

DIVISION 2. - CONDITIONAL AND INTERIM USE PERMITS

Sec. 86-46. - Issuance; purposes.

(a) Conditional use permits may be issued for any of the following:

- (1) Any of the uses or purposes for which such permits are required by the provisions of this chapter.
- (2) To classify as a conforming use any nonconforming use existing in any district at the time of the establishment of such district or before April 6, 1964, or on the effective date of amendments to this chapter.
- (3) Any permitted principal use that occupies more than 75% but less than 90% of the building, unless the remaining use is listed as a permitted or permitted accessory use.

(b) Interim use permits may be issued for any of the following:

- (1) Any of the uses or purposes for which such permits are required by the provisions of this chapter.
- (2) Any use for a limited period of time not to exceed 180 days until a permanent location is obtained or while the permanent location is under construction.
- (3) Any use that is seasonal or temporary in nature.
- (4) Any use for a limited period of time not to exceed 180 days that reasonably uses the property where it is not reasonable to use it in the manner otherwise provided in the zoning ordinance or comprehensive plan.
- (5) Any use for a limited period of time that reasonably uses the property in the manner not provided in the zoning ordinance or comprehensive plan but which the Council deems appropriate for future consideration as a permitted or conditional use.

(Code 1976, § 11.21(1); Ord. No. 680 2nd series, § 1, 9-24-2013)

Sec. 86-47. - Application; fee.

- (a) Conditional and interim use permits may be applied for only on the forms prepared by the city zoning administrator. All applications shall be accompanied by a list of names and addresses of the owners of lands within 350 feet of the property described on the application as the same appear on the records of the county.
- (b) The council may, by resolution, establish a fee for the filing of applications for conditional and interim use permits. The fee shall be paid before the application shall be considered, and shall not be refundable.

(Code 1976, § 11.21(2), (3); Ord. No. 680 2nd series, § 1, 9-24-2013)

Sec. 86-48. - Procedure.

- (a) Application for the issuance of a conditional or interim use permit shall be made to the planning commission. The planning commission may hold such hearings on the proposal to issue a conditional or interim use permit as it may consider necessary, but at least one public hearing shall be held pursuant to Minn. Stat. § 462.357, subd. 3. Following the hearing, the planning commission shall make a report upon the proposal to the council and shall recommend to the council whatever action it deems advisable.
- (b) Upon receipt of the report of the planning commission, the council may hold whatever hearings it deems advisable and shall make a decision upon the request for a conditional or interim use permit.

When the council is making such decision, it is acting as a board of zoning adjustments and appeals. The council may impose conditions and require guarantees in the granting of conditional or interim use permits to ensure compliance and to protect adjacent properties. If planning commission meetings are cancelled due to lack of quorum and recommendations are not presented to the council within 30 days of the day of submitting application to the planning commission, the council may proceed without receiving a planning commission report; in this case, at least one public hearing shall be held pursuant to Minn. Stat. § 462.357, subd. 3.

- (c) Any use permitted under the terms of any conditional or interim use permit shall be established and conducted in conformity to the terms of such permit and of any conditions designated in connection therewith.
- (d) The conditions in the granting of conditional or interim use permit imposed by the council are binding for the applicant and all its successors and assigns. Violation of any of the conditions shall result in the granted conditional use permit becoming null and void unless a variance for condition modification is applied for and approved pursuant to this chapter. Whenever an application for a conditional use permit has been considered and approved by the council which imposed certain conditions, an application for a condition modification variance shall not be considered by the planning commission or council for at least one-year from the date of a conditional use permit approval or when circumstance sufficiently change to justify a review. Interim use permits are issued to an applicant and cannot be transferred to another entity.
- ~~(e) Whenever within one year after granting a conditional use permit, except home occupation, the work as permitted by the conditional use permit shall not have been commenced, then the conditional use permit shall become null and void unless a petition for extension of time in which to complete the work has been granted by the council. The extension shall be requested in writing and filed with the zoning administrator at least 30 days before the expiration of the original conditional use permit. There shall be no charge for the filing of the petition. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the conditional use permit. The petition shall be presented to the planning commission for a recommendation and to the council for a decision.~~
- (ef) A certified copy of all conditional use permits ~~except home occupation~~ shall be filed with the county recorder.
- (fg) Any person aggrieved by the granting or denial of the issuance of a conditional or interim use permit shall have the right to appeal such decision to the state district court located in the county. Such appeal shall be filed with the court within 30 days of the date of the decision of the council.

(Code 1976, § 11.21(4); Ord. No. 680 2nd series, § 1, 9-24-2013)

Sec. 86-49. - Standard for hearing.

(a) When the planning commission, or the city council, is reviewing the proposed conditional or interim use permit, besides the special conditions, if any, provided for in each zoning district and for each specific conditional or interim use, it shall also evaluate the following when applicable:

- (1) Whether the proposed use is ~~designed to be~~ compatible with the existing neighborhood environment and use.
- (2) The adequacy of the ~~Whether the proposed use has adequate~~ access to roads and rights-of-way.
- (3) The ~~effect of any~~ additional traffic generated by facility.
- (4) The landscaping, fencing and/or screening provisions plan.
- (5) The outside storage provisions.
- (6) The accessory buildings provisions.

- (7) The facility size.
- (8) The area of site.
- (9) The off-street parking facilities.
- (10) The density of the population and structures.
- (11) The duration of proposed interim conditional use.
- (12) ~~The open space, recreational/plat areas proposed.~~ The natural features of the area.
- (13) The availability of existing utility and public service facility.
- (14) The future maintenance provisions.
- ~~(15) Whether the proposed use has a positive community need as defined in the comprehensive plan.~~
- ~~(16) The effect upon the public welfare in general.~~
- ~~(17) The effect upon the welfare of the adjacent area, and persons residing or working in the area adjacent to the area.~~
- (15) Whether the proposed use will be injurious to the property or improvements in the area adjacent to such proposed use and the community as a whole, including planned development.

(b) In evaluating the above considerations, additional conditions that may be necessary to protect the best interests of the surrounding area or community as a whole, may be considered and imposed.

(Code 1976, § 11.21(5); Ord. No. 680 2nd series, § 1, 9-24-2013))

Sec. 86-50. - ~~Offices of persons and H~~home occupations and businesses.

- (a) An interim conditional use permit shall be required for all home occupations unless any of the following three conditions exist:
 - (1) Such home occupation is supplementary to a business that has its principal place of business legally located elsewhere.
 - (2) Such home occupation is entirely computer and/or internet based.
 - (3) Such home occupation is conducted entirely outside the premises except bookkeeping and regular mail delivery.

In addition to any of the above conditions, the home occupation must be such that the traffic entering such dwelling does not exceed that which is normal and customary for a residence, no business related vehicles or vehicles with business advertisement are parked or stored outside, no vehicular traffic or street parking is generated in greater volume than would normally be expected in a residential neighborhood, no direct sale of goods to the consumer occurs on premises, and it meets all relevant provisions of subsection (b), except item (16). As an exception, for businesses compliant with conditions (1) or (3), one business related car, van or light truck with business advertisement may be parked outside at nights and on weekends.

- (b) ~~Offices of persons and H~~home occupations shall at a minimum meet the following conditions:
 - (1) The use of the dwelling unit for the ~~office or~~ home occupation shall be clearly incidental and subordinate to its residential use by the applicant.
 - (2) The ~~office or~~ home occupation related space may not exceed one-third of the living space of the dwelling, excluding garages and accessory buildings.
 - (3) The conduct of the ~~office or~~ home occupation shall not result in any change in the outside appearance of the building or land.

- (4) No exterior display or signs related to the home occupation shall be installed.
- (5) No direct sale of goods that are not produced on site shall take place, except during home parties not scheduled on a regular basis.
- (6) No equipment shall be used which creates offensive noise, vibration, sound, smoke, dust, odors, heat, glare or electrical disturbance to radio or television reception and no hazard beyond the one customary for dwellings is created.
- (7) Only persons that are members of the family and residing in the premises shall be employed on the premises.
- (8) There shall be no exterior storage of materials, business equipment ~~or vehicles and business machinery~~ except one business related car, van or light truck with business advertisement may be parked outside at nights and on weekends.
- (9) There shall not be more than one-~~half~~^{third} of the accessory buildings used for the storage of merchandise, business equipment, materials ~~or and business~~ machinery.
- (10) No separate entrance for customers may be provided or used.
- (11) No sewer, water or electric usage beyond what is typical for a dwelling shall occur.
- (12) No regular business hours shall be advertised, and all services shall be rendered by appointment only.
- (13) If at any time more than two customers may be present, off-street parking shall be provided in addition to parking required by the Ordinance for a dwelling. Such parking shall be provided in a location customarily associated with single family dwellings.
- (14) No customers shall be present between 9 p.m. and 8 a.m.
- (15) Additional home occupation related vehicular traffic, including delivery, shall not exceed 4 vehicles per day.
- (c) All home occupation ~~interim conditional~~ use permits are issued for initial one-year term and may be renewed for future ~~five-year~~ terms.
- (d) The home ~~interim occupation~~ conditional use permit is granted to an applicant for a specific property and is not transferable to another person or property.
- (e) The applicant, upon making application, grants to the city upon issuing any home occupation permit the right to inspect the premises in which the occupation is being conducted to ensure compliance with the provisions of this section and any conditions additionally imposed.
- (f) All home occupations involving the following activities, even if formally compliant with subsection (b), are prohibited:
 - (1) Any automotive related activity including, but not limited to, auto repair and detailing.
 - (2) Any children related activity except those licensed by the State and individual lessons.
 - (3) Any animal related activity including, but not limited to, kenneling and breeding, except grooming.
 - (4) Any funeral related activity including, but not limited to, mortuaries and embalming services.
 - (5) Any activity involving commercial cooking, including restaurants, except dessert making for individual parties, such as weddings and graduations.
 - (6) Any activity involving multiple garage sales.
 - (7) Any illegal activity and activity that may be considered objectionable i.e. massage or tattoo parlors, pawn shops, adult oriented businesses, and tobacco or alcohol production.
- (g) Home occupations shall be an interim use in agricultural and all residential districts.

(Code 1976, § 11.21(6); Ord. No. 680 2nd series, § 1, 9-24-2013)

Editor's note— Ord. No. 6802nd series, § 1, adopted September 24, 2013, amended § 86-50 to read as set out herein. Previously § 86-50 was titled offices of persons and home occupations in existing structures.

Sec. 86-51. - Bed and breakfast.

(a) A conditional use permit shall be required for all Bed and breakfast facilities.

(ba) Bed and breakfast facilities shall at a minimum meet the following conditions:

- (1) The facility shall comply with all health, fire, safety rules and other regulations of the state and the city and all required licenses shall be made available to the city staff upon request.
- (2) The maximum number of bedrooms shall be established for each facility and no more than four bedrooms shall be available to guests. No more than two persons shall be staying in each bedroom.
- (3) Off-street parking shall be provided as required in section 86-230 and shall be screened from adjacent properties as required by section 86-204 this article.
- (4) Exterior appearance and lighting shall be compatible with the neighborhood.
- (5) Identification signs shall be limited to one 6-12-square-foot nameplate sign mounted on the building near the main entrance door.
- (6) The owners of such facility shall operate and occupy such facilities.
- (7) No food or beverage service shall be provided to anyone other than transient guests.
- (8) All bedroom units shall be established within and have primary entrances from the principal structure.
- (9) Cooking facilities shall not be permitted in the guest rooms.
- (10) Appropriate insurance including liability insurance shall be filed with the city clerk/financial director for a minimum amount of \$1,000,000.00.
- (11) Other commercial enterprises shall not be operated in conjunction with this facility without a home occupation interim conditional permit.

~~(b) All bed and breakfast conditional use permits are issued for initial five-year term and may be renewed for the future.~~

~~(c) The bed and breakfast conditional use permit is granted to an applicant for a specific property and is not transferable to another person or property.~~

(cd) The applicant, upon making application, grants to the city upon issuing any bed and breakfast permit the right to inspect the premises in which bed and breakfast is located to ensure compliance with the provisions of this section and any conditions additionally imposed.

(d) Bed and Breakfast shall be a conditional use in all residential districts.

(Code 1976, § 11.21(7); Ord. No. 680 2nd series, § 1, 9-24-2013)

Secs. 86-52—86-70. - Reserved.

Sec. 86-96. - A agricultural district.

(a) *Intent; scope.* This section applies to the A agricultural district. This A district preserves land for agricultural or undeveloped uses until development pressures require that such land be released and rezoned for purposes of controlled and orderly growth according to the comprehensive plan pending proper timing and allowance for the economical provision of urban services.

(b) *Permitted uses.* The following uses shall be permitted in the A agricultural district:

Agricultural, farming and truck gardening, shrimp growing in enclosed facilities, nurseries and greenhouses, except kennels, terrestrial (land) animal or poultry farms operated for commercial purposes.

Golf courses, except clubhouses.

Parks and recreational areas owned or operated by governmental agencies.

(c) *Permitted accessory uses.* The following uses shall be permitted accessory uses in the A agricultural district:

Accessory uses customarily incident to the uses permitted in subsections (a) and (b) of this section.

Fallout shelters.

Keeping of not more than two boarders and/or roomers by a resident family.

Private garage.

Private swimming pool when completely enclosed within a chainlink or similar fence five feet high.

Single-family farm residences if used by the farm owner or operator, member of the immediate family, or an employee working on the premises.

Solar energy collectors and systems.

(d) *Conditional uses.* All conditional use permits for the A district may only be issued if the proposed use meets the specific requirements of this section and also meets the general regulations as outlined in article VI and meets the eligibility for conditional use permits as specified in article II, division 2. The following uses may be allowed in the A agricultural district by conditional use permit:

Driving tracks and automobile, motorcycle, go-cart or snowmobile race tracks.

Archery range.

Cemetery, memorial garden.

Crematorium.

Golf clubhouse, country club, public swimming pool, private swimming pool serving more than one-family, provided that no principal structure shall be located within 25 feet of any lot line of an abutting lot in any of the classes of residence districts.

Outdoor gun range.

Keeping of three or more roomers or boarders.

~~Offices of persons and home occupations in existing structures when they meet the specific conditions of section 86-50.~~

Other residential uses of the same general character as listed in subsection (b).

Water supply buildings, reservoirs, wells, elevated tanks and similar essential public utility structures.

- (e) *Height, yard, area and lot width and depth regulations.* Height, yard, area and lot width and depth regulations for the A district are as follows:
- (1) *Height regulations.* No building hereafter erected or altered shall exceed 2½ stories or 30 feet in height.
 - (2) *Front yard regulations.*
 - a. There shall be a front yard having a depth of not less than 25 feet except as otherwise provided in this section.
 - b. There shall be a front yard of not less than 35 feet on a lot or plot that abuts a thoroughfare as shown on the adopted city thoroughfares plan.
 - c. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of each corner lot. No accessory buildings shall project into the front yard of either street.
 - (3) *Side yard regulations.* There shall be a side yard, on each side of a building, each having a width of not less than five feet.
 - (4) *Rear yard regulations.* There shall be a rear yard having a depth of not less than 25 percent of the lot depth.
 - (5) *Lot area regulations.* Every lot on which a single-family dwelling is erected shall contain an area of not less than 22,000 square feet.
 - (6) *Lot width and depth regulations.* Every lot or plot of land on which a single-family dwelling is erected shall have a minimum width of not less than 110 feet at the building setback line, and a minimum depth of not less than 200 feet.
- (f) *General regulations.* Additional regulations in the A agricultural district are set forth in article VI of this chapter.
- (g) *Future annexation.* Any land annexed to the city in the future shall be placed in the A agricultural district until placed in another district by action of the council after recommendation of the planning commission.

(Code 1976, § 11.06; Ord. No. 404 2nd series, § 1, 11-16-1998; Ord. No. 407 2nd series, § 1, 12-21-1998; Ord. No. 590 2nd series, § 1, 2-19-2008; Ord. No. 720 2nd series, § 1, 5-9-2017)

Cross reference— Animals, ch. 14.

Sec. 86-97. - R-1 one-family residence district.

(a) *Intent; scope.* This section applies to the R-1 one-family residence district. This R-1 district is intended to preserve and enhance residential areas for one-family detached dwellings.

(b) *Permitted uses.* The following uses shall be permitted in the R-1 residence district:

Churches, provided that no building shall be located within 25 feet of any lot line of an abutting lot in any of the classes of residence districts.

One-family manufactured homes

Residential facility serving six or fewer individuals.

Day care facility, limited to those required by Minn. Stat. § 462.357, subd. 7, serving 14 or fewer individuals.

One-family detached dwellings, occupied by persons related by blood, marriage, adoption, or by three unrelated persons.

(c) *Permitted accessory uses.* The following uses shall be permitted accessory uses in the R-1 residence district:

Accessory uses customarily incidental to the uses permitted in this section, such as private vehicle garages and storage sheds.

Accessory building complying with section 86-163.

Accessory equipment complying with section 86-164.

Fallout shelters.

Keeping of not more than two boarders and/or roomers by a resident family.

Private swimming pool and hot tub when completely enclosed within a non-climbable fence five feet high with openings no greater than four inches in any dimension and self-closing and self-locking gate. Swimming pools exempt from the building permit requirements as defined in the state building code and hot tubs with latchable covers do not need to be enclosed.

Private solar energy collectors and systems.

Private radio towers and antennas complying with division 6.

(d) *Conditional uses.* All conditional use permits for the R-1 district may only be issued if the proposed use meets the specific requirements of this section and also meets the supplemental regulations as outlined in article VI and meets the eligibility for conditional use permits as specified in article II, division 2. The following uses may be allowed in the R-1 district by conditional use permit:

~~Bed and breakfast facility meeting the conditions of section 86-51.~~

Fire stations, community center buildings, public libraries, museums, art galleries, post office, greenhouses (excluding commercial), and essential public utility structures.

Golf course and clubhouse, country club, public swimming pool, private swimming pool serving more than one-family, provided that no principal structure shall be located within 25 feet of any lot line of an abutting lot in any of the classes of residence districts.

Keeping of three or more roomers or boarders.

~~Offices of persons and home occupations in existing structures when they meet the specific conditions of section 86-50 except motor vehicle repair, tobacco sales, sales of alcoholic beverages, adult entertainment, adult book or video sales, motor vehicle or machinery sales, or restaurants are not permitted.~~

Other residential uses of the same general character as listed in subsection (b).

Parks and recreational areas.

Residential facility serving more than six individuals.

Day care facility, limited to those required by Minn. Stat. § 462.357, subd. 7, serving more than 14 individuals.

School, public or private, kindergarten through grade 12.

Two-family dwellings under single ownership, joint ownership or tenants in common.

Two-family dwellings under split ownership under the following conditions:

- (1) The dwelling have separate utility service lines to each unit.
- (2) The owner execute a common maintenance agreement containing covenants as to uniformity of exterior appearance of the dwellings.
- (3) Proper separation of units exist as provided by the building code.
- (4) Such dwellings comply with all yard regulations for single-family dwellings, except side yard regulations between the dwelling units.
- (5) The dwelling location on the lot be compatible with the neighborhood.
- (6) Landscaping, fencing, grading, exterior lighting, and driveway conform to the surrounding neighborhood.
- (7) Any accessory building is compatible with the dwellings and the surrounding neighborhood.
- (8) The dwellings shall be a maximum height of two stories.
- (9) Not more than 50 percent of the lot area shall be occupied by buildings.
- (10) No unit shall be eligible under this [use] unless the division of the dwelling occurs along the lot lines.

(e) *Height and yard regulations.* Height, yard, area and lot width and depth regulations for the R-1 district are as follows:

- (1) *Height regulations.* No building hereafter erected or altered shall exceed 30 feet in height.
- (2) *Front yard regulations.*
 - a. There shall be a front yard having a depth of not less than 25 feet except as otherwise provided in this section.
 - b. There shall be a front yard of not less than 35 feet on a lot or plot that abuts a thoroughfare as shown on the adopted city thoroughfares plan.
 - c. Where a lot or plot is located at the intersection of two or more streets there shall be a front yard on each street side of each corner lot.
 - d. No accessory buildings shall project beyond the front yard line of any street.
- (3) *Side yard regulations.* There shall be a side yard on each side of a building, each having a width of not less than five feet.

- (4) *Rear yard regulations.* There shall be a rear yard having a depth of not less than 25 percent of the lot or plot depth, or 18 percent of the lot or plot depth for a corner lot.
- (5) *Lot or plot area regulations.*
 - a. Every lot or plot upon which a one-family dwelling is erected shall contain an area of not less than 8,000 square feet.
 - b. Every lot or plot upon which a two-family dwelling is erected or altered shall contain an area of not less than 10,000 square feet.
- (6) *Lot width and depth regulations.* Every lot or plot on which a one-family dwelling or a two-family dwelling is erected shall have a minimum width of not less than 70 feet at the building setback line, and a minimum depth of not less than 110 feet.
- (f) *Supplemental regulations.* Additional regulations in the R-1 residence district are set forth in article VI.

(Code 1976, § 11.07; Ord. No. 407 2nd series, § 1, 12-21-1998; Ord. No. 443, § 3, 11-6-00; Ord. No. 529 2nd series, § 1, 7-5-2005; Ord. No. 590 2nd series, § 1, 2-19-2008; Ord. No. 699 2nd series, § 1, 9-9-2015; Ord. No. 712 2nd series, § 1, 9-13-2016; Ord. No. 732 2nd Series, § 1, 1-8-2019)

Sec. 86-98. - R-2 one- to four-family residence district.

(a) *Intent; scope.* This section applies to the R-2 one- to four-family district. This R-2 district is intended to create, preserve and enhance residential areas for single-family dwellings, townhouses and apartment buildings (containing no more than four dwelling units), for the purpose of achieving a mix of housing types and densities.

(b) *Permitted uses.* The following uses shall be permitted in the R-2 residence district:

Churches, provided that no building shall be located within 25 feet of any lot line of any abutting lot in any of the classes of residence districts.

Golf courses, except clubhouses, miniature golf courses, and driving ranges operated for commercial purposes.

Manufactured homes Multiple-family dwellings, apartment buildings or townhouses, containing not more than four dwelling units.

Parks and recreational areas owned or operated by governmental agencies.

Residential facility serving 16 or fewer individuals, or day care facility serving 14 or fewer individuals.

Single-family detached dwellings.

Two-family dwellings under single ownership, joint ownership or tenants in common.

Two-family dwellings under split ownership under the following conditions:

- (1) The dwelling have separate utility service lines to each unit.
- (2) The owner execute a common maintenance agreement containing covenants as to uniformity of exterior appearance of the dwellings for the life of the dwelling.
- (3) Proper separation of units exist as provided by the building code.
- (4) Such dwellings comply with all yard regulations for single-family dwellings, except side yard regulations between the dwelling units.
- (5) The dwelling location on the lot be compatible with the neighborhood.
- (6) A landscaping, fencing and grading plan, exterior lighting plan, construction plan, floor plan and driveway plan conform to the surrounding neighborhood.
- (7) Any accessory building is compatible with the dwellings and the surrounding neighborhood.
- (8) The dwellings shall be a maximum height of two stories.
- (9) Not more than 50 percent of the lot area shall be occupied by buildings.
- (10) No unit shall be eligible under this use unless the division of the dwelling occurs along the lot lines.

(c) *Permitted accessory uses.* The following uses shall be permitted accessory uses in the R-2 residence district:

Accessory uses customarily incident to the uses permitted in subsections (a) and (b).

Fallout shelters.

Private garage.

Private swimming pool and hot tub when completely enclosed within a non-climbable fence five feet high with openings no greater than four inches in any dimension and self-closing and self-locking

gate. Swimming pools exempt from the building permit requirements as defined in the state building code and hot tubs with latching covers do not need to be enclosed.

Solar energy collectors and systems.

Storage garages where the lot is occupied by a multiple-family dwelling.

- (d) *Conditional uses.* All conditional use permits for the R-2 district may only be issued if the proposed use meets the specific requirements of this section and also meets the general regulations as outlined in article VI and meets the eligibility for conditional use permits as specified in article II, division 2. The following uses may be allowed in the R-2 residence district by conditional use permit:

Automobile parking lots or garages, excluding repairs.

Golf clubhouse, country club, public swimming pool, private swimming pool serving more than one family, provided that no principal structure shall be located within 25 feet of any lot line of an abutting lot in any of the classes of residence districts.

Manufactured home park meeting all requirements of section 86-101 and all additional conditions established by the council in accordance with section 86-49.

Municipal or other government administration buildings, police or fire stations, community center buildings, public libraries, museums, art galleries, post office substations, greenhouses (excluding commercial), and essential public utility structures.

~~Offices of persons and home occupations in existing structures when they meet the specific conditions of section 86-50.~~

Other residential uses of the same general character as listed in subsection (b).

Schools: public, parochial or private; not operated for profit; kindergarten through twelfth grade; offering a curriculum equivalent to the public school system.

Residential facility serving more than 16 individuals, or a day care facility serving more than 14 individuals.

- (e) *Height, yard, area and lot width and depth regulations.* Height, yard, area and lot width and depth regulations for the R-2 district are as follows:

(1) *Height regulations.* No building hereafter erected or altered shall exceed three stories or 25 feet in height.

(2) *Front yard regulations.*

a. There shall be a front yard having a depth of not less than 25 feet except as otherwise provided in this section.

b. There shall be a front yard on each street side of a corner lot. No accessory buildings shall project into the front yard line on either street.

(3) *Side yard regulations.*

a. There shall be a side yard on each side of a building, each having a width of not less than five feet for buildings not exceeding 20 feet in height.

b. For buildings exceeding 20 feet in height, there shall be a side yard on each side of a building having a width of five feet plus one-foot of side yard for each one-foot of building height over 20 feet.

(4) *Rear yard regulations.* There shall be a rear yard having a depth of not less than 25 percent of the lot depth, or 18 percent of the lot depth for corner lots.

(5) *Lot area regulations.*

- a. Every lot upon which a multiple dwelling is erected or altered shall contain an area of not less than 11,500 square feet for a three-family dwelling, plus 1,500 square feet for each additional dwelling unit.
- b. Every lot upon which a one-family dwelling is erected or altered shall contain an area of not less than 8,000 square feet and shall contain 9,000 square feet for a two-family dwelling.
- c. Where a lot has less area than required in this subsection (e)(5), and was vacant and of record at the time of the passage of this chapter, that lot may be used only for single-family dwelling purposes.

(6) *Lot coverage regulations.* Additional regulations in the R-2 residence district are set forth in article VI.

(Code 1976, § 11.08; Ord. No. 407 2nd series, § 1, 12-21-1998; Ord. No. 443, § 3, 11-6-2000; Ord. No. 590 2nd series, § 1, 2-19-2008; Ord. No. 699 2nd series, § 1, 9-9-2015; Ord. No. 712 2nd series, § 1, 9-13-2016; Ord. No. 732 2nd Series, § 1, 1-8-2019)

Sec. 86-99. - R-3 low to medium density, multiple-family residence district.

(a) *Intent; scope.* This section applies to the R-3 low to medium density, multiple-family district. This R-3 district is intended to create, preserve and enhance residential areas for multifamily use at low to medium densities (up to eight dwelling units) for families and singles. It is typically appropriate as a transition area between low density residential districts and high intensity residential or business districts.

(b) *Permitted uses.* The following uses shall be permitted in the R-3 residence district:

Assisted living facility.

Boardinghouses and lodginghouses; convalescent, nursing and rest homes.

Churches.

Congregate living facility.

Golf courses, except clubhouses, miniature golf courses and driving ranges operated for commercial purposes.

Manufactured homes Multiple-family dwellings, apartment buildings or townhouses, containing not more than eight dwelling units.

Parks and recreational areas owned or operated by governmental agencies.

Residential facility serving 16 or fewer individuals, or day care facility serving 14 or fewer individuals.

Single-family detached dwellings.

Two-family dwellings under single ownership, joint ownership or tenants in common.

Two-family dwellings under split ownership under the following conditions:

- (1) The dwelling have separate utility service lines to each unit.
- (2) The owner execute a common maintenance agreement containing covenants as to uniformity of exterior appearance of the dwellings for the life of the building.
- (3) Proper separation of units exist as provided by the building code.
- (4) Such dwellings comply with all yard regulations for single-family dwellings, except side yard regulations between the dwelling units.
- (5) The dwelling location on the lot be compatible with the neighborhood.
- (6) A landscaping, fencing and grading plan, exterior lighting plan, construction plan, floor plan and driveway plan conform to the surrounding neighborhood.
- (7) Any accessory building is compatible with the dwellings and the surrounding neighborhood.
- (8) The dwellings shall be a maximum height of two stories.
- (9) Not more than 50 percent of the lot area shall be occupied by buildings.
- (10) No unit shall be eligible under this use unless the division of the dwelling occurs along the lot lines.

(c) *Permitted accessory uses.* The following uses shall be permitted accessory uses in the R-3 residence district:

Accessory uses customarily incident to the uses permitted in subsections (a) and (b) of this section.

Fallout shelters.

Private garage.

Private swimming pool when completely enclosed within a chainlink or similar fence five feet high.

Solar energy collectors and systems.

Storage garages where the lot is occupied by a multiple-family dwelling.

- (d) *Conditional uses.* All conditional use permits for the R-3 district may only be issued if the proposed use meets the specific requirements of this section and also meets the general regulations as outlined in article VI, and meets the eligibility for conditional use permits as specified in article II, division 2. The following uses may be allowed in the R-3 residence district by conditional use permit:

Golf clubhouse, country club, public swimming pool, private swimming pool serving more than one-family, provided that no principal structure shall be located within 25 feet of any lot line of an abutting lot in any of the classes of residence districts.

Heliport use when associated with a hospital use, located no less than 500 feet from an abutting property line of any residential use.

Hospitals.

Manufactured home park meeting all requirements of section 86-101 and all additional conditions established by the council in accordance with section 86-49.

Medical clinics.

Multiple-family dwellings, apartment buildings or townhouses, containing more than eight dwelling units, but not more than 12 units.

Municipal or other government administration buildings, police or fire stations, community center buildings, public libraries, museums, art galleries, post office substations, greenhouses (excluding commercial), and essential public utility structures.

~~Offices of persons and home occupations in existing structures when they meet the specific conditions of section 86-50.~~

Other residential uses of the same general character as listed in subsection (b) of this section.

Residential facility serving more than 16 individuals, or a day care facility serving more than 14 individuals.

Schools: public, parochial, or private; not operating for profit: kindergarten through twelfth grade; offering a curriculum equivalent to the public school system.

- (e) *Height, yard, area and lot width and depth regulations.* Height, yard, area and lot width and depth regulations for the R-3 district are as follows:

(1) *Height regulations.* No building hereafter erected or altered shall exceed three stories or 35 feet in height.

(2) *Front yard regulations.*

a. There shall be a front yard having a depth of not less than 25 feet except as otherwise provided in this section.

b. There shall be a front yard of not less than 35 feet on a lot or plot that abuts a thoroughfare as shown on the adopted city thoroughfares plan.

- c. Where a lot is located at the intersection of two or more streets there shall be a front yard on each street side of each corner lot. No accessory buildings shall project into the front yard of either street.

(3) *Side yard regulations.*

- a. There shall be a side yard on each side of a building, each having a width of not less than ten feet for buildings not exceeding 20 feet in height.
- b. For buildings exceeding 20 feet in height, there shall be a side yard on each side of a building having a width of ten feet, plus one foot of side yard for each one foot of building height over 20 feet.

(4) *Rear yard regulations.* There shall be a rear yard having a depth of not less than 25 percent of the lot depth.

(5) *Lot area regulations.*

- a. Every lot upon which a multiple dwelling is erected or altered shall contain an area of not less than 11,500 square feet for a three-family dwelling plus 1,500 square feet for each additional dwelling unit.
- b. Every lot upon which a one-family dwelling or a two-family dwelling is erected or altered shall contain an area of not less than 8,000 square feet.
- c. Where a lot has less area than required in this subsection (e)(5), and was vacant and of record at the time of the passage of this chapter, that lot may be used only for single-family dwelling purposes.

(6) *Lot coverage regulations.* Not more than 50 percent of a lot shall be occupied by building.

(f) *General regulations.* Additional regulations in the R-3 residence district are set forth in article VI of this chapter.

(Code 1976, § 11.09; Ord. No. 407 2nd series, § 1, 12-21-1998; Ord. No. 443, § 3, 11-6-2000; Ord. No. 590 2nd series, § 1, 2-19-2008; Ord. No. 512 2nd series, § 1, 3-1-2004; Ord. No. 712 2nd series, § 1, 9-13-2016; Ord. No. 732 2nd Series, § 1, 1-8-2019)

State Law reference— Conditional uses, Manufactured home park, Minn. Stat. § 462.357, subd. 1b.

Sec. 86-100. - R-4 higher density, multiple-family residence district.

- (a) *Intent; scope.* This section applies to the R-4 high density, multiple-family district. This R-4 district is intended to create, preserve and enhance residential areas for multifamily use at high densities (over eight dwelling units per structure) for families and singles. It is typically appropriate in areas of good accessibility to thoroughfares, open space, public transportation, public community centers, libraries, education institutions, and commercial centers.
- (b) *Permitted uses.* The following uses shall be permitted in the R-4 residence district:
- Assisted living facility.
 - Boardinghouses and lodginghouses; convalescent, nursing and rest homes.
 - Congregate living facility.
 - Churches.
 - Golf courses, except clubhouses, miniature golf courses and driving ranges operated for commercial purposes.
 - Manufactured homes Multiple-family dwellings, apartment buildings or townhouses containing more than eight dwelling units.
 - Parks and recreational areas owned or operated by governmental agencies.
 - Residential facility serving 16 or fewer individuals, or day care facility serving any number of individuals.
 - Single-family detached dwellings.
 - Two-family dwellings under single ownership, joint ownership or tenants in common.
 - Two-family dwellings under split ownership under the following conditions:
 - (1) The dwelling have separate utility service lines to each unit.
 - (2) The owner execute a common maintenance agreement containing covenants as to uniformity of exterior appearance of the dwellings for the life of the building.
 - (3) Proper separation of units exist as provided by the city building code.
 - (4) Such dwellings comply with all yard regulations for single-family dwellings, except side yard regulations between the dwelling units.
 - (5) The dwelling location on the lot be compatible with the neighborhood.
 - (6) Landscaping, fencing, grading, exterior lighting, construction and driveway conform to the surrounding neighborhood.
 - (7) Any accessory building is compatible with the dwellings and the surrounding neighborhood.
 - (8) The dwellings shall be a maximum height of two stories. Not more than 50 percent of the lot area shall be occupied by buildings.
 - (9) No unit shall be eligible under this use unless the division of the dwelling occurs along the lot lines.
- (c) *Permitted accessory uses.* Accessory uses customarily incident to the uses permitted in subsections (a) and (b) of this section.
- (d) *Conditional uses.* All conditional use permits for the R-4 district may only be issued if the proposed use meets the specific requirements of this section and also meets the general regulations as

outlined in article VI and meets the eligibility for conditional use permits as specified in article II, division 2. The following uses may be allowed in the R-4 residence district by a conditional use permit:

Business and professional office buildings.

College, university, post high school education or training institution, or seminary; public or private; with the nearest building line to property line distance of 150 feet to any single family dwelling property.

Heliport use when associated with a hospital use, located no less than 500 feet from a property line of any residential use.

Hospitals.

Manufactured home park meeting all requirements of section 86-101 and all additional conditions established by the Council in accordance with section 86-49

Medical clinics.

Municipal or other government administration buildings, police or fire stations, community center buildings, public libraries, museums, art galleries, post office substations, greenhouses (excluding commercial), and essential public utility structures.

Neighborhood convenience stores.

~~Offices of persons and home occupations in existing structures when they meet the specific conditions of section 86-50.~~

Other residential uses of the same general character as listed in subsection (b).

Residential facility serving more than 16 individuals.

Schools: public, parochial, or private; not operated for profit; kindergarten through twelfth grade; offering a curriculum equivalent to the public school system.

- (e) *Height, yard, area and lot width and depth regulations.* Height, yard, area and lot width and depth regulations for the R-4 district are as follows:
- (1) *Height regulations.* No building hereafter erected or altered shall exceed three stories or 35 feet in height.
 - (2) *Front yard regulations.*
 - a. There shall be a front yard having a depth of not less than 25 feet except as otherwise provided in this section.
 - b. There shall be a front yard of not less than 35 feet on a lot or plot that abuts a thoroughfare as shown on the adopted city thoroughfares plan.
 - c. Where a lot is located at the intersection of two or more streets there shall be a front yard on each street side of each corner lot. No accessory buildings shall project into the front yard of either street.
 - d. No front yard shall be required in the downtown business district.
 - (3) *Side yard regulations.*
 - a. There shall be a side yard on each side of a building, each having a width of not less than ten feet for buildings not exceeding 20 feet in height.

- b. For buildings exceeding 20 feet in height, there shall be a side yard on each side of a building having a width of ten feet, plus one foot of side yard for each one foot of building height over 20 feet.
- c. No side yard shall be required in the downtown district.
- (4) *Rear yard regulations.*
 - a. There shall be a rear yard having a depth of not less than 25 percent of the lot depth.
 - b. No rear yard shall be required in the downtown district.
- (5) *Lot area regulations.*
 - a. Every lot upon which a multiple dwelling is erected or altered shall contain an area of not less than 11,500 square feet for a three-family dwelling, plus 1,500 square feet for each additional dwelling unit.
 - b. Every lot upon which a one-family dwelling or a two-family dwelling is erected or altered shall contain an area of not less than 8,000 square feet.
 - c. Where a lot has less area than required in this subsection (e)(5), and was vacant and of record at the time of the passage of this chapter, that lot may be used only for single-family dwelling purposes.
- (6) *Lot coverage regulations.* Not more than 40 percent of a lot shall be occupied by building. No lot coverage restrictions apply in the downtown district.
- (f) *General regulations.* Additional regulations in the R-4 residence district are set forth in article VI of this chapter.

(Code 1976, § 11.10; Ord. No. 407 2nd series, § 1, 12-21-1998; Ord. No. 443, § 3, 11-6-2000; Ord. No. 512 2nd series, § 1, 3-1-2004; Ord. No. 590 2nd series, § 1, 2-19-2008; Ord. No. 712 2nd series, § 1, 9-13-2016; Ord. No. 732 2nd Series, § 1, 1-8-2019)

State Law reference— Conditional uses, Manufactured home park, Minn. Stat. § 462.357, subd. 1b.

Sec. 86-101. - R-M manufactured home park district.

(a) *Intent; scope.* This section applies to the R-M manufactured home park district. This R-M district is intended to create, preserve and enhance areas for the development of manufactured home parks.

(b) *Permitted uses.* The following uses shall be permitted in the R-M district:

Manufactured home parks of ten or more sites.

Parks and recreational areas.

Residential facility serving six or fewer individuals, or a day care facility serving 14 or fewer individuals.

Water supply buildings, reservoirs, wells, elevated tanks and similar essential public utility structures and facilities serving the manufactured home park.

(c) *Permitted accessory uses.* The following accessory uses shall be permitted in the R-M district:

Accessory uses customarily incident to the uses permitted in subsections (a) and (b).

Fallout and/or storm shelters.

Facilities required or customarily provided in manufactured home park such as office, laundry, and public toilets.

Private garage.

Private swimming pool or hot tub when completely enclosed within a non-climbable fence five feet high with openings no greater than four inches in any dimension and self-closing and self-locking gate. Swimming pools exempt from the building permit requirements as defined in the state building code and hot tubs with latchable covers do not need to be enclosed.

Solar energy collectors and systems.

Storage sheds.

(d) *Conditional uses.* All conditional use permits for the R-M district may only be issued if the proposed use meets the specific requirements of this section and also meets the general regulations as outlined in article VI and meets the eligibility for conditional use permits as specified in article II, division 2. The following uses may be allowed in the R-M district by conditional use permit:

Day care facility for more than 14 individuals, when located within a permanent structure.

~~Home occupations when they meet the specific conditions of section 86-50.~~

(e) *Manufactured home park regulations.* Manufactured home park regulations for the R-M district are as follows:

(1) *Yard and separation regulations.*

- a. No manufactured home site, off-street parking space or any building shall be located within 20 feet of the non-frontage boundary of any manufactured home park. Such required boundary perimeter yard shall be fully landscaped and shall include minimum 6-foot-high screening with live vegetation or a maintenance-free opaque fence and at least one tree per 30 feet of the boundary length. Manufactured home park frontage boundary yards facing public streets shall be not less than 25 feet except 35 feet is required for boundary yards facing thoroughfares.

- b. No manufactured home, including any attached and unattached structures, shall be installed less than 15 feet from the front site line abutting a private street and 25 feet from the front site line abutting a public street.
- c. No manufactured home, including any attached structures, shall be installed less than 15 feet from rear to rear, nor 20 feet from side to side or side to rear of another manufactured home.
- d. No detached accessory structure shall be installed less than five feet from manufactured home or other accessory structure.

(2) *Site coverage and area regulations.*

- a. Each manufactured home site shall have a minimum area of 5,000 square feet with a minimum frontage of 50 feet.
- b. The occupied area of a manufactured home site shall not exceed 50 percent of the total area of the site. This restriction shall apply to total coverage by the home, parking space and any attached or detached structures.
- c. No more than one manufactured home shall be installed within an individual site.

(3) *Parking and landscaping regulations.*

- a. No on-street parking shall be permitted.
- b. There shall be concrete or bituminous paved parking space on each site with minimum dimensions of 18 feet by 18 feet. Such space shall be more than five feet from a manufactured home.
- c. In addition to parking space required on the individual manufactured home sites, the park shall provide one parking space (200 square feet per space), for every four developed sites, for off-street parking. Such parking spaces shall be conveniently located to the sites they are to serve.
- d. The front yard shall be landscaped except for the driveway and parking which shall not exceed one-half of the front yard area. At least one tree shall be provided per each manufactured home site.
- e. Except for one unit stored in accordance with section 74-131 of this Code, all boats, boat trailers, snowmobiles, hauling trailers and all other equipment not stored within the utility structures shall be stored in a separate area provided by the park, and not on the sites occupied by manufactured homes nor upon the streets within the manufactured home park. Such storage area shall be clearly identified and screened from the rest of the park.

(4) *Site regulations.*

- a. It shall not be permitted to construct, erect, or attach any enclosed room, wing, garage, annex, entrance or other similar structure to any manufactured home or site unless the same is so designed and constructed of compatible material retaining the basic design of the original manufactured home.
- b. A concrete or bituminous paved walkway at least three feet wide shall be provided between the street walk and the manufactured home entrance.
- c. Each manufactured home site shall be identified by street address number, which should be minimum four-inch high, of contrasting color, and conspicuously posted.
- d. All manufactured homes shall be installed and maintained in accordance with section 18-101 and 38-93 of this Code. All manufactured homes shall be maintained in good repair, including sanitary and structural conditions.

(5) *Park standards.*

- a. Each manufactured home park shall have an office which is distinctly marked. Provisions shall be made for an adult caretaker to be on duty at the park during regularly scheduled business hours. The manufactured home park office shall maintain a registry showing the names and addresses of each resident and the make, type and license of each manufactured home and recreational vehicles belonging to occupants of the manufactured home sites along with dates of arrival and departure for each unit.
- b. No person, except manufactured home park owner, shall own more than ten percent of the number of manufactured homes that may be placed within the manufactured home park.
- c. It shall be the responsibility of the manufactured home park owners to see that good housekeeping and living conditions are maintained in the manufactured home park, that the park operates in compliance with all applicable codes, rules, and regulations, and that all residents are aware of such requirements.
- d. Up to ten percent of sites may be used for temporary recreational vehicle parking and occupancy for no longer than 30 days. Up to ten percent of manufactured homes owned by manufactured home park owner may be used for transient occupancy. The remainder of the sites shall be leased to owner occupied manufactured homes for a period of not less than 30 days occupancy.
- e. The owner of a manufactured home park shall maintain all street and sidewalk areas within the park in good conditions, including timely snow removal and surface repairs.
- f. The owner of a manufactured home park shall permit access at any reasonable hour to any and all premises or buildings in the park by the zoning administrator and enforcement officials in performance of their duties.
- g. The sale of homes within a park shall be restricted to not more than 30 percent of the total number of homes that may be placed in the park, and their display shall be compatible with that of normally occupied units, and the use of advertising signs shall be permitted on the saleable homes and nowhere else.
- h. Each manufactured home park shall have one or more central community buildings providing the following facilities:
 1. Public toilets and lavatories.
 2. Storm shelter.
- i. Each manufactured home park shall have at least two access points to a public right-of way which are deemed adequate to serve the anticipated traffic generated by the park.
- j. Each manufactured home site shall be fronting a street. Such streets may be either public or private as agreed upon between the manufactured home park developer and the city. Private streets shall have a minimum surface width of 28 feet, and a minimum right-of-way width of 40 feet and shall be of hard surface according to standards specified by the city engineer. All dead-end streets shall be marked and shall be limited in length to 250 feet or terminate at cul-de-sac. Public street construction shall be as determined by the city engineer. Each street shall have sidewalks of at least four feet in width for the entire length; such sidewalks shall meet accessibility requirements.
- k. All utilities shall be underground.
- l. Each manufactured home park shall provide public water and sewer facilities in accordance with standards determined by the city. Water facilities, sewage facilities and street lighting shall be installed and maintained by the owner of the manufactured home park.
- m. At least five percent of the gross land area within each park shall be allocated for recreational purposes. Such spaces shall be developed and maintained by the owner of the park and shall contain, at a minimum, a children's playground and an open shelter.

- n. Fire hydrants shall be installed in accordance with the fire code and their design and placement shall be approved by the city fire chief.
 - o. Mobile home parks grounds shall be kept free of litter, rubbish and other flammable materials. The storage, collection and disposal of refuse in the mobile home park shall not create a health hazard, rodent harborage, insect breeding ground, fire hazard or odor. The handling of solid waste must also conform to applicable City Code regulations
 - p. Adequate street lighting with intensity of at least 0.6 foot-candle on the ground shall be provided in all areas of the manufactured home park.
- (f) *Required plans.* All manufactured home parks developed after January 1, 1998, shall be constructed in conformance with the standards of this subsection:
- (1) Construction of manufactured home parks will not be permitted for development until the developer provides site and construction plans including the following:
 - a. Location and size of the manufactured home park.
 - b. Location and size of each site, office building, storm shelter, storage areas, recreation areas, laundry facilities, roadways and parking sites.
 - c. Detailed landscaping boundary screening plans and specifications.
 - d. Location and width of sidewalks.
 - e. Plans for sanitary sewer disposal, surface drainage, including grading, water systems, electrical services and fuel systems.
 - f. Location and detailed plans for all streets and proposed driveways within the park.
 - g. Complete construction plans for all proposed structures, exclusive of manufactured homes.
 - h. Such other information as determined necessary by the city engineer to ensure conformance with the requirements of this section.
 - (2) Manufactured home parks shall be developed in accordance with the subdivision chapter.
 - (3) The developer shall provide copies of the above required plans and shall submit a detailed description of construction plans, stage development, if any, and a description of maintenance procedures and ground supervision, and methods proposed for disposal of garbage and refuse.
 - (4) Each manufactured home park shall be of sufficient size to contain at least ten fully developed sites and required accessory areas and buildings.
 - (5) The city shall require performance bonds in amounts adequate to ensure that development proposed in the plan submitted is actually completed.
 - (6) The developer of a manufactured home park shall provide evidence that the plans have been approved by the state department of health and that the developer will comply with all recommendations, suggestions and regulations specified by that department.
- (g) *General regulations.* Additional regulations in the R-M residence district are set forth in article VI.

(Code 1976, § 11.11; Ord. No. 387 2nd series, § 1, 1-20-1998; Ord. No. 699 2nd series, § 1, 9-9-2015; Ord. No. 732 2nd Series, § 1, 1-8-2019)

Cross reference— Manufactured homes, § 18-101 et seq.; manufactured homes and manufactured home parks and placement of travel trailers and travel vehicles, § 38-93.

Sec. 86-102. - B-1 limited business district.

(a) *Intent; scope.* This section applies to the B-1 limited business district. This B-1 district is intended to permit selected businesses in areas adjacent to residential neighborhoods where analysis of the population demonstrates that such establishment are required and desirable.

(b) *Permitted uses.* The following uses shall be permitted in the B-1 district:

Antique, gift or florist shops.

Automobile parking lots excluding repairs and the parking of trucks and buses.

Barbershops or beauty shops.

Business or professional offices.

Candy, ice cream, soft drinks or confectionery stores.

Churches.

Day care facility serving any number of individuals.

Fallout shelter.

Jewelry stores.

Laundromats and dry cleaning laundry pickup store.

Leather goods and luggage shops.

Medical clinics.

Municipal or other government administration buildings, police or fire stations, community center buildings, museums or art galleries, and post office stations.

Pharmacies or drugstores, including gifts, stationery and similar items.

Photography studios.

Pipe or tobacco shops.

Public libraries.

Retail bake or pastry shops.

Retail medical supply stores.

Tailor shops.

(c) *Permitted accessory uses.* The following uses shall be permitted accessory uses in the B-1 business district:

Accessory uses customarily incident to the uses permitted in subsections (a) and (b) of this section.

Living quarters of persons employed on the premises.

Private garage.

Private swimming pool when completely enclosed within a chainlink or similar fence five feet high.

Solar energy collectors and systems.

Storage garages where the lot is occupied by a multiple-family dwelling or an institutional dwelling.

- (d) *Conditional uses.* All conditional use permits for the B-1 district may only be issued if the proposed use meets the specific requirements of this section and also meets the general regulations as outlined in article VI and meets the eligibility for conditional use permits as specified in article II, division 2. The following uses may be allowed in the B-1 business district by conditional use permit:

Boardinghouses and lodginghouses.

Gas station or car wash.

Grocery stores, fruit and vegetable markets.

Liquor stores (for consumption off the premises).

Meat shops and cold storage lockers (excluding slaughtering).

Medical, dental and optical labs.

Mortuaries or funeral homes.

Motels.

Multiple-family dwellings, apartment buildings or townhouses containing not more than eight dwelling units.

~~Offices of persons and home occupations in existing structures when they meet the specific conditions of section 86-50.~~

Other business uses of the same general character as listed in subsection (b).

Parks and recreational areas.

Public, parochial or other private elementary, middle, junior high or senior high schools offering a curriculum equivalent to the public school system, and not operated for profit.

Public utility stations and structures.

Residential facility serving six or fewer individuals.

Restaurants, cafes, delicatessens or tearooms.

Shoe stores and shoe repair stores.

Single-family detached dwellings.

Two-family dwellings under single ownership, joint ownership or tenants in common.

Two-family dwellings under split ownership under the following conditions:

- (1) The dwelling have separate utility service lines to each unit.
- (2) The owner execute a common maintenance agreement containing covenants as to uniformity of exterior appearance of the dwellings for the life of the building.
- (3) Proper separation of units exist as provided by the city building code.
- (4) Such dwellings comply with all yard regulations for single-family dwellings, except side yard regulations between the dwelling units.

- (5) The dwelling location on the lot be compatible with the neighborhood.
- (6) Landscaping, fencing, grading, exterior lighting, construction and driveway conform to the surrounding neighborhood.
- (7) Any accessory building is compatible with the dwellings and the surrounding neighborhood.
- (8) The dwellings shall be a maximum height of two stories.
- (9) Not more than 50 percent of the lot area shall be occupied by buildings.
- (10) No unit shall be eligible under this use unless the division of the dwelling occurs along the lot lines.

Water supply buildings, reservoirs, wells, elevated tanks, and other similar essential public utility structures, municipal or other government service buildings.

- (e) *Height, yard and lot coverage regulations.* Height, yard and lot coverage regulations for the B-2 district are as follows:
- (1) *Height regulations.* No building shall hereafter be erected or structurally altered to exceed three stories or 35 feet in height.
 - (2) *Front yard regulations.*
 - a. There shall be a front yard having a depth of not less than 25 feet on a lot or plot that abuts a minor street or a marginal access service street.
 - b. There shall be a front yard having a depth of 35 feet on a lot or plot that abuts a thoroughfare as shown on the adopted city thoroughfares plan, except that an 80-foot setback shall be required when the council determines that a service road is necessary.
 - c. There shall be a front yard on each street side of each corner lot. No accessory buildings shall project into the front yard line on either street.
 - d. No front yard shall be required in the downtown district.
 - (3) *Side yard regulations.*
 - a. There shall be a side yard on each side of a building, having a width of not less than ten feet.
 - b. No building shall be located within 20 feet of any side lot line abutting a lot in any of the classes of residence districts.
 - c. No side yard shall be required in the downtown district.
 - (4) *Rear yard regulations.*
 - a. There shall be a rear yard having a depth of not less than 25 percent of the lot depth or a maximum required rear yard of 25 feet.
 - b. No building shall be located within 20 feet of any rear lot line abutting a lot in any of the classes of residence districts.
 - c. No rear yard shall be required in the downtown district.
- (f) *Lot coverage regulations.* Not more than 50 percent of a lot shall be occupied by buildings. No lot coverage restrictions apply in the downtown district.
- (g) *General regulations.* Additional regulations in the B-1 business district are set forth in article VI of this chapter, except that no outside storage or displays of property for sale shall be permitted on any premises in such district.

(Code 1976, § 11.12; Ord. No. 443, § 3, 11-6-2000; Ord. No. 463, § 1, 7-2-2001; Ord. No. 590 2nd series, § 1, 2-19-2008)