occupants and shall be maintained in good operating condition. Their capacity shall not be less than 10 pounds.
 - c. Fires: Fires shall be made only in stoves, indoor incinerators, and other equipment intended for such purposes.
 - d. Fire hydrants: Fire hydrants shall be installed if the park water supply system is capable to serve them in accordance with the following requirements: (a) The water supply system shall permit the operation of standard City fire hydrants; and (b) Fire hydrants, if provided, shall be located within 30 feet of any mobile home, service building or other structure in the park.
11. Responsibilities of the Park Management:
 - (a) The person to whom a license for a mobile home park is issued shall operate the park in compliance with this Ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
 - (b) The park management shall notify park occupants of all applicable provisions of this Ordinance and inform them of their duties and responsibilities under this Ordinance.
 - (c) It shall be the duty of the operator of the mobile home park to keep a register containing a record of all mobile home owners and occupants located within the park. The register shall contain the following information: The name and address of each mobile home occupant; the name and address of the owner of each mobile home and motor vehicle by which it is towed; the make, model, year and license number of each mobile home and motor vehicle, the state, territory or country issuing such license; and the date of arrival and departure of each mobile home.

The park shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duty necessitates acquisition of the information contained in the register. The register

902.12 “R-M” Mobile Home District (cont.)

record for each occupant registered shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park.

902.13 “C-1” Central Business District.

Subdivision 1. Intent.

It is the intent of this district to provide for the establishment of commercial and service activities which draw from and serve customers from the entire community or region.

Subdivision 2. Permitted Uses.

1. Business services including banks, offices, and postal stations
2. Clothing services, including dry cleaning and laundry establishments, laundromats, dressmaking, millinery, tailor shops, and shoe repair shops
3. Equipment services, including radio and television shops, electrical appliance shops, show room of a plumber, decorator, or similar trade
4. Food services, including grocery stores; fruit, vegetable, and meat markets; supermarkets; restaurants; candy shops; and bakeries whose products are sold primarily at retail on the premises
5. Personal Services, including drug stores, hardware stores, stationary and book stores, news shops, apparel shops, show rooms for articles to be sold at retail, flower shops; and commercial greenhouses
6. Personal services, including barber and beauty shops, reducing salons, photographer shops, and funeral homes
7. Public transportation terminals, public utility buildings, and transformer stations without storage yards
8. Buildings used for research and testing laboratories, storage buildings, or distributing stations
9. Governmental and public utility buildings and structures
10. Recreational services, including theaters, bowling lanes
11. Hotels, motels, taverns, private clubs, and lodges

Subdivision 3. Permitted Accessory Uses.

1. There shall be no restriction as to off-street parking and loading areas except as provided in Section 5, Subdivision 2, of this Ordinance
2. Commercial or business buildings for a use accessory to the principal use.

3. Signs as regulated by the City Council.

Subdivision 4. Conditional Uses.

The following uses shall require a Conditional Use Permit, based on the procedures set forth in Section 17 of this Ordinance.

1. Open outdoor sales, service, or rental as an accessory use provided:
 - (a) That when the area abuts upon a dwelling, it is fenced or screened from the abutting property; and
 - (b) Sales areas are surfaced to control dust
2. Commercial Planned Unit Developments regulated by Section 16 of this Ordinance.
3. Automobile service stations, including sales, gasoline service stations, and auto repair garages.
4. Drive-in restaurants, drive-in banks, and other drive-in services.

Apartments when located on above the ground floor or located within the rear one half of the ground floor and shall not occupy more than fifty (50%) ground floor area

5. Uses, which in the judgment of the Planning Commission and City Council, are similar to those listed in this zoning district as outlined in the process of 902.06, Subdivision 4.

Subdivision 5. Lot, Yard, Area, Height and Parking Requirements.

1. For uses allowed in the "C-1" district there will be no requirements for lot area, frontage, lot coverage, yard sizes, parking, or loading requirements, except as provided by Section 5, Subdivision 2, of this Ordinance.
2. Building Height.
3. Buildings hereafter erected shall not exceed fifty-five (55) feet in height.

902.14 "C-2" Highway Commercial District.

Subdivision 1. Intent.

It is the intent of this district to provide for and limit the establishment of automobile oriented or dependent commercial and service activities.

Subdivision 2. Permitted Uses.

1. All permitted uses as allowed in the "C-1" district.

2. Automobile sales, service.
5. Commercial recreational services.
4. Farm implement sales and service.
5. Funeral homes and mortuaries.
6. Tourist-oriented retail stores.
7. Self Service Storage.

Subdivision 3. Permitted Accessory Uses.

1. All permitted accessory uses in the "C-1" district.
2. Off-street parking and loading facilities including semi-trailers.

Subdivision 4. Conditional Uses.

The following uses shall require a Conditional Use Permit based on the procedures set forth in Section 17 of this Ordinance:

1. All conditional uses allowed in the "C-1" District.
2. Open air display areas for the sale of manufactured products such as garden furniture, hardware items, nursery stock, or rental of manufactured products or equipment including mobile home sales lots.
3. Recreational camping areas provided:
 - (a) Land area is adequate for the proposed use
 - (b) The site is serviced by an adequately paved arterial street
 - (c) Utilities are provided to each site and approved by the Zoning Administrator.
4. Lodging and Boarding facilities. As Amended December 3rd, 2007.
5. Uses which in the judgment of the Planning Commission and City Council are similar to those listed in this zoning district as outlined in the process of 902.06, Subdivision 4.

Subdivision 5. Lot, Yard, Area and Height Requirements.

1.

Minimum Lot Area (Sq Feet)	Minimum Lot Width	Front Yard	Side Yard	Rear Yard
No requirement	80 feet	25 feet	10 feet	20 feet

2. Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one (1) adjacent structure, the setback shall be the average of the required setback and the setback of the adjacent structure. In no case shall the front yard setback requirement exceed twenty-five (25) feet.
3. On corner lots the side yard on the street side shall be the same as the front yard on the reverse interior lots on that street provided this does not reduce the buildable width to less than twenty-five (25) feet.
4. Building Height. Commercial structures hereafter erected shall not exceed thirty five (35) feet in height.
5. Maximum Coverage. Lot coverage shall not exceed fifty (50%) percent.

902.15 “I-1” General Industry district.

Subdivision 1. Intent.

It is the intent of this district to provide for and allow a wide range of industrial, warehousing and bulk commercial activities.

Subdivision 2. Permitted Uses.

1. Building materials, storage yards, and lumber yards.
2. Contractor equipment and storage yards.
3. Wholesale business and ware housing.
4. Machine shops and public and private garages.
5. Public utility and service buildings and gas regulator stations.
6. Self Service Storage.

Subdivision 3. Permitted Accessory Uses.

1. Off-street parking and loading.
2. Open and outdoors storage.
3. Offices accessory to a principal use.

Subdivision 4. Conditional Uses.

The following uses shall require a Conditional Use Permit based on the procedures set forth in Section 902.17 of the City Code.

1. Any use which will potentially create noise, odor, dust, smoke, or gas—shall be required to meet all requirements established by the State of Minnesota.
2. Fertilizer manufacturing, compost, or storage.
3. Garbage, offal, dead animals, refuse, rancid fats, incineration, glue manufacturing, size or gelatine manufacturing where the processes include the refining or recovery of products from animal refuse or offal.
4. Smelting or refining of metals from ores.
5. Steam and board hammers and forging presses.
6. Storing, curing, and tanning of raw, green, or salted hides or skins.
7. Grain elevators and storage subject to height restrictions set forth as part of the conditional use permit.
8. Wind turbines.
9. Uses which, in the judgment of the Planning Commission and City Council, are similar to those listed in this zoning district as outlined in the process of 902.06, Subdivision 4.
10. Any permitted uses in the C-1 district.
As amended April 4th, 2016.

Subdivision 5. Lot, Yard, Area and Height Requirements.

1.

Minimum Lot Area (Sq Feet)	Minimum Lot Width	Front Yard	Side Yard	Rear Yard
No requirement	100 feet	25 feet	10 feet	20 feet

2. On corner lots the side yard on the street side shall be the same as the front yard.

3. Where a property abuts a railroad siding, no side or rear yard shall be required when a railroad loading facility is installed.
4. Building Height. No structure hereafter erected shall exceed fifty-five (55) feet in height. As amended.

902.16 “I-2” Heavy Industry District.

Subdivision 1. Intent.

1. It is the intent of this district to accommodate those industrial activities which may produce moderate nuisances and / or hazards in areas that are relatively remote from residential development in areas that will be so designated in the comprehensive plan.
2. Any use which will potentially create noises, odor, dust, smoke, or gas shall be required to meet all requirements established by the State of Minnesota.
3. Self Service Storage.

Subdivision 2. General Conditions.

1. Residential uses are prohibited except for watchman’s quarters. Retail sales are prohibited except if incidental to the primary industrial use.
2. All uses shall be conducted in such a manner so as not to exceed the standards established in the Minnesota statutes, Minnesota Rules, or Winthrop City Code, as amended, as it relates to noise, dust, fumes, gases, and storage of flammable liquids.
3. All manufacturing activities shall be conducted within completely enclosed buildings except for off-street parking and loading. Outside storage of materials and merchandise shall be effectively screened from view and when adjoining or opposite from a non-industrial zoned district.

Subdivision 3. Permitted Uses.

1. Any use permitted in the “I-1” zoning district.
2. Adult Uses as per the requirements of the City’s Adult Use Ordinance.

Subdivision 4. Permitted Accessory Uses.

Any use permitted in the “I-1” zoning district.

Subdivision 5. Conditional Uses.

The following uses shall require a Conditional Use Permit based on the procedures set forth in Section 902.17 of the Winthrop City Code.

1. Industrial Planned Unit Developments.
2. Airports, heliports, and aircraft landing fields.
3. Asphalt and concrete batching or ready-mix plants located no closer than five hundred (500) feet from a residential district.
4. Chemical manufacturing and storage.
5. Concrete products castings.
6. Junkyards and salvage yards (provided they are licensed by the City Council, fully screened, and located no closer than three hundred (300) feet from a residential district).
7. Motor freight terminals.
8. Restaurant or commercial uses if they are incidental to a permitted use.
9. Railroad freight terminals and railroad.
10. Refining, manufacturing, or storage of petroleum or asphalt products.
11. Archery lanes and rifle/pistol ranges within an enclosed building that has met the minimum National Rifle Association standards for safe ranges.
12. Communication towers including but not limited to radio, television, microwave relay, cellular phone, and all other towers. Television and radio antennas thirty (30) feet or less in height are included in this listing.
13. Manufacturing of cement, concrete, lime, gypsum, or plaster.

14. Distillation of bone, coal, tar, petroleum, refuse, grain, or wood.
15. Explosive manufacture or storage.
16. Livestock feeding yards, slaughtering, animals, or stockyards.
17. Corrosive acid manufacturing or bulk storage thereof.
18. Any conditional use within the "I-1" district.
19. Uses which, in the judgment of the Planning Commission and City Council, are similar to those listed in this zoning district as outlined in the process of 902.06, Subdivision 4.

Subdivision 6. Lot, Yard, Area and Height Requirements.

1. There is no lot area or width requirement.
2. There is no maximum building height requirement.
3. The front yard setback requirement is 25 feet.
4. The corner side yard setback requirement is 25 feet.
5. The side yard setback requirement is 10 feet.
6. The rear yard setback requirement is 25 feet.
7. On corner lots the side yard on the street side shall be the same as the front yard.
8. Where a property abuts a railroad siding, no side or rear yard shall be required when a railroad loading facility is to be installed.

Subdivision 7. Green Areas and Off-street Parking.

1. Not less than ten percent (10%) of the gross lot shall be permanently set aside, planted and maintained as a green area.
2. Off-street parking and loading shall be provided as required within the Winthrop City Code or Minnesota Law.
As amended July 7th, 2003.

902.17 Solar Energy Regulations.

Subdivision 1. Definitions:

1. Building-integrated solar energy system: A solar energy system that is directly incorporated into the building by replacing typical building materials.
2. Ground-mounted solar energy system. A solar energy system that is installed onto the ground directly or by means of brackets or poles.
3. Roof-mounted solar energy system: A solar energy system mounted to a house or other building.
4. Solar energy system: A set of devices whose primary purpose is to provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation or water heating.
5. Solar thermal system: A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs of the building.

Subdivision 2. Solar Energy Systems

Solar energy systems are permitted as an accessory use in all zoning districts, subject to the following requirements:

1. Standards:
 - a) Height: Roof-mounted solar energy systems shall not project beyond the peak of the roof and shall not be more than five feet about the roof surface to which they are attached. Ground-mounted solar energy systems shall not exceed twenty feet in height.
 - b) Location: Ground-mounted solar energy systems must be located in the rear yard only.
 - c) Setbacks: Ground-mounted solar energy systems shall be set back a minimum of fifteen feet from all property lines, a minimum of thirty feet from all buildings located on adjacent lots, a minimum of fifteen feet from all public right-of-way, and a minimum of fifteen feet from all utility easements. Roof-mounted solar energy systems shall comply with all building setbacks in the applicable zoning district and shall not extend beyond the exterior perimeter of the building on which the system is mounted.
 - d) Coverage: Roof-mounted solar energy systems shall not cover more than eighty percent of the total area of the roof. Solar energy systems must have three feet of clearance around all edges to facilitate emergency responder access.
 - e) Feeder lines: All power exterior electrical or other service lines must be buried below the surface of the ground.
 - f) Aesthetics: All solar energy systems shall use colors that blend with the color of the roof or other structures in the area. Reflection angles from collector surfaces shall be oriented so as not to interfere with the use and enjoyment of

other properties. Where necessary, screening may be required to address glare.

- g) Easements: It shall be the responsibility of the property owner to secure any desired solar easement to protect solar access for the system
- h) Installation: Solar energy systems shall be installed only by licensed contractors.
- i) Exemption: Building integrated solar energy systems are exempt from the requirements of this section and shall be regulated as any other building element.

2. Safety:

- a) Compliance with building codes: All solar energy systems shall comply with the Minnesota Building Code and any local building code requirements.
- b) Compliance with electric code: All solar energy systems shall comply with the National Electrical Code.
- c) Compliance with plumbing code: All solar thermal systems shall comply with the Minnesota State Plumbing Code.
- d) Certifications: Solar energy system components shall be certified by Underwriters Laboratories Inc. and the Solar Rating and Certification Corporation. The City reserves the right to deny a building permit for proposed solar energy systems deemed to have inadequate certification.

3. Approval:

- a) Permits: The erection, alteration, improvement, reconstruction, and movement of a solar energy system requires a building permit from the City.
- b) Utility Notification: The owner of a solar energy system that will physically connect to a house or other building's electrical system and/or the electric utility grid must enter into a signed interconnection agreement with the utility prior to the issuance of a building permit.

4. Abandonment:

If the solar energy system remains nonfunctional or inoperative for more than twelve consecutive months, the system shall constitute a public nuisance. The owner shall obtain a demolition permit and remove the abandoned system at their expense. Removal includes the entire structure, including collector, mount, and transmission equipment.

As amended May 2nd, 2016.

902.18 Planned Unit Development.

Subdivision 1. Intent.

The purpose of this Section of the Zoning Ordinance is to provide for the grouping of land parcels for development as an integrated, coordinated unit as opposed to traditional parcel by parcel, piecemeal, sporadic, and unplanned approach to development. This subdivision is intended to introduce flexibility of site design and architecture for the conservation of land and open space through clustering of buildings and activities. It is further intended that Planned Unit Developments are to be characterized by Central Management, integrated planning in architecture, joint or common use of parking, maintenance of open space and other similar facilities, and a harmonious selection and efficient distribution of uses; these regulations are not intended as subdivision regulations and should not be confused as such.

Subdivision 2. Procedures and Requirements For Establishment of A Planned Unit Development

1. An application for a Conditional Use Permit shall be filed and processed based upon procedures established by Section 17 of this Ordinance.
2. Development Plan. The conditional use permit application shall be accompanied by a development plan, drawn to a scale of not more than fifty (50) feet per inch, showing the following:
 - (a) The entire outline, overall dimensions, and area of the tract described in the application.
 - (b) The use, zoning, and ownership of all adjacent properties within one hundred (100) feet of the tract boundaries including the location of all structures thereon and the rights-of-way width and traveled width of all adjacent public roadways.
 - (c) The existing and proposed topography of the tract with contour intervals not greater than five (5) feet.
 - (d) The location, general exterior dimensions, and approximate gross floor areas of all proposed buildings.
 - (e) The type of each use proposed to occupy each building and the approximate amount of building floor area devoted to each separate use.
 - (f) The proposed location, arrangement, and number of automobile parking stalls.
 - (g) The proposed location, arrangement, and general dimensions of all truck loading facilities.
 - (h) The location and dimensions of all vehicular entrances, exits, and driveways and their relationship to all existing or proposed public streets.
 - (i) The location and dimensions of pedestrian entrances, exits, and walks.

- (j) The general drainage system.
- (k) The location and dimensions of all walls, fences, and plantings designed to screen the proposed district from adjacent uses.
- (l) The types of all ground covers.
- (m) Standards for exterior finish, exterior lighting, location and type of exterior signs, architectural style, and any other variables which will be controlled in the design of buildings in the development area.
- (n) Development Schedule. The applicant shall submit a proposed schedule of construction. If the construction of the proposed Planned Unit Development is to be in stages, then the components contained in each stage must be clearly delineated. The development schedule shall indicate the starting date and the completion date of the complete development plan.

Subdivision 3. Property Control.

1. In order that the purposes of this subdivision may be achieved, the property shall be in single ownership or under the management and supervision of a central authority or otherwise subject to such supervisory lease or ownership control as may be necessary to carry out the provisions of this Ordinance.
2. Prior to the use, occupancy, sale, or the execution of contracts for sale of an individual building unit, parcel, tract, townhouse, apartment, or common area, a declaration of covenants, conditions, and restrictions or an equivalent document shall be filed with the City of Winthrop; said filing with the City to be made prior to the filings of said declaration or document or floor plans with the recording officers of Sibley County, Minnesota.
3. Approval of the City of Winthrop shall be secured as to the documents described in Paragraph 2 above.
4. The declaration of covenants, conditions, and restrictions or an equivalent document shall specify that deeds, leases, or documents of conveyance affecting buildings, units, parcels, tracts, townhouses, or apartments shall subject said properties to the terms of said declaration.
6. The declaration of covenants, conditions, and restrictions shall provide that an owners' association or corporation shall be formed and that all owners shall be members of said 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 shall 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.
7. 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 of Winthrop or fails to pay taxes or assessments on properties as they become due and in the event the said City of Winthrop incurs any expenses in enforcing its rules and regulations, which said expenses are not immediately reimbursed by the association or corporation, then the City of Winthrop shall have the right to assess each property its pro rata share of said expenses. Such assessments, together with interest thereon and costs of collection, shall be a lien on each property against which each such assessment is made and, in addition, each such assessment, together with, such interest thereon and such costs of collection thereof shall also be a personal obligation of the person who was the owner of such property at the time when the assessment became payable.

8. It is the intent of the Ordinance to require subdivision of property simultaneous with application for conditional use. The subdivision and/or platting of land as a planned unit development shall be subject to the requirements for approval and recording with the Sibley County Recorder as have been established by the City of Winthrop.

Subdivision 4. General Development Provisions.

1. Yards.
 - (a) At a minimum the front and side yard restrictions at the periphery of the Planned Unit Development site shall be the same as imposed in the respective districts.
 - (b) No building shall be located less than fifteen (15) feet from the back of the curb line along those roadways which are part of the internal street platform.
2. Roadways.
 - (a) Private roadways within the project shall have an improved surface to twenty (20) feet or more in width and shall be so designed as to permit the City fire trucks to provide protection to each building.
 - (b) No portion of the required twenty (20) feet road system may be used in calculating required off-street parking space.
3. Utility Connection.
 - (a) Water Connection. Where more than one property is served from the same service line, a shut off valve must be located in such a way that each unit's service may be shut off by the City, in addition to the normally supplied shut off at the street.
 - (b) Sewer Connections. Where more than one unit is served by a sanitary sewer lateral which exceeds 300 feet in length, provision must be made for a manhole to allow adequate cleaning and maintenance of the lateral. All maintenance and cleaning shall be the responsibility of the property owners association, or owner.

4. Building Types. -In addition to the conventional type of construction and arrangements of building, structures, uses, and property as allowed by this Ordinance, it shall be permissible to cluster, adjoin, and attach structures in a row house, townhouse, patio home, or similar style of development within the Planned Unit Development. The number of units or structures by Density Bonus Provisions, shall not exceed the number of units or structures allowable under the standard development requirements of the district classification which applies to said property.
5. Subdivision and Ownership. It shall be permissible within a Planned Unit Development to subdivide properties into lesser size parcels for individual ownership and create common open space areas in undivided proportions under joint ownership. Such ownership arrangements are commonly defined as condominium and/or cooperative developments. The joint area of the project must, however, conform to the minimum area requirements established for the respective district classification which jointly applies to said property.
6. Minimum Project Size.
 - (a) Within residential districts a Planned Unit Development shall not be applied to a parcel of land containing less than one acre.
 - (b) Within a commercial or industrial district a Planned Unit Development shall not be applied to a parcel of land containing less than two acres.
7. Density Bonus. As a consequence of all Planned Unit Development's planned and integrated character, the number of dwelling units allowed within the respective zoning district may be increased by five (5) percent. The building, parking, and similar requirements for these extra units shall be observed in compliance with this Ordinance.
8. Public Services. The proposed project shall be served by the City Water and Water System, and fire hydrants shall be installed at such locations as necessary to provide fire protection.

Subdivision 5. Review and Evaluation.

The review and evaluation of a proposed Planned Unit Development and supportive materials and plans shall include but not be limited to the following criteria:

1. Adequate property control is established and provided to protect the individual owner's rights and property values and to define legal responsibilities for maintenance and upkeep.
2. The interior circulation plan plus access from and onto public rights-of-way does not create congestion or dangers and is adequate for the safety of the project residents and general public.
3. A sufficient amount of useable open space is provided.

4. The arrangement of buildings, structures, and accessory uses does not unreasonably disturb the privacy or property values of the surrounding uses.
5. The architectural design of the project is compatible with the surrounding area.
6. The drainage and utility system plans are submitted to the City Engineer and are subject to the engineer's approval.
7. The development schedule insures a logical development of the site which will protect the public interest and conserve land.
8. Principal and accessory uses and requirements are in compliance with the district provisions in which the development is intended.

902.19 Conditional Use Permits.

Subdivision 1. Purpose.

The purpose of this Section of the Zoning Ordinance is to provide the City of Winthrop with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare and public safety.

Subdivision 2. Application.

Applications for Conditional Use Permits shall be made to the City Clerk together with required fees. The application shall be accompanied by a site plan showing such information as is necessary to show compliance with this Ordinance, including but not limited to:

1. Description of site (legal description).
2. Site plan drawn at scale showing parcel and building dimensions.
3. Location of all buildings and their square footage.
4. Curb cuts, driveways, access roads, parking spaces, off-street loading areas, and sidewalks.
5. Landscaping and screening plans.
6. Drainage Plan.
7. Sanitary sewer and water plan with estimated use per day.
8. Soil type.
9. Any additional written or graphic data reasonably required by the City Clerk or the Planning Commission.

Subdivision 3. Procedure.

1. The City Clerk shall set a date for the official public hearing. Notice of such hearing shall be published in accordance with state law and notice shall be published at least once in the official newspaper of the City and mailed to individual properties within three hundred fifty (350) feet of the parcel included in the request not less than ten (10) days prior to the date of said hearing. Failure of a property owner to receive said notice shall not invalidate any such proceedings. As amended June 4th, 1984.
2. The Planning Commission shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce any adverse effects and shall make a recommendation to the City Council within sixty (60) days after the first regular meeting at which the request was initially considered.
1. Upon receiving the report and recommendation from the Planning Commission, the City Council shall have the option of holding a public hearing if necessary and may impose any conditions deemed necessary. Zoning Ordinance shall be by the majority of the Council members that are present.

Subdivision 4. Standards.

No Conditional Use shall be recommended by the Planning Commission unless said Commission shall find:

1. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
2. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.
3. That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.
4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
5. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration; so that none of these will constitute a nuisance; and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.
6. That proper facilities are provided which would eliminate any traffic congestion or traffic hazard which may result from the proposed use.
7. The demonstrated need for the proposed use.
8. The proposed use is in compliance with any Land Use Plan adopted by the City.

Subdivision 5. Recording.

A certified copy of any Conditional Use Permit shall be filed with the County Recorder or Registrar of Titles for record. The Conditional Use Permit shall include the legal description of the property involved.

Subdivision 6. Fees.

To defray administrative costs of processing requests for Conditional Use Permits, a fee, determined by City Council resolution from time to time, shall be paid by the applicant at the time the application is requested. The City shall also be reimbursed for any additional costs associated with review of a proposal as set by the City Council.

As amended December 2nd, 2002.

Subdivision 7. Compliance.

Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity to the terms of such permits and of any conditions designated in connection therewith.

Subdivision 8. Lapse of Conditional Use Permit By Non-Use.

Whenever within one (1) year after granting the Conditional Use the work permitted has not been started, then such permit shall become null and void unless a petition for an extension has been approved by the City Council.

902.20 Amendments/Rezoning.

Subdivision 1. Initiation.

The City Council or Planning Commission may, upon their own motion, initiate a request to amend the text or the district boundaries of this Ordinance. Any person, persons, firm, corporation, or the expressed agent thereof, owning real estate within the City may initiate a request to amend the district boundaries and/or text of this Ordinance so as to affect the said real estate.

Subdivision 2. Procedure.

2. A request plus copies of detailed written and graphic materials fully explaining the proposal for an amendment to this Ordinance shall be filed with the City Clerk and shall be accompanied by a fee determined by City Council resolution from time to time. Said fee shall be non-refundable.

As amended June 4th, 1984.

As amended December 2nd, 2002.

3. The City Clerk shall refer said amendment request along with all related information to the City Planning Commission for consideration and a report and recommendation to the City Council.

4. The Planning Commission shall consider the amendment request at its next regular meeting. As amended June 4th, 1984.
5. The Planning Commission shall set a date for the official public hearing. Notice of such hearing shall be published in conformance with state law and if it is a district change request, individual notices shall be mailed not less than ten (10) days nor more than thirty (30) days prior to the hearing to all owners of property within three hundred fifty (350) feet of the parcel included in the request according to the assessment records. Such notice shall also be published in the official newspaper within the above time periods. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Ordinance.
6. The Planning Commission shall reach a decision and make its report to the City Council within sixty (60) days after the regular meeting at which the amendment request was first considered by the Commission.
7. The Council shall, upon receiving no report from the Planning Commission within ninety (90) days, place such request on the agenda of its next regular meeting and decide the issue within thirty (30) days.
8. Upon receiving the reports and recommendations of the Planning Commission, the City Council shall place the amendment request on the agenda of the next regular meeting and decide the issue within thirty (30) days. Said reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
9. The City Council shall have the option to set and hold a public hearing if deemed necessary for reaching a decision.
10. Amendment of this Zoning Ordinance shall be by the majority of the Council members that are present.
11. The City Clerk shall notify the originator of the amendment request of the Council's decision in writing.

Subdivision 4. Standards.

The City Planning Commission and City Council shall at a minimum consider the following criteria when reviewing a rezoning or amendment to the Zoning Ordinance:

1. The rezoning or amendment reflects the goals and policies of the City of Winthrop Comprehensive Plan.
2. The rezoning or amendment will not have an adverse effect on the value of properties within the City.
3. Whether the rezoning is compatible with existing development within the immediate area.

902.21 Variance/Appeals.

Subdivision 1. Board of Appeals and Adjustments.

1. The Planning Commission shall be the Board of Appeals and Adjustments for this city, and as provided by Minn. Stat. Sec. 462.354, subd 2 shall have the powers granted under Minn. Stat. Sec. 462.357, subd. 6, as they may be amended from time to time.

Subdivision 2. Variances.

1. Pursuant to Minn. Stat. Sec. 462.354, subd. 6, as it may be amended from time to time, the Planning Commission, acting as a Board of Appeals and Adjustments, may issue variances from the provisions of this zoning code. A variance is a modification or variation of the provisions of this zoning code as applied to a specific piece of property.
2. A. Variances shall only be permitted
 - i. When they are in harmony with the general purposes and intent of the ordinance
 - ii. When the variances are consistent with the comprehensive plan.B. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.
3. “Practical difficulties,” as used in connection with the granting of a variance, means that.
 - i. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
 - ii. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
 - iii. The variance, if granted, will not alter the essential character of the locality. 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.
4. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the ordinance. The board of appeals and adjustments may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person’s land is located. The board may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Subdivision 3. Procedure.

1. Requests for a variance or appeal shall be filed with the City Clerk and shall be accompanied by a fee of seventy-five (\$75) dollars, determined by City Council resolution from time to time along with material explaining the request.
2. The City Clerk shall set a date for a public hearing on said request. Notice of such hearing shall be mailed not less than ten (10) days nor more than thirty (30) days prior to the hearing to property owners within three hundred fifty (350) feet of the affected parcel as determined by the City Clerk. Such notice shall also be published in the official newspaper within the above time period. Failure of a property owner to receive said notice shall not invalidate any such proceedings. *As amended June 4th, 1984.*
3. The Planning Commission shall consider the request at its next regular board meeting and shall make a recommendation to the Board of Adjustment for consideration at its next regular meeting. *As amended June 4th, 1984.*
4. A variance of this zoning ordinance shall be by the majority the Board of Adjustment members that are present.
5. Within a reasonable time after the hearing, the Board of Adjustment shall make its order deciding the matter and serve a copy of such order upon the appellant or the petitioner by mail.

Subdivision 4. Lapse of Variance.

If within one (1) year after granting a variance the work permitted is not started, such variance shall become null and void unless a petition for an extension has been approved by the City Council.

As amended November 7th, 2011.

920.22 Certificate of Occupancy.

No building or structure hereafter erected shall be occupied or used in whole or in part until a Certificate of Occupancy is issued stating that the building or structure complies with the provisions of this Ordinance. The Certificate of Occupancy shall be issued upon conducting a final inspection finding the building or structure satisfactory.

902.23 Enforcement/Violations/Penalties.

Subdivision 1. Enforcement.

This Ordinance shall be administered and enforced by the Zoning Administrator of the City of Winthrop, Minnesota or his/her designee. The City Clerk may

institute appropriate action for any violations of this ordinance at the direction of the City Council and through the City Attorney as deemed necessary.

Subdivision 2. Violations and Penalties.

Any person, firm, or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor, and each day that a violation is permitted to exist shall constitute a separate offense.

903.01. Purpose and Intent.

Subdivision 1. Findings of the City Council: Studies conducted by the Minnesota Attorney General, the American Planning Association and cities such as St. Paul; Indianapolis; Alexandria, Minnesota; Rochester, Minnesota; Phoenix, Arizona; Los Angeles, California; Seattle, Washington; have studied the impacts that adult establishments have in those communities. These studies have concluded that adult establishments have an adverse impact on the surrounding neighborhoods. Those impacts include increased crime rates, lower property values, increased transiency, neighborhood blight and potential health risks. The City Council of the City of Winthrop makes the following findings regarding the need to regulate adult establishments. The findings are based upon the experiences of other cities where such businesses have located, as studied by City staff. Based on these studies and findings, the City Council concludes:

- (a) Adult establishments have adverse secondary impacts of the types set forth above.
- (b) The adverse impacts caused by adult establishments tend to diminish if adult establishments are governed by locational requirements, licensing requirements and health requirements.
- (c) It is not the intent of the City Council to prohibit adult establishments from having a reasonable opportunity to locate in the City.
- (d) Minnesota Statutes, Section 462.357, allows the City to adopt regulations to promote the public health, safety, morals and general welfare.
- (e) The public health, safety, morals and general welfare will be promoted by the City adopting regulations governing adult establishments.
- (f) Adult establishments can contribute to an increase in criminal activity in the area in which such businesses are located, taxing city crime-prevention programs and law enforcement services.
- (g) Adult establishments can be used as fronts for prostitution and other criminal activity. The experience of other cities indicates that the proper management and operation of such businesses can, however, minimize this risk, provided the owners and operators of such facilities are regulated by licensing or other procedures.
- (h) Adult establishments can increase the risk of exposure to communicable diseases including but not limited to Acquired Immune Deficiency Syndrome (AIDS) for which currently there is no cure. Experiences of other cities indicate that such businesses can facilitate the spread of communicable diseases by virtue

of the design and use of the premises, thereby endangering not only the patrons of such establishments but also the general public.

- (i) Adult establishments can cause or contribute to public health problems by the presence of live adult entertainment in conjunction with food and/or drink on the same premises.
- (j) The risk of criminal activity and/or public health problems can be minimized through a licensing and regulatory scheme as prescribed herein.

Subdivision 2. Purpose. It is the purpose of this Ordinance to regulate Adult Establishments to promote the health, safety, morals, and general welfare of the citizens of the City and to establish reasonable and uniform regulations to:

- a) Prevent additional criminal activity within the City,
- b) Prevent deterioration of neighborhoods and its consequent adverse effect on real estate values of properties within the neighborhood;
- c) To locate Adult Establishments away from residential areas, schools, churches, libraries, parks, and playgrounds;
- d) Prevent concentration of Adult Establishments within certain areas of the City.

Subdivision 3. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult oriented materials. Similarly, it is not the intent nor effect of this Ordinance to restrict or deny access by adults to adult oriented materials protected by the First Amendment or to deny access by distributors and exhibitors of adult oriented entertainment to their intended market.

903.02. Definitions.

For purposes of this Ordinance the terms defined in this section have the meanings given them.

Subdivision 1. “**Adult Establishment.**” This term means:

- a) any business that devotes a substantial or significant portion of its inventory, stock in trade, or publicly displayed merchandise, or devotes a substantial or significant portion of its floor area (not including storerooms, stock areas, bathrooms, basements, or any portion of the business not open to the public) to, or derives a substantial or significant portion of its gross revenues from, items, merchandise, devices or other materials distinguished or characterized by an

emphasis on material depicting, exposing, simulating, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas; or

b) any business that engages in any Adult Use as defined in Subdivision 2 of this section.

c) the term "substantial or significant portion" as used in this ordinance is defined as 25 percent or more of the inventory, stock in trade or publicly displayed merchandise, or 25 percent or more of the floor area (not including store rooms, stock areas, bathrooms, basements, or any portion of the business not open to the public), or 25 percent or more of the gross revenues of the business. All adult establishments and all other businesses stocking any material depicting, exposing, simulating, describing or relating to Specified Sexual Activities or Specified Anatomical Areas shall make available all inventory records and all sales receipts and records for inspection by city staff upon request at all reasonable times.

Subdivision 2. Adult Use. This term refers to any of the activities and businesses described below:

a) "Adult Body Painting Studio" means an establishment or business that provides the service of applying paint, ink, or other substance, whether transparent or non-transparent, to the body of a patron when the person is nude.

b) "Adult Bookstore" means an establishment or business used for the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, movies, or motion picture film if a substantial or significant portion of its inventory, stock in trade, or publicly displayed merchandise consists of, or if a substantial or significant portion of its floor area (not including storerooms, stock areas, bathrooms, basements, or any portion of the business not open to the public) is devoted to, or if substantial or significant portion of its gross revenues is derived from items, merchandise, devices or materials that are distinguished or characterized by an emphasis on material depicting, exposing, simulating, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas.

c) "Adult Cabaret" means a business or establishment that provides dancing or other live entertainment distinguished or characterized by an emphasis on: (1) the depiction of nudity, Specified Sexual Activities or Specified Anatomical Areas; or (2) the presentation, display, or depiction of matter that seeks to evoke, arouse, or excite sexual or erotic feelings or desire.

d) "Adult Companionship Establishment" means a business or establishment that provides the service of engaging in or listening to conversation, talk, or discussion distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

- e) "Adult Conversation/Rap Parlor" means a business or establishment that provides the services of engaging in or listening to conversation, talk, or discussion distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.
- f) "Adult Health/Sport Club" means a health/sport club that is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.
- g) "Adult Hotel or Motel" means a hotel or motel that presents material distinguished or characterized by an emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas.
- h) "Adult Massage Parlor/Health Club" means a massage parlor or health club that provides massage services distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.
- i) "Adult Mini-Motion Picture Theater" means a business or establishment with a capacity of less than 50 persons that as a prevailing practice presents on-premises viewing of movies, motion pictures, or other material distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.
- j) "Adult Modeling Studio" means a business or establishment that provides live models who, with the intent of providing sexual stimulation or sexual gratification, engage in Specified Sexual Activities or display Specified Anatomical Areas while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted.
- k) "Adult Motion Picture Arcade" means any place to which the public is permitted or invited where coin or slug-operated or electronically, electrically, or mechanically controlled or operated still or motion picture machines, projectors, or other image-producing devices are used to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing Specified Sexual Activities or Specified Anatomical Areas.
- l) "Adult Motion Picture Theater" means a motion picture theater with a capacity of 50 or more persons that as a prevailing practice presents material distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas for observation by patrons.
- m) "Adult Novelty Business" means an establishment or business that devotes a substantial or significant portion of its inventory, stock in trade, or publicly displayed merchandise or devotes a substantial or significant portion of its floor area (not including storerooms, stock areas, bathrooms, basements, or any portion of the business not open to the public) to, or derives a substantial or significant portion of

its gross revenues from items, merchandise, or devices that are distinguished or characterized by an emphasis of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas, or items, merchandise or devices that simulate Specified Sexual Activities or Specified Anatomical Areas, or are designed for sexual stimulation.

n) "Adult Sauna" means a sauna that excludes minors by reason of age, and that provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, if the service provided by the sauna is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

o) "Adult Steam Room/Bathhouse Facility" means a building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, if the building or portion of a building restricts minors by reason of age and if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

Subdivision 3."Nude" or "Specified Anatomical Areas." These terms mean:

- a) Less than completely and opaquely covered human genitals, pubic regions, buttocks, anuses, or female breasts below a point immediately above the top of the areola; and
- b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Subdivision 4. "Specified Sexual Activities." This term means:

- a) Actual or simulated: sexual intercourse; oral copulation; anal intercourse; oral-anal copulation; bestiality; direct physical stimulation of unclothed genitals; flagellation or torture in the context of a sexual relationship; the use of excretory functions in the context of a sexual relationship; anilingus; coprophagy; coprophilia; cunnilingus; fellatio; necrophilia; pedophilia;
- b) Clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence;
- c) Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation;
- d) Fondling or touching of nude human genitals, pubic regions, buttocks, or female breasts;

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

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

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

903.03. Application of this Ordinance.

Except as this Ordinance specifically provides, no structure shall be erected, converted, enlarged, reconstructed, or altered, and no structure or land shall be used, for any purpose nor in any manner which is not in conformity with this Ordinance.

No Adult Establishment shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the establishment which is prohibited by any ordinance of the City of Arlington, the laws of the State of Minnesota, or the United States of America. Nothing in this Ordinance shall be construed as authorizing or permitting conduct that is prohibited or regulated by other statutes or ordinances, including but not limited to statutes or ordinances prohibiting the exhibition, sale, or distribution of obscene material generally, or the exhibition, sale, or distribution of specified materials to minors.

903.04. Location.

Adult Establishments are permitted uses in the I-2 zoning district. Adult Establishments must be located at least 500 feet from: (a) any R1- One and Two Family Residence District boundary or R2 Multiple Family Residence District boundary; (b) any site actually used for residential purposes; and (c) any church site, school site, library site, day care facility, park or playground. No Adult Establishment may be located within 500 feet of another Adult Establishment. For purposes of this Ordinance, this 500 foot distance shall be a horizontal measurement from the nearest existing R1 or R2 district boundary or lot line or site used for residential purposes, church, school, library, day care, park or playground, or another Adult Establishment site, to the nearest point of the proposed Adult Establishment structure.

903.05 Hours of Operation.

No Adult Establishment shall be open to the public from the hours of 10:00 p.m. to 10:00 a.m. weekdays and Saturdays, nor at any time on Sundays or national holidays.

903.06 Operation.

Subdivision 1. Off-site Viewing. Any business operating as an Adult Establishment shall prevent off-site viewing of its merchandise, which if viewed by a minor, would be in violation of Minnesota Statutes Chapter 617 or other applicable Federal or State Statutes or local ordinances.

Subdivision 2. Entrances. All entrances to the business, with the exception of emergency fire exits that are not useable by patrons to enter the business, shall be visible from a public right-of-way.

Subdivision 3. Layout. The layout of any display areas shall be designed so that the management of the establishment and any law enforcement personnel inside the store can observe all patrons while they have access to any merchandise offered for sale or viewing including but not limited to books, magazines, photographs, video tapes, or any other material, or any live dancers or entertainers.

Subdivision 4. Illumination. Illumination of the premises exterior shall be adequate to observe the location and activities of all persons on the exterior premises.

Subdivision 5. Signs. Signs for Adult Establishments shall comply with the City's Ordinance for signs, if any. Signs for Adult Establishments shall not contain representational depiction of an adult nature or graphic descriptions of the adult theme of the operation.

Subdivision 6. Parking. An Adult Establishment shall provide a minimum of one off-street parking space per employee, the total minimum number of such parking spaces to equal the highest number of employees scheduled to work on any shift, and one off-street parking space per customer for the total number of customers for which the facility is designed at full occupancy. Each parking space shall be a minimum of 9 feet wide by 18 feet long, plus sufficient driveway space to allow safe access to and from adjoining public rights of way.

Subdivision 7. Additional Conditions for Adult Cabarets. The following additional conditions apply to adult cabarets:

- a) No owner, operator or manager of an adult cabaret shall permit or allow any dancer or other live entertainer to perform nude.
- b) No dancer, live entertainer, performer, patron or any other person shall be nude in an adult cabaret.
- c) The owner, operator or manager of an adult cabaret shall provide the following information to the city concerning any persons who dance or perform live entertainment at the adult cabaret: The person's name, home address, home telephone number, date of birth and any aliases.
- d) No dancer, live entertainer or performer shall be under 18 years old.

- e) All dancing or live entertainment shall occur on a platform intended for that purpose and which is raised at least two feet from the level of the floor.
- f) No dancer or performer shall perform any dance or live entertainment closer than 10 feet to any patron.
- g) No dancer or performer shall fondle or caress any patron and no patron shall fondle or caress any dancer or performer.
- h) No patron shall pay or give any gratuity to any dancer or performer.
- i) No dancer or performer shall solicit or receive any pay or gratuity from any patron.

903.07 Licenses.

Subdivision 1. Licenses Required. All Adult Establishments, including any Adult Establishment operating at the time this Ordinance becomes effective, shall apply for and obtain a license from the City of Winthrop. A person or entity is in violation of this Ordinance if the person or entity operates an Adult Establishment without a valid license, issued by the City.

Subdivision 2. Applications. An application for a license must be made on a form provided by the City and must include:

- a) If the applicant is an individual, the name, residence, phone number, and birth date of the applicant. If the applicant is a partnership, the name, residence, phone number, and birth date of each general and limited partner. If the applicant is a corporation, the names, residences, phone numbers, and birth dates of all persons holding more than five percent of the issued and outstanding stock of the corporation;
- b) The name, address, phone number, and birth date of the operator and manager of the Adult Establishment, if different from the owner's;
- c) The address and legal description of the premises where the Adult Establishment is to be located;
- d) A statement detailing any misdemeanor, gross misdemeanor, or felony convictions relating to sex offenses, obscenity, or the operation of an Adult Establishment or adult business by the applicant, operator, or manager, and whether the applicant, operator or manager has ever applied for or held a license to operate a similar type of business in another community. In the case of a corporation, a statement detailing any felony convictions by the owners of more than five percent of the issued and outstanding stock of the corporation, and whether or not those

owners have ever applied for or held a license to operate a similar type of business in another community;

- e) The activities and types of business to be conducted;
- f) The hours of operation;
- g) The provisions made to restrict access by minors;
- h) A building plan of the premises detailing all internal operations and activities;
- i) A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches;
- j) A statement that the applicant is qualified according to the provisions of this Ordinance and that the premises have been or will be inspected and found to be in compliance with the appropriate state, county, and local law and codes by the health official, fire marshal, and building inspector;
- k) The names, addresses, phone numbers, dates of birth, of the owner, lessee, if any, the operator or manager, and all employees; the name, address, and phone number of two persons, who shall be residents of the State of Minnesota, and who may be called upon to attest to the applicant's, manager's, or operator's character; whether the applicant, manager, or operator has ever been convicted of a crime or offense other than a traffic offense and, if so, complete and accurate information of the disposition thereof; the names and addresses of all creditors of the applicant, owner, lessee, or manager insofar as credit which has been extended for the purposes of constructing, equipping, maintaining, operating, or furnishing or acquiring the premises, personal effects, equipment, or anything incident to the establishment, maintenance and operation of the business;
- l) If the application is made on behalf of a corporation, joint business venture, partnership, or any legally constituted business association, it shall submit along with its application, accurate and complete business records showing the names, addresses, and dates of birth of all individuals having an interest in the business, including partners, officers, owners, and creditors furnishing credit for the establishment, acquisition, maintenance, and furnishings of said business and, in the case of a corporation, the names, addresses, and dates of birth of all officers, general managers, members of the board of directors as well as any creditors who have extended credit for the acquisition, maintenance, operation, or furnishing of the establishment including the purchase or acquisition of any items of personal property for use in said operation; and

- m) Complete and accurate documentation establishing the interest of the applicant and any other person having an interest in the premises upon which the building is proposed to be located or the furnishings thereof, personal property thereof, or the operation or maintenance thereof. Documentation shall be in the form of a lease, deed, contract for deed, mortgage deed, mortgage credit arrangement, loan agreements, security agreements, and any other documents establishing the interest of the applicant or any other person in the operation, acquisition or maintenance of the enterprise.

Subdivision 3. Disqualifications.

- a) All Adult Establishments, including any business operating at the time this Ordinance becomes effective, operating or intending to operate an Adult Establishment shall be prohibited if the license fees and background investigation fees required by this Ordinance have not been paid.
- b) All Adult Establishments, including any business operating at the time this Ordinance becomes effective, shall be prohibited if an applicant, operator, or manager has been convicted of a crime involving any of the following offenses:

- (1) Any sex crimes as defined by Minn. Stat. 609.29 through 609.352 inclusive, or as defined by any ordinance or statute in conformity therewith;

- (2) Any obscenity crime as defined by Minn. Stat. 617.23 through 617.299 inclusive, or as defined by any ordinance or statute in conformity therewith; for which:

- Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense.

- Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is a felony offense; or

- Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the conviction is of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24 month period.

- (3) The fact that a conviction is being appealed shall have no effect on disqualification of the applicant.

Subdivision 4. Requalification. An applicant who has been convicted of an offense listed in Section 7, Subdivision 3(b), may qualify for an Adult Establishment

license only when the time period required by Section 7, Subdivision 3(b), has elapsed.

Subdivision 5. Posting. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the Adult Establishment. The license shall be posted in a conspicuous place at or near the entrance to the Adult Establishment so that it may be easily read at any time.

Subdivision 6. An Adult Establishment license will not be granted to or held by a person:

- a) Who is under 21 years of age;
- b) Who is overdue or whose spouse is overdue in payments to the city, county, or state of taxes, fees, fines or penalties assessed against them or imposed upon them;
- c) Who has been convicted or whose spouse has been convicted of a gross misdemeanor or felony or of violating any law of this state or local ordinance relating to sex offenses, obscenity offenses, or Adult Establishments;
- d) Who has been or is residing with a person who has been denied a license by the City or any other Minnesota municipal corporation to operate an Adult Establishment, or who has or is residing with a person whose license to operate an Adult Establishment has been suspended or revoked within the preceding twelve (12) months; or
- e) Who has not paid the license and investigative fees required by this Ordinance.

Subdivision 7. An Adult Establishment license will not be granted for:

- a) Any Adult Establishment on premises where the applicant or any of its officers, agents or employees has been convicted of a violation of this Ordinance, or where a license has been revoked for cause, until one year has elapsed after the conviction or revocation;
- b) Any Adult Establishment that is not in full compliance with the City Code and all provisions of state and federal law; or
- c) Any premise that holds an intoxicating liquor, beer, or wine license.

903.08 Fees.

Subdivision 1. The license fee for Adult Establishments are as follow:

- a) The annual license fee is \$2,000.00.

- b) An application for a license must be submitted to the city administrator and accompanied by payment of the required license fee. Upon rejection of an application for a license, the city will refund the license fee.
- c) Licenses will expire on December 31 in each year. Each license will be issued for a period of one year, except that if a portion of the license year has elapsed when the application is made, a license may be issued for the remainder of the year for a pro rated fee. In computing a pro rated fee, any unexpired fraction of a month will be counted as one month.
- d) No part of the fee paid by any licensee will be refunded, except that a pro rata portion of the fee will be refunded in the following instances upon application to the city council within 30 days from the happening of one of the following events, provided that the event occurs more than 30 days before the expiration of the license:
 - 1. Destruction or damage of the licensed premises by fire or other catastrophe;
 - 2. The licensee's illness, if such illness renders the licensee unable to continue operating the licensed Adult Establishment;
 - 3. The licensee's death; or
 - 4. A change in the legal status making it unlawful for the licensed business to continue.
- e) An application must contain a provision in bold print indicating that withholding information or providing false or misleading information will be grounds for denial or revocation of a license. Changes in the information provided on the application or provided during the investigation must be brought to the attention of the city council by the applicant or licensee. If such a change takes place during the investigation, it must be reported to the city administrator in writing. A failure by an applicant or licensee to report such a change may result in a denial or revocation of a license.

Subdivision 2. The one-time non-refundable background investigative fee for an Adult Establishment license is \$500.00 and shall be charged for each person identified on the application as an owner, operator, or manager of the business and for each successor, owner, operator or manager.

Subdivision 3. The procedures for granting an Adult Establishment license are as follow:

- a) The City will conduct and complete an investigation within 30 days after the city administrator receives a complete application and all license and investigative fees.

- b) If the application is for a renewal, the applicant will be allowed to continue business until the city council has determined whether the applicant meets the criteria of this Ordinance for a renewal license.
- c) If, after the investigation, it appears that the applicant and the place proposed for the business are eligible for a license, the license must be issued by the city council within 30 days after the investigation is completed. If the city council fails to act within 30 days after the investigation is completed, the application will be deemed approved.
- d) A license will be issued to the applicant only and is not transferable to another holder. Each license will be issued only for the premises described in the application. A license may not be transferred to another premise without the approval of the city council. If the licensee is a partnership or a corporation, a change in the identity of any partner or holder of more than five percent of the issued and outstanding stock of the corporation will be deemed a transfer of the license. Adult Establishments existing at the time of the adoption of this section must obtain an annual license.

903.09 Inspection.

Subdivision 1. Access. An applicant or licensee shall permit health officials, representatives of the police department, fire department, and building inspector, to inspect the premises of an Adult Establishment for the purpose of ensuring compliance with the law, at any time it is occupied or open for business. The licensee is at all times responsible for the conduct, activity and operation of the business.

Subdivision 2. Refusal to Permit Inspections. A person who operates an Adult Establishment or his/her agent or employee commits an offense if she or he refuses to permit a lawful inspection of the premises by health officials, representatives of the police department, fire department, and building inspector at any time it is occupied or open for business. Refusal to permit inspections may result in nonrenewal, suspension or revocation of the license as provided in Sections 903.10-.12.

Subdivision 3. Exceptions. The provisions of this section do not apply to areas of an adult motel which are currently being rented by a customer for use as a permanent or temporary habitation. Temporary habitation is defined as a period of time of at least 12 hours.

Subdivision 4. Records. The licensee must keep itemized written records of all transactions involving the sale or rental of all items or merchandise for at least one year after the transaction. At a minimum, those records must describe the date of the transaction, a description of the transaction, the purchase price or rental price, and a

detailed description of the item or merchandise that is being purchased or rented. These written records must be provided to the City upon request.

903.10 Expiration and Renewal.

Subdivision 1. Expiration. Each license shall expire at the end of the calendar year and may be renewed only by making application as provided in Section 903.07. Application for renewal must be made at least 60 days before the expiration date.

Subdivision 2. Denial of Renewal. When the City denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to denial, the City finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date denial became final.

903.11 Suspension.

Subdivision 1. Causes of Suspension. The City may suspend a license for a period not to exceed 30 days if it determines that the licensee or an employee of a licensee has:

- a) Violated or is not in compliance with any provision of this Ordinance.
- b) Engaged in the sale or use of alcoholic beverages while on the Adult Establishment premises other than at an Adult Hotel or Motel.
- c) Refused to allow an inspection of the Adult Establishment as authorized by this Ordinance.
- d) Knowingly permitted gambling by any person on the Adult Establishment premises.
- e) Demonstrated inability to operate or manage an Adult Establishment in a peaceful and law-abiding manner, thus necessitating action by law enforcement officers.

Subdivision 2. Notice. A suspension by the City shall be preceded by written notice to the licensee and a public hearing. The notice shall give at least 10 days notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The notice may be served upon the licensee personally, or by leaving the same at the licensed business premises with the person in charge thereof, or by mailing the notice by U.S. Mail to the last known address of the owner or agent authorized to receive legal notices for the business, as listed on its license application.

903.12 Revocation

Subdivision 1. Suspended Licenses. The City may revoke a license if a cause of suspension in Section 903.11 occurs and the license has been suspended at least once before within the preceding 12 months.

Subdivision 2. Causes of Revocation. The City may revoke a license if it determines that:

- a) A licensee gave false or misleading information in the material submitted to the City during the application process;
- b) A licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;
- c) A licensee or an employee has knowingly allowed prostitution on the premises;
- d) A licensee or an employee knowingly operated the Adult Establishment during a period of time when the licensee's license was suspended;
- e) A licensee has been convicted of an offense listed in Section 903.07, Subdivision 3(b), for which the time period required in Section 7, Subdivision 3(b), has not elapsed;
- f) On two or more occasions within a 12-month period, a person or persons committed an offense occurring in or on the licensed premises of a crime listed in Section 7, Subdivision 3(b), for which a conviction has been obtained, and the person or persons were employees of the Adult Establishment at the time the offenses were committed.
- g) A licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation or masturbation to occur in or on the licensed premises.

Subdivision 3. Appeals. The fact that a conviction is being appealed shall have no effect on the revocation of the license.

Subdivision 4. Exceptions. Section 903.12, Subdivision 2(g), does not apply to adult motels as a ground for revoking the license unless the licensee or employee knowingly allowed the act of sexual intercourse, sodomy, oral copulation, masturbation, or sexual contact to occur in a public place or within public view.

Subdivision 5. Granting a License After Revocation. When the City revokes a license, the revocation shall continue for one year and the licensee shall not be issued an Adult Establishment license for one year from the date revocation became effective. If, subsequent to revocation, the City finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if

at least 90 days have elapsed since the date the revocation became effective. If the license is revoked under Section 903.12, Subdivision 2 (e), an applicant may not be granted another license until the appropriate number of years required under Section 903.07, Subdivision 3 b), has elapsed.

Subdivision 6. Notice. A revocation by the City shall be preceded by written notice to the licensee and a public hearing. The notice shall give at least 10 days notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The notice may be served upon the licensee personally, or by leaving the same at the licensed premises with the person in charge thereof or by mailing the notice by U.S. Mail to the last known address of the owner or agent authorized to receive legal notices for the business, as listed on its license application.

903.13 Procedures.

Issuances, suspensions, revocations, and nonrenewals of Adult Establishment licenses are governed by the following provisions:

- a) In the event that the city council proposes not to renew, to revoke, or to suspend the license, the licensee must be notified in writing of the basis for such proposed revocation or suspension. The council will hold a hearing for the purpose of determining whether to revoke or suspend the license. The hearing must be within 30 days of the date of the notice. The city council must determine whether to suspend or revoke a license within 30 days after the close of the hearing or within 60 days of the date of the notice, whichever is sooner. The council must notify the licensee of its decision within that period.
- b) If the council determines to suspend or revoke a license, the suspension or revocation is not effective until 15 days after notification of the decision to the licensee. If, within that 15 days, the licensee files and serves an action in state or federal court challenging the council's action, the suspension or revocation is stayed until the conclusion of such action.
- c) If the city council determines not to renew a license, the licensee may continue its business for 15 days after receiving notice of such non-renewal. If the licensee files and serves an action in state or federal court within that 15 days for the purpose of determining whether the City acted properly, the licensee may continue in business until the conclusion of the action.
- d) If the city council does not grant a license to an applicant, then the applicant may commence an action in state or federal court within 15 days for the purpose of determining whether the City acted properly. The applicant may not commence doing business unless the action is concluded in its favor.

903.14 Transfer of License.

A licensee shall not transfer this license to another, nor shall a licensee operate an Adult Establishment under the authority of a license at any place other than the address designated in the application.

903.15 Severability.

Every section, provision, or part of this Ordinance is declared severable from every other section, provision, or part thereof to the extent that if any section, provision, or part of this Ordinance be held invalid by a court of competent jurisdiction it shall not invalidate any other section, provision, or part thereof. The City Council specifically declares that the licensing requirements in this Ordinance are severable from any and all of the other requirements of this Ordinance. The City Council further declares that it would have adopted the other requirements in this Ordinance regardless of the validity or invalidity of the licensing requirements.

903.16 Enforcement/Penalty.

Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be subject to the penalties for a misdemeanor as prescribed by state law. Each day the violation continues shall be considered a separate misdemeanor offense punishable by a separate misdemeanor penalty. If an act which is a violation of this ordinance is also a violation of any other state or federal law, this clause shall not preclude the appropriate authorities from also charging the perpetrator with such separate crime or crimes, subject to the appropriate penalty for each such separate crime. Violations of this ordinance may also be enforced by an appropriate civil action in either state or federal court.

903.17 Effective.

This Ordinance shall be effective immediately upon its publication.

August 4th, 2003.

Part 4 Signs

904.01 Purpose: The purpose of this section is to protect, insure, maintain, and regain the natural and scenic beauty and attractiveness of the roadside throughout Winthrop. By the construction of public roads, the public has created views to which the public retains a right of view and it is the intent of these standards to prevent the taking of that right. Signs are recognized as accessory uses and are permitted in all districts subject to the regulations of this ordinance.

904.02 Approval of Plan and Location: A permit shall be required to erect any sign in the City. The Permit fee shall be \$75. No sign shall be erected by any person until the plan for the proposed sign has been received by the Planning Commission and approved by the City Council. The signage plan shall contain the following information:

- i. location of existing and proposed buildings on the site;
- j. location of existing buildings within one hundred (100) feet of the site;
- k. location and height of all existing and proposed signs on the site, complete with route of electrical supply to signs, if wired;
- l. all specifications and dimensions of signs including the lettering size and graphics;
- m. description of sign and frame materials and colors, including supports;
- n. planter box details, if used, such as materials used, plant types, their sizes, the number of plants to be used, their spacing, etc;
- o. if it is a wall sign, include the wall anchorage details;
- p. written permission to have the sign from property owner if sign is not located on applicant’s property.

904.03 Sign Sizing Criteria: The size of signage allowed is based upon the front footage of the building located upon the property as follows (if no building is located upon the property, the size of sign shall be based upon the front lot footage):

<u>FRONT FOOTAGE</u>	<u>SIZE OF SIGN ALLOWED</u>
Up to 50 feet	100 square feet
51 to 100 feet	150 square feet
101 to 150 feet	185 square feet
151 to 200 feet	212 square feet
201 to 250 feet	237 square feet
251 feet or more	250 square feet

904.04 Signs That Do Not Need Permits: Signs that do not need permits are official government related signs, temporary real estate or construction signs not more than 8 square feet in size, political signs not larger than 8 square feet in size, and signs for special events for non-profit organizations not more than 32 square feet in size. In addition:

- h. Political signs must be removed within seven (7) days following the date of election or elections to which they apply;
- i. Garage and Rummage Sale signs do not require permits, but they are only to be erected for no more than 72 hours and cannot be larger than 6 square feet;
- j. Traffic control signs including parking type informational signs are not required to have a permit.
- k. Construction signs must be removed when the project is completed;
- l. Signs that identify the address or identity of a residence or residents do not need a permit, but residential type signs must be affixed to a structure or building located on the property;
- m. Event signs shall be self supporting and not tacked, posted, painted, or otherwise affixed to the walls of buildings, trees, fences, or poles. Said signs shall be removed within forty-eight (48) hours after the culmination of the special event.
- n. Special event signs that are for businesses or other “for profit” entities that are not more than 32 square feet in size do not need a permit as long as the special event sign is not erected for longer than ten (10) days.

904.05 Home Occupation Signs: Home occupation signs shall be removed when the service is no longer offered on site.

904.06 Prohibited Signs: No sign shall be permitted:

- m. in a location which would interfere with the view of any traveler on any roadway, approaching vehicles, or of traffic control devices;
- n. on rocks, trees, plants, or public utility poles;
- o. containing a rotating beam or beam of light resembling an emergency vehicle;
- p. which simulates any official, directional, or warning sign erected or maintained by the State, County, municipality or any other governmental subdivision or which incorporates or makes use of light simulating or resembling traffic signals or control signs;
- q. which casts a distracting or confusing ray of light onto or visible from a public roadway;
- r. which interferes with public facilities or the maintenance thereof;
- s. which obstructs any windows, doors, fire escape, stairway or opening essential to the provision of light, air, ingress, or egress from any building;
- t. which contains more than two (2) surface areas or facings;
- u. within the right-of-way of any public road, except as erected by an official unit of government for the direction of traffic or necessary public information;
- v. No sign shall be located within 50 feet of another sign located on the same side of the street if it is within 300 feet of an intersection. If the sign is not

- located within 300 feet of an intersection, if cannot be within 100 feet of another sign on the same side of the street;
- w. No sign shall be permitted that does not comply with the setback requirements for structures in its respective zoning district;
 - x. billboards are not permitted in any zoning district

904.07 Non-Conforming signs: Signs lawfully existing at the time of the adoption of this Ordinance may be continued although the use, size, or location does not conform with the provisions of this ordinance. However, the signs shall be deemed a non-conforming use.

904.08 Sign Maintenance:

- c. **Painting:** The owner of any sign shall be required to have such sign properly painted at least once every two (2) years, if needed, including all parts and supports of the sign, unless such supports are galvanized or otherwise treated to prevent rust.
- d. **Area Around Sign:** The owner, or lessee of any sign or the owner of the land on which the sign is located shall keep the grass, weeds, or other growth cut and the area free from refuse between the sign and street and also for a distance of six (6) feet behind and at the ends of each sign.

904.09 Obsolete Signs: Any signs which no longer advertise a bona fide business or product sold shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or land upon which the sign may be found within ten (10) days after written notice from the City Council.

904.10 Unsafe or Dangerous Signs: Any sign which in the opinion of the City Council becomes structurally unsafe or endangers public safety shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure or land upon which the sign is located within ten (10) days after written notification from the City Council.

904.11 Violations: A violation of any provision of this ordinance is considered a misdemeanor. *As amended October 1st, 2007.*