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**THE CITY OF LE CENTER  
CODE OF ORDINANCES  
CHAPTER 46, ZONING**

**Ordinance 02-03**

AN ORDINANCE TO PROTECT THE DEVELOPMENT OF THE CITY OF LE CENTER, REGULATING THE USE OF LAND, LOCATION, BULK, HEIGHT, AND USE OF BUILDINGS ON LOTS AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF SUCH REGULATIONS.

The City Council of the City of Le Center hereby ordains:

**Article One:            In General**

**Sec. 46-1            Title**

This chapter shall be know, cited and referred to as the City of Le Center Zoning Ordinance, except as referred to herein, where it shall be known as “this chapter.”

**Sec. 46-2            Purpose**

The purpose of the Zoning Ordinance is to promote and protect the health, safety, morals, and general welfare of the Community by regulating the use of the land, the location, bulk, and use of buildings, and the arrangement of buildings on the lots and the density of population in the City of Le Center.

**Sec. 46-3            Scope**

In interpreting and analyzing these zoning provisions, they shall be held to be the minimum requirements adopted for the promotion of public health, safety, comfort, convenience and general welfare. Whenever the provisions in this chapter require greater standards than are required by any other statute, ordinance or regulation, the provisions of this chapter shall govern. Whenever the provision of any other statute, ordinance or regulation require greater standards than are required by the provisions in this chapter, the provisions of such statute, ordinance or regulation shall govern.

**Sec. 46-4            Relation to Comprehensive Plan**

It is the policy of the City of Le Center that the enforcement, amendment, and administration of this Ordinance be accomplished in harmony with the City’s Comprehensive Plan.

**Sec. 46-5            Minimum Requirements**

In their interpretation and application, the provisions of this Ordinance shall be at least the minimum requirements for the promotion of the public health, safety and welfare.

**Sec. 46-6            Conformity with Provisions**

No structure shall be erected, converted, enlarged, reconstructed, altered, or placed, and no structure or land shall be used for any purpose or in any manner, which is not in conformity with the provisions of this Ordinance.

**Sec. 46-7 Building Permits**

Except as herein provided, no building, structure, or premises shall hereinafter be used, occupied, or moved, and no building permit shall be granted that does not conform to the requirements of this Ordinance.

**Sec. 46-8 Conditional Uses, Variances, Amendments**

Nothing within this Ordinance shall be construed so to deny any property owner his right to apply for a conditional use permit, variance, or amendment to this Ordinance.

**Sec. 46-9 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 or the Planning and Zoning Commission, on their own initiative or upon request, may conduct a study to determine the appropriate zoning district and conditions and standards for the development of the use will be borne by those making the requests. The City Council, the Planning and Zoning Commission or property owner shall, if appropriate, initiate the amendment to the Zoning Ordinance to provide for the particular use under consideration or shall find that the use under consideration is not compatible for development within the City.

**Sec. 46-10 Separability**

It is hereby declared to be the intention of the City that the separate provisions of this Ordinance are separable in accordance with the following:

- A. If any court of law shall judge any provision of this Ordinance to be invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in said judgment.
- B. If any court of competent jurisdiction shall judge invalid the application of any provision of the Ordinance to a particular property, building, or structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

**Sec. 46-11 Rules**

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction.

- A. The singular number, includes the plural, and the plural the singular.

- B. The present tense includes the past and the future tenses, and the future the present.
- C. The word “shall” is mandatory while the word “may” is permissive.
- D. The masculine gender includes the feminine and neuter.

**Sec. 46-12 Definition of Terms**

The following words and terms, wherever they occur in this Ordinance, shall be interpreted as herein defined.

**Accessory Structure**

A subordinate structure which is located on the same lot on which the principal building is situated and is reasonably necessary and incidental to the conduct of the primary or principal use of such building.

**Accessory Use**

A subordinate use which is located on the same lot on which the principal use is situated and is reasonably necessary and incidental to the conduct of the primary or principal use.

**Agriculture Uses**

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

**Alley**

Any secondary public right-of-way or private way whose primary function is to furnish vehicle access to the side or rear of properties having their main frontage on a street.

**Antenna, Amateur Radio**

Any equipment or device used to transmit, receive, or transmit/receive electromagnetic signals for “Amateur Radio Service” communications as defined in 47 C.F.R. part 97.15(a).

**Antenna, Building Mounted**

Any antenna directly attached or affixed to a building, tank, tower or structure other than a telecommunications tower; or, an antenna attached to a support structure that is an integral part of an electrical transmission tower and not a telecommunications tower.

**Artificial Obstruction**

Any obstruction that is not a natural obstruction.

**Automobile Repair**

General repair, rebuilding or reconditioning engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint job; vehicle steam cleaning; upholstery.

**Automobile Service Station**

A place where gasoline, stored only in underground tanks; kerosene; motor oil and lubricants for operation of automobiles, are related directly to the public on premises, and including minor accessories and services for automobiles, but not including automobile major repairs and rebuilding.

**Automobile Reduction/Salvage Yard**

Any place where any vehicles not in running condition and/or not licensed, or parts thereof are stored in the open and are not being restored to operation for a period of more than thirty (30) days; or land, building or structure used for wrecking or storing of such motor vehicles or parts thereof; and including any commercial salvaging and scavenging of any other goods, articles or merchandise.

**Basement**

Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

**Board of Appeals and Adjustments**

As appointed by the City Council, the Planning and Zoning Commission operates as the Board of Appeals and Adjustments to hear appeals from administrative actions.

**Buffer**

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

**Buffer Yard**

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

**Buildable Portion of the Lot**

The area of the lot minus the setbacks, easements and other legal reservations, encumbrances and requirements.

**Building**

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

**Building Height**

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

**Building Line**

A line running parallel with the lot line at the required setback beyond which a structure may not extend.

**Building Setback**

The minimum horizontal distance between the building and the specified lot line as prescribed in this Ordinance.

**Business**

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

**Church**

A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

**Clear-cutting**

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

**Club or Lodge**

A non-profit association of persons who are bonafide members paying annual dues, use of premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises providing adequate dining room space and kitchen facilities are available. Serving of alcoholic beverages to members and their guests shall be allowed, providing such serving is secondary and incidental to the operation of the dining room for the purpose of serving food and meals and providing further that such serving of alcoholic beverages is in compliance with the applicable federal, state and municipal laws.

**Commercial Recreation**

The use of the land for a bowling alley, golf, pool hall, dance hall, skating, trampoline, tavern, theater, firearms range, boat rental, amusement rides, riding stables, resorts, campgrounds, deer park, and similar uses for which fees are charged for admission or use of the facility, or use of the land to gain access to a recreational activity or resource, public or private.

**Commercial Uses**

The use of land or buildings for the sale or trade of products, goods and/or services; all permitted, conditional and accessory uses allowed in the B-1, B-2 and B-3 commercial zoning districts.

**Common Open Space**

Land used for recreation, amenity and/or bufferyards. The open space must be conveyed to an association of landowners within a subdivision or development, or according to some other method approved by the City.

**Comprehensive Plan**

The comprehensive development plan prepared and adopted by the City, indicating the goals, objectives, and land use map for guiding the present and future development of the City.

**Conditional Use**

A use, which because of potential problems of control the use presents, requires reasonable, but special, unusual and extraordinary limitations peculiar to the use for protection of the public welfare and the integrity of the City Comprehensive Plan.

**Conditional Use Permit**

A permit issued by the City in accordance with procedures specified in this Ordinance, as well as its compatibility with the City Comprehensive Plan, as a flexible device to enable the City to assign dimensions to a proposed use or conditions surrounding it after consideration of adjacent uses and their functions and the special problems or potential conflicts which the proposed use presents.

**Conservancy**

The implementation of policies for the protection and preservation of the natural character of lands for their value to scenic enjoyment, native vegetation, wildlife, water and soil conservation, flood plain management, forestry and other such purposes.

**Convenience Store**

Retail food sales outlet of fifteen hundred (1500) sq. ft. or less, which may include fuel and other common use items, and may or may not include a car wash.

**Corner Lot**

Any lot that abuts two (2) public right-of-ways greater than twenty-five (25) feet in width.

**Deck**

A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a building and extending more than one foot above ground.

**District**

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

**Double-front lots**

A lot that has a front line abutting on one street and a back or rear line abutting on another street.

**Draining**

The removal of surface water or groundwater from land.

**Dredging**

To enlarge or clean-out a waterbody, watercourse or wetland.

**Dwelling**

A structure or portion thereof, designed for short or long term living quarters for one or more persons, but not including hotels, motels, and boarding houses.

**Dwelling-Single Family**

A detached dwelling unit designed for occupancy of one (1) family.

**Dwelling-Two-Family**

A dwelling designed exclusively for occupancy by two (2) families living independently of each other.

**Dwelling Unit**

A residential building or portion thereof intended for occupancy by one family or not more than five persons unrelated by blood, marriage or legal adoption but not including hotels, motels, nursing homes, seasonal cabins, boarding or rooming houses, tourist homes or trailers.

**Engineer, City**

The professional engineer engaged by the governing body for services.

**Equal Degree of Encroachment**

A method of determining the location of encroachment lines so that the hydraulic capacity of flood plain lands on each side of a stream are reduced by an equal amount when calculating the increases in flood stages due to floodplain encroachments.

**Essential Public Utilities**

Gas, underground electrical, steam or water distribution systems, collection, communication, supply or disposal system including poles, wires, mains, drains, sewer, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith.

**Family**

An individual or two or more persons related by blood, or marriage or legal adoption, or a group of not more than five unrelated persons living together on the premises or in a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, hotel, club lodge, sorority or fraternity house, as herein described.

**Farm**

A tract of land five (5) or more acres which is principally used for commercial agriculture, all of which is owned and operated by a single family, farm corporation, individual or corporation.



**Fence**

A barrier forming a boundary to, or enclosing some area.

**Finished Living Area**

An area within a residential dwelling which has finished walls and ceilings (e.g. sheetrock, taped, and sanded).

**First Story**

The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four (4) feet below grade, as defined herein, for more than fifty (50) percent of the total perimeter, or not more than eight (8) feet below grade, as defined herein, at any point.

**Flood**

A temporary rise in stream flows or stage that results in inundation of the areas adjacent to the channel.

**Flood Frequency**

The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

**Flood Fringe**

That portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for the City or County.

**Flood Plain**

The areas adjoining a watercourse, which have been, or hereafter may be covered by the regional flood.

**Flood-Proofing**

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

**Floodway**

The channel of the watercourse and those portions of the adjoining flood plain, which are reasonably required to carry and discharge the regional flood.

**Floor Area**

The sum of the gross horizontal area of the several floors of a building, measured from the exterior faces of the exterior walls.

**Floor Area Ratio**

The floor area of the building, or buildings, on a lot divided by the area of that lot.

**Garage - Private**

An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the residents.

**Garage - Public**

A building or portion of a building, except as herein defined as a private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire and which any sale of gasoline, oil and accessories is only incidental to the principal traffic.

**Grade (Adjacent Ground Elevation)**

The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between a building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

**Grading**

Changing the natural or existing topography of land.

**Guest Room**

A room occupied by one (1) or more guests for compensation and in which no provision is made for cooking, but not including rooms in a dormitory primarily for sleeping purposes.

**Green Space**

An open area that is covered with natural vegetation.

**Growth Area**

An area that has been identified as a future subdivision to the city.

**Home Occupation**

Any occupation or profession carried on by a member of the family residing on the premises, provided that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the residential character of the dwelling or the neighborhood, and does not utilize a detached accessory structure or garage or more than one-third of the dwelling's floor area.

**Hotel**

Any building or portion thereof occupied as the more or less temporary abiding place of individuals and containing six (6) or more guest rooms, used, designated or intended to be used, let or hired out to be occupied, or which are occupied by six (6) or more individuals for compensation, whether the compensation be paid directly or indirectly.

**Impervious Surface**

An artificial or natural surface through which water, air, or roots cannot penetrate.

**Industrial Use**

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

**Landscaping**

Planting and maintaining trees, shrubs, and ground cover, such as grass.

**Light Construction Equipment**

Any equipment that can be operated and transported by hand. Such equipment would include tampers, jackhammers, and smaller hand tools, for example.

**Lot**

A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation thereof. For the purposes of this Ordinance, a lot shall be considered to be an individual parcel, which shall be occupied, by no more than one principal building or use and its accessory buildings.

**Lot Area**

The area of a horizontal plane within the lot lines.

**Lot, Buildable Area**

That portion of a lot bounded by a building line.

**Lot of Record**

A parcel of land, whether subdivided or otherwise legally described of record prior to the adoption of zoning ordinances by the City of Le Center or approved by the City as a lot subsequent to such date and which is occupied by or intended for occupancy by one (1) principal building or principal use together with any accessory buildings and such open spaces as required by this Ordinance and having its principal frontage on a street, or a proposed street approved by the City.

**Lot, Corner**

A lot situated at the junction of and abutting on two (2) or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is one hundred thirty-five (135) degrees or less.

**Lot, Depth**

The distance between the front lot line and rear lot line. Where a property line extends to the center of a public right of way, alley, or private easement for ingress and egress, the lot depth shall be measured from the right-of-way line in closest proximity to the buildable area.

**Lot, Frontage**

The front of a lot shall be that boundary abutting a public right-of-way.

**Lot, Interior**

A lot other than a corner lot or through lot.

**Lot, Interior Residential Agriculture**

A lot that is located within a larger lot, which is owned by the same property owner and shares the same parcel identification number.

**Lot, Line**

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

**Lot, Through**

A lot fronting on two parallel streets.

**Lot, Width**

The shortest horizontal distance between the side lot lines measured at the right angles at the building line associated with structure setback requirements.

**Manufactured Home**

A structure, not affixed to or part of real estate, transportable in one or more sections and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it.

**Manufacturing - Light**

All uses which include the compounding, processing, packaging, treatment, or assembly of products and materials provided such use will not generate offensive odors, glare, smoke, dust, noise, vibration or other objectionable influences that extend beyond the lot on which use is located, and does not normally require an urban level of public services such as centralized sewer and water.

**Name Plate**

A sign indicating the name and address of a building or the name of an occupant thereof and the practice of a permitted occupation therein.

**Natural Drainage System**

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

**Natural Obstruction**

Any rock, tree, gravel or analogous natural matter that is an obstruction and has been located within a waterbody, watercourse, or wetland by a non-human cause.

**Nonconforming Structure, Use, or Parcel**

Any legal use, structure, or parcel of land already of existence, recorded, or authorized before the adoption of official controls or amendments that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.

**Nursing Home (Rest Home)**

A building having accommodations where care is provided for two (2) or more invalids, infirmed, aged, convalescent or physically disabled persons that are not of the immediate family, but not including hospitals, clinics, sanitariums, or similar institutions as defined by Minnesota Statutes Section 144.951, as amended.

**Obstruction**

Any dam, wall, wharf, embankment, levee, dike, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter, in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard, or change the direction of the flow of water, either by itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

**Off-Street Loading Space**

A space accessible from the street, alley, or way, in a building or on the lot, for the use of trucks while loading or unloading merchandise or materials. Such space shall be of such size as to accommodate one (1) truck of the type typically used in the particular business.

**Open Sales Lot**

Any open land used or occupied for the purpose of buying, selling and/or renting merchandise and for the storing of same prior to sales.

**Ordinary High Water Level**

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

**Parking Space**

An area of not less than ten (10) feet in width and twenty (20) feet in length, enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one (1) automobile which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an automobile.

**Permitted Use**

A use, which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards (if any) of such districts.

**Person**

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

**Planned Unit Development**

A development consisting generally of mixed land uses and housing types, in which densities are calculated on a project-wide basis, permitting the clustering of houses or buildings and the provision of common open space.

**Planning and Zoning Commission**

The planning agency of the City, designated by the City Council.

**Pole Building**

A building, which is primarily supported by poles rather than by a framework of dimension lumbers. The sides generally consist of a steel product.

**Primary Storage Area**

An area that is used for storage for a time period greater than nine (9) months.

**Principal Building**

A building or structure in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

**Principal Use**

The primary or main use of land or buildings as distinguished from subordinate, incidental, or accessory uses.

**Public Right-of-Ways, Roads**

Any town, city, county, state or federal road or highway.

**Public Uses**

Uses owned or operated by the city, school districts, county, state or other governmental units.

**Public Waters**

Any waters as defined in Minnesota Statutes 1980, Section 105.37, Subdivision 14 and 15. However, no lake, pond, or flowage of less than 25 acres in size need be regulated for the purposes of these regulations. A body of water created by a private user where there was no previous shoreland, shall be exempt from the provisions of these regulations. The official determination of the size of public water basins and physical limits of drainage areas of rivers and streams shall be made by the Commissioner of the Minnesota Department of Natural Resources.

**Raw**

An element in its natural state.

**Reach**

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

**Regional Flood**

A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100 year recurrence interval.

**Regulatory Flood Protection Elevation**

A point not less than one (1) foot above the water surface profile associated with the regional flood plus any increases in flood heights attributable to encroachments on the flood plain. It is the elevation to which uses regulated by this Ordinance are required to be elevated or flood proofed.

**Screening**

The presence of vegetation or topography, which renders a structure on any property visually inconspicuous.

**Selective Cutting**

The removal of a single scattered tree or single scattered trees where the original density and crown cover of the stand is essentially unchanged from pre-cutting conditions.

**Setback**

The minimum horizontal distance between a structure or sewage treatment system and the ordinary high water level, or between a structure or sewage treatment system and a bluff, road, highway, or property line.

**Setback, Front Yard**

The minimum horizontal distance between a structure and a platted roadway or the right-of-way of a road. If there is a utility easement along the front property line of a lot, and that easement is specifically intended as a multiple use easement for utility and pedestrian trail or walkway purposes, then the front yard setback is the minimum horizontal distance between a structure and the utility easement.

**Shoreland**

Land located within the following distances from public water: (i) 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and (ii) 300 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on such a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the

waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner of the Minnesota Department of Natural Resources.

**Sign**

The use of any words, numerals, figures, devices or trademarks by which anything is made known such as are used to show an individual, firm, profession, or business, and are visible to the general public.

**Sign, Area**

That area within the marginal lines created by the sign surface which bears the advertisement or, in the case of messages, figures or symbols attached directly to the part of a building, which is included in the smallest geometric figure which can be made to circumscribe the message, figure or symbol displayed thereon.

**Sign, Business**

Any sign which identifies a business or group of businesses either retail or wholesale, or any sign which identifies a profession or is used in the identification or promotion of any principal commodity or service, including entertainment, offered or sold upon the premise where such sign is located.

**Sign, Construction**

A non-illuminated sign announcing the names of architects, engineers, contractors, or other individuals or firms involved with the construction, alteration, or repair of a building (but not including any advertisement of any product) or announcing the character of the building enterprise, or the purpose for which the building is intended.

**Sign, Directional**

Signs which provide directions to businesses, churches, parks and similar facilities for the benefit of the traveling public. The sign may include the name of the facility and direction, but shall not contain advertising.

**Sign, Governmental**

A sign, which is erected by a governmental unit, for the purpose of identification and directing or guiding traffic.

**Sign, Identification**

Signs located in a residential district which identify a subdivision, apartment complex or similar identifications and set forth the address of the premises where the sign is located; and signs in all other districts which identify the business or owner and set forth the address of the premises where the sign is located.

**Sign, Illuminated**

Any sign which is lighted by an artificial light source, either directed upon it or illuminated from an interior source.



**Signs, Individual Property Sale or Rental**

Any on-premise sign announcing the name of the owner, manager, realtor, or other persons directly involved in the sale or rental of the property or announcing the purpose for which it is being offered.

**Sign, Informational**

Any sign giving information to employees, visitors, or delivery vehicles, but containing no advertising. May include name of business but must predominantly represent a directional or informational message.

**Sign, Institutional**

A sign or bulletin Council which identifies the name and other characteristics of a public, semi-public, or private institution, including churches, hospitals, nursing homes, schools, and other non-profit and charitable organizations, on the site where the sign is located.

**Sign, Political Campaign**

Signs or posters announcing the candidate(s) seeking political office and/or political issues, and data pertinent thereto.

**Sign, Public**

Signs of a public, non-commercial nature to include safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques, and the like, and when said signs are erected by or on order of a public officer or employee in the performance of official duty.

**Sign, Off Premise**

A sign advertising a product, business, or company not located on the site where the sign is located.

**Sign, On Premise**

A sign advertising a business, product, etc. located on the same site as the sign is located.

**Sign, Real Estate**

A business sign placed upon a property advertising that particular property for sale, for rent, for lease, or sold.

**Sign, Real Estate Development**

A business sign placed on premises of a subdivision or other real estate development.

**Sign, Structure**

The supports, foundations, uprights, bracing and framework for a sign, including the sign area.

**Sign, Temporary**

Any sign, which is erected or displayed for a specified period of time.

**Slope**

The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

**Story**

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

**Structure**

Any building or appurtenance, including attached decks, except aerial or underground utility lines, such as a sewer, electric, telephone, telegraph, or gas lines, including towers, poles, and other supporting facilities.

**Subdivision**

The separation of one or more portions of a lot from another portion of that lot by deed, metes and bounds description, devise, intestacy, lease, map, plat or other document, whether recorded or unrecorded, which vests or otherwise contracts for the conveyance of title, or any interest therein, of any such portion or portions to a person, persons or an entity other than the owner of record; provided that the term subdivision shall not be construed to apply to a mortgage against a parcel complying with the minimum dimensional requirements herein: scenic easements; easements for the installation, construction and maintenance of public utilities; and easements of road access.

**Substandard Structure**

Any structure established before the effective date of this Ordinance, which is permitted within a particular zoning district but does not meet the structure setbacks or other dimensional standards of this Ordinance.

**Substandard Use**

Any use existing prior to the date of this Ordinance, which is permitted within the applicable zoning district but does not meet the minimum lot area, frontage, setbacks, water frontage length, or other dimensional standards of this Ordinance.

**Telecommunication Facility**

A facility that transmits and/or receives electromagnetic signals. The facility may be comprised of a single telecommunication tower or building supporting one or more antennas, dishes, or similar devices owned or used by one or more entity and/or may be comprised of multiple telecommunication towers or buildings supporting one or more antennas, microwave dishes, horns and other types of equipment for the transmission or receipt of such signals; telecommunication towers or similar supporting equipment; equipment buildings and other necessary development and/or improvements.

**Telecommunications Tower**

A mast, pole, monopole, guyed tower, lattice tower, free-standing tower, or structure designed and primarily used to support antennas.

**Transmission Services**

Electric power, telephone and telegraph lines, cables and conduits that are used to transport large blocks of power, convey intelligence or transport material between two points. A distribution line, cable or conduit used to provide power, water, gas or other essential services locally to utility customers is not a transmission service.

**Use**

The purpose or activity for which the land or building thereon is designated, arranged, or intended, or for which it is occupied, utilized or maintained, and shall include the performance of such activity as defined by the performance standards of this Ordinance.

**Usable Open Space**

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

**Variance**

Any modification, variation, or exception to official controls, where it is determined that, by reason of unique and exceptional circumstances, the strict enforcement of the official controls would cause unnecessary hardship. A variance is not intended to be granted for uses, which are not listed as permitted or conditionally permitted within a zoning district.

**Vegetation**

The sum total of plant life in some area; or a plant community with distinguishable characteristics.

**Waterbody**

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

**Watercourse**

A channel or depression through which water flows, such as rivers, streams, or creeks, and may flow year around or intermittently.

**Watershed**

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

### **Watershed Management or Flood Control Structure**

A dam, floodwall, wingdam, dike, diversion channel, or an artificially deepened or widened stream channel following the same or approximately the same course as the natural channel, or any other structure for altering or regulating the natural flow condition of a river or stream. The term “watershed management or flood control structure” does not include pilings, retaining walls, gabion baskets, rock riprap, or other facilities intended primarily to prevent erosion and which must be authorized by period from the Commissioner of the Minnesota Department of Natural Resources.

### **Wetlands**

An area where water stands near, at, or above the soil surface during a significant portion of most years, saturating the soil and supporting a predominantly aquatic form of vegetation and which may have the following characteristics.

A. Vegetation belonging to the marsh (emergent aquatic) bog, fen, sedge meadow, shrubland, southern lowland forest (lowland hardwood) , and northern lowland forest (conifer swamp) communities. (These communities correspond roughly to wetland types 1, 2, 3, 4, 5, 6, 7, and 8 described by the United States Fish and Wildlife Service, Circular 39, “Wetlands of the U. S.”, 1956).

B. Mineral soils with gray horizons or organic solids belonging to the Histosol order (peat and muck).

C. Soil which is water logged or covered with water at least three months of the year. Swamps, bogs, marshes, potholes, wet meadows, and sloughs are wetlands, and properly, may be shallow water bodies, the waters of which are stagnant or actuated by very feeble currents, and may at times be sufficiently dry to permit tillage but would require drainage to be made arable. The edge of a wetland is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

### **Wildlife**

All free living animals.

### **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.

### **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.

### **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.

**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.

**Zoning Administrator**

A person appointed by the City Council to administer and enforce the Zoning Ordinance.

**Zoning Map**

The maps or map incorporated into this Ordinance as part thereof, and as amended, designating the zoning districts.

Sec. 46-13 --- Sec. 46-39. Reserved.

**Article Two:           Zoning**

**Division One:         In General**

**Sec. 46-40     Establishment of Districts**

The following zoning districts are hereby established within the City of Le Center.

R-A	Single Family Residential-Agricultural District
R-1	Single Family Residential District
R-2	Two Family Residential District
R-3	Multi Family Residential District
R-4	Residential District
B-1	Limited Business and Light Industrial District
B-2	General Business District
B-3	Central Business District
I-1	Light Industrial District
I-1a	Light Manufacturing District
I-2	Industrial District
P-1	Public District

**Sec. 46-41     Map**

The location and boundaries of the districts established by this Ordinance are hereby set forth on the zoning maps entitled “Zoning Map”, a copy of which is on file with the Zoning Administrator. Said maps and all of the notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein and thereby made a part of this Ordinance by reference.

**Sec. 46-41.10 Annexed Land**

All land annexed to the City after the effective date of this chapter shall be classified automatically upon annexation as being in a R-A Single Family-Agriculture District. Any land classified as such pursuant to this Section shall remain so classified until an application to amend through the provisions of Article Twenty One is filed and approved by the City Council. An application may be filed contemporaneously with the annexation of the land in question provided a preliminary plat of the land is submitted with the application.

**Sec. 46-42 Zoning District Boundaries**

- A. Boundaries indicated as approximately following the centerlines of roads, highways, alleys or railroad lines shall be construed to follow such centerline.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, lakes, or other bodies of water shall be construed to following such center lines.
- D. Boundaries indicated as approximately following the City limits shall be construed as following such City limits.
- E. Where a district boundary line divides a lot, which was in a single ownership at the time of passage of this Ordinance, the extension of the regulations for either portion of the lot may be interpreted by the Zoning Administrator upon request of the owner.
- F. The exact location of all district boundaries shall be interpreted by the Zoning Administrator, subject to appeal as provided for within this Ordinance.

**Sec. 46-43 District Regulations**

The regulations of this Ordinance within each district shall be minimum regulations, and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

- A. No buildings, structure, or land shall hereafter be used or occupied, and no building structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- B. No buildings or other structures shall hereafter be erected or altered to: exceed the height or bulk; to accommodate or house a greater number of families; to occupy a greater percentage of lot area, to have narrower or smaller rear yards, or other open spaces, than herein required; or in any other manner contrary to the provisions of this Ordinance.
- C. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

#### **Sec. 46-44 Property Maintenance**

The following property maintenance standards apply to all lands, properties, buildings, and other structures and use of land within the City of Le Center:

- A. The property owner shall be responsible for the removal or replacement of any dead trees, shrubs, ground cover, and sodding. If any plant materials are not maintained, the owner of the property shall have, upon written notification from the City, one growing season to maintain said materials. If the owner of the property fails to maintain said plant materials after written notification from the City and after one growing season has expired, the City shall maintain, remove, or replace the said plant materials and assess the property owner for the cost.
- B. Fences and walls that are in disrepair shall be repaired or replaced.
- C. All vacant and occupied lots, tracts, or parcels shall be properly maintained in good condition and be free of litter and junk. Outdoor storage is prohibited on vacant lots.
- D. Exterior walls, foundations, and roofs of any building or structure shall be reasonably watertight, rodent proof, and maintained in good condition.
- E. Protective surface on exterior walls of a building shall be maintained in good repair and provide a sufficient covering and protection of structural surface against its deterioration. Without limiting the generality of this section, a protective surface of a building shall be deemed out of repair if:
  - 1. More than ten (10) percent of the area of any plane or wall on which the protective surface is blistered, cracked, or flaked.
  - 2. More than ten (10) percent of any brick or stone wall that has loosened or fallen out of place.

#### **Sec. 46-45 Enforcement**

The enforcement procedure of this ordinance shall be as follows:

- A. The owner of the property shall receive a written warning in the mail. The warning will thoroughly describe how the property is in violation. It shall also give suggestions and a timeline to bring the property back into compliance.
- B. If the owner of the property fails to bring the property back into compliance, the City of Le Center shall take the necessary actions to bring the property into compliance with the regulations. The property owner will be assessed for the cost of the repairs.
- C. Failing to comply with the rules and regulations set forth in this ordinance is considered an act of criminal defiance punishable with a misdemeanor (up to a \$700 fine or 90 days in jail, or both). Each day the property is in violation is considered a separate punishable offence.

**Sec. 46-46 – Sec. 46-59 Reserved.**



## **Division Two:R-A Single Family Residential-Agriculture District**

### **Sec. 46-60 Purpose**

The R-A district is a zone that is used to preserve raw land for future urban development. The large lot requirement is in place to limit the number of property owners in an area, which has been identified as a potential growth area and to prevent the random scattered development in the growth area.

### **Sec. 46-61 Permitted Uses**

The following are permitted uses:

- A. Essential public utilities.
- B. Single family dwellings

### **Sec. 46-62 Permitted Accessory Uses**

The following are permitted accessory use buildings:

- A. Any building or structure that is used for storage of domestic supplies and non-commercial equipment. The building or structure must be located on the buildable portion of the lot.
- B. Private garage for licensed and operable vehicles. The garage must be located on the buildable portion of the lot.

### **Sec. 46-63 Conditional Uses**

The following are uses by Conditional Use Permit: (also refer to Article Eighteen)

- A. Living quarters for persons employed on the premises.
- B. Home occupations.
- C. Any farming and agricultural activities and buildings that are in compliance with the Minnesota Pollution Control and Environmental Protection Standards.
- D. Any use that is similar to the permitted uses and can comply with the regulations in the R-A district.

**Sec. 46-64 Lot Requirements**

- A. Minimum lot area: Each lot shall have no less than 40 acres of land. If there is a dwelling on the land, it needs to be placed on an interior lot that is dedicated for residential use. The interior lot shall not be less than forty thousand (43,560) square feet.
- B. Minimum interior lot width: Each interior lot shall not have a width less than one hundred and fifty (150) feet.
- C. Minimum interior lot depth: Each interior lot shall have a minimum lot depth of two hundred and sixty (260) feet.
- D. Lot coverage: Buildings, structures and impervious surfaces shall not cover more than thirty-five (35) percent of the lot.
- E. Each lot shall have a minimum lot frontage of 150 feet along a public road.

**Sec. 46-65 Front, side and rear yard requirements**

- A. Front yard: Each lot is required to have a front yard setback of eighty-five (85) feet measured from the front property line.
- B. Rear yard: Each lot is required to have a rear yard setback of forty (40) feet measured from the rear property line.
- C. Side yards: Each lot is required to have two side yards. Each side yard shall not be less than fifteen (15) feet except:
  - 1. Where a side yard abuts a public-right-of-way greater than twenty-five (25) in width, the side yard requirement is increased to eighty-five (85) feet.

**Sec. 46-66 Parking Requirements**

Each residential property shall provide a minimum of two (2) off-street parking stalls. The off-street parking stalls shall be constructed of crushed rock or an impervious material.

Refer to: Article Fifteen

**Sec. 46-67 Dwelling Requirements**

Refer to: Article Fourteen

**Sec. 46-68 Handicapped Accessible Ramps as a Permitted Encroachment**

Handicap accessible ramps shall be allowed to encroach into the required front yard by ½ (half) of the existing setback. Ramp landings shall be the minimum size required to

maintain the general aesthetics of the ramp. Ramp shall not impede into required side yard or beyond the perpendicular wall of the structure, whichever is least restrictive.

**Sec. 46-69. Reserved**

**Division Three: R-1 Single Family Residential District**

**Sec. 46-70 Purpose**

The R-1 district is intended for low-density, single family urban residential development. The regulations in the R-1 district are designed to promote and protect family and lifestyle values, and maintain neighborhood identity.

**Sec. 46-71 Permitted Uses**

The following are permitted uses:

- A. Single family dwellings.
- B. Public parks and playgrounds.
- C. Essential public utilities.

**Sec. 46-72 Permitted Accessory Uses**

The following are permitted accessory uses and structures:

- A. Owner occupied day care facilities.
- B. Accessory buildings.

Each lot shall be permitted two (2) detached accessory use buildings, which shall not be located in the front yard of the property. The following are the permitted accessory use buildings:

- ~~1. Sheds that are used for domestic storage of supplies and non-commercial equipment provided that:
  - ~~a. The shed must be setback ten (10) feet from any property line.~~
  - ~~b. The shed shall not be greater than one hundred and twenty (120) square feet.~~
  - ~~c. The materials used for the construction of the shed are similar to the materials of the dwelling.~~
  - ~~d. The appearance shall closely resemble the dwelling.~~~~

~~e. The shed must be located at least ten (10) feet from the dwelling.~~

~~f. The shed is located in the rear or side yard.~~

~~g. The shed must be fifteen (15) feet from an alley.~~

1. Sheds that are used for domestic storage of supplies and non-commercial equipment provided that:

(a) The shed must be setback two (2) feet from any property line.

(b) The shed shall not be greater than one hundred and twenty (120) square feet.

(c) The shed must be located at least five (5) feet from the dwelling.

(d) There is no separation distance required from an attached garage.

(e) The shed must be located in the rear or side yard.

(f) The shed must be fourteen (14) feet from the centerline of the platted alley right of way.

(g) Sheds adjacent to and unimproved alley shall be setback two (2) feet from the property line.

2. Private detached garages for the storage of licensed and operable vehicles and non-commercial uses provided that:

a. The garage is located not less than ten (10) feet from any property line.

b. The garage cannot cover more than thirty (30) percent of the rear yard.

c. The total square footage of the garage must not exceed the total ground level square footage of the dwelling.

d. The materials used for the construction of the garage must be similar with the materials of the dwelling.

e. The appearance shall closely resemble the dwelling.

f. The garage must be located at least ten (10) feet from the dwelling.

g. The garage may be located in the rear or side yard.

- h. The garage must be setback ~~twenty-five (25) feet~~ **twenty (20) feet** from any alley.
3. Outdoor storage of a fish house is considered an accessory use building, and is subject to zoning regulations.

**Sec. 46-73 Conditional uses**

The following are uses by Conditional Use Permit: (also refer to Article Eighteen)

A. Home occupations shall be permitted provided they meet the following regulations:

1. No sale of a product will be permitted.
2. The business can only occupy twenty-five percent (25%) of the primary structure.
3. Hours of operation between 8:00 am and 5:00 p.m.

B. Recreational buildings, community centers, public and private education institutions, and religious institutions provided that:

1. Side yard requirement is doubled.
2. Screened and landscaped in accordance with Article Eight.
3. Adequate off-street parking.
4. Lights may not shine on neighboring properties.
5. Contain water runoff.
6. Refuse storage must be completely enclosed and screened (in accordance with Article Eight) from public view.

C. Commercial day care facility provided that:

1. Screened and landscaped in accordance with Article Eight.
2. One off street parking stalls for each full time employee plus one off street parking stall for every two daycare slots.
3. Playground area must completely enclosed.
4. Contain water runoff.
5. Refuse storage must be completely enclosed and screened from public view.
6. Lights may not shine on neighboring properties.

D. Two family dwellings provided that:

1. The side yard requirement is doubled. If the side yard abuts a public right-of-way greater than twenty-five (25) feet, the setback is then increased to thirty (30) feet.
2. Provide four (4) off street parking stalls.

E. Elderly care, assisted living, and nursing home facilities provided that:

1. Front yard setback is thirty (30) feet from the front property line.
2. Off-street parking cannot be located in the required front yard.
3. One (1) off-street parking stall for each employee on the primary shift and a half (½) parking stalls for each housing unit.
4. Side yard setback of fifteen (15) feet. If the side yard abuts a public right-of-way greater than twenty-five (25) feet, the setback is then increased to thirty (30) feet.
5. Refuse storage must be completely enclosed and screened (in accordance with Article Eight) from public view.
6. All off-street parking must be screened from adjoining residential lot.
7. Lights may not shine on neighboring properties.
8. Contain water runoff.

F. Move in dwellings provided that the contractor submits a letter of credit and cash bond to the City prior to issuance of the conditional use permit. The Le Center City Council will set the amount of the bond based on a project by project basis.

G. Planned Unit Development in conformance with Article Three.

#### **Sec. 46-74 Lot Requirements**

- A. Minimum lot area: The minimum permitted lot size is eight thousand five hundred (8,500) square feet.
- B. Minimum lot width: The minimum lot width must be at least eighty (80) feet at the building setback line.
- C. Minimum lot depth: The lot must have a minimum depth of one hundred (100) feet.
- D. Lot grade: The grade of the dwelling must not be less than one fourth inch (1/4") per foot of setback and not exceeding three quarter inch (3/4") per foot of setback above the curb.
- E. Lot Coverage: Buildings, structures and impervious surfaces shall not cover more than thirty-five (35) percent of the lot.
- F. Each lot shall have a minimum lot frontage of 80 feet along a public road.

#### **Sec. 46-75 Front, side and rear yard requirements**

- A. Front yard: Each lot is required to provide a front yard not less than thirty (30) feet measured from the front property line. The dwelling shall not be setback further than forty (40) feet from the front property line. This range has been established to preserve the general aesthetics of the neighborhoods.
- B. The required front yard is designed to provide an open green space between the public right-of-way and the dwelling. Decks, patios, and cement slabs may be placed in the front yard of the dwelling, provided they do not encroach onto the required front yard. However, the front entrance landing may be located in the required front yard provided that it doesn't exceed six (6) by six (6).
- C. Rear yard: Each lot is required to provide a rear yard not less than thirty (30) feet measured from the rear property line. See Article Thirteen
- D. Side yards: Each lot is required to provide two side yards. Each side yard shall not be less than ten (10) feet from the side property line except:
- E. Where a side yard abuts a public-right-of-way greater than twenty-five (25) feet in width, the side yard requirement is increased to thirty (30) feet.

**Sec. 46-76 Dwelling Requirements**

Refer to: Article Fourteen

**Sec. 46-76 Parking Regulations**

Each residential property shall provide two (2) off-street parking stalls. The parking stalls shall be impervious and maintained in good condition. No vehicles are permitted to park in the front yard of the dwelling, except on the designated driveway. Vehicles that are parked on the driveway must not block the sidewalk or obscure the view of any form of transportation. All vehicles parked on the lot must remain licensed and operable. The excessive size of recreational vehicles (RVs), semi trucks, and trailers poses a threat to the safety of the general public. Because of this threat, these vehicles are not permitted to park on the public right-of-way, nor shall the private front yard driveway serve as the primary storage area. These vehicles may be stored in the rear yard provided they do not violate any setback requirements and remain licensed and operable.

Refer to: Article Fifteen

**Sec. 46-77 Handicapped Accessible Ramps as a Permitted Encroachment**

Handicap accessible ramps shall be allowed to encroach into the required front yard by ½ (half) of the existing setback. Ramp landings shall be the minimum size required to maintain the general aesthetics of the ramp. Ramp shall not impede into required side yard or beyond the perpendicular wall of the structure, whichever is least restrictive.

**Sec. 46-78 – Sec. 46-99. Reserved**



**Division Four: R-2 Two Family Residential District**

**Sec. 46-100 Purpose**

The R-2 district is intended for low and medium density urban residential development. The regulations of the R-2 district are designed to promote family and lifestyle values, and maintain neighborhood identity. The district specifically targets older subdivisions within the city with smaller lot sizes.

**Sec. 46-101 Permitted Uses**

The following are permitted uses:

- A. Single family dwellings.
- B. Two family dwellings.
- C. Public parks and playgrounds.
- D. Essential public utilities.

**Sec. 46-102 Permitted Accessory Uses**

The following are permitted accessory uses and structures:

- A. Owner occupied day care facilities.
- B. Accessory buildings.

Each lot shall be permitted two (2) detached accessory use buildings, which shall not be located in the front yard of the property. The following are the permitted accessory use buildings:

- ~~1. Sheds that are used for domestic storage of supplies and non-commercial equipment provided that:
  - ~~a. The shed is located not less than seven (7) feet from any property line.~~~~

- ~~b. The shed shall not be greater than one hundred and twenty (120) square feet.~~
  - ~~c. The materials used for the construction of the shed are similar to the materials of the dwelling.~~
  - ~~d. The appearance of the shed shall closely resemble the dwelling.~~
  - ~~e. The shed must be located at least ten (10) feet from the dwelling.~~
  - ~~f. The shed must be setback fifteen (15) feet from an alley.~~
1. Sheds that are used for domestic storage of supplies and non-commercial equipment provided that:
    - (a) The shed must be setback two (2) feet from any property line.
    - (b) The shed shall not be greater than one hundred and twenty (120) square feet.
    - (c) The shed must be located at least five (5) feet from the dwelling.
    - (d) There is no separation distance required from an attached garage.
    - (e) The shed must be located in the rear or side yard.
    - (f) The shed must be fourteen (14) feet from the centerline of the platted alley right of way.
    - (g) Sheds adjacent to and unimproved alley shall be setback two (2) feet from the property line.
  2. Private detached garages for the storage of licensed and operable vehicles and non-commercial uses provided that:
    - a. The garage is located not less than seven (7) feet from any property line.
    - b. The garage cannot cover more than thirty (30) percent of the rear yard.
    - c. The materials used for the construction of the garage are similar to the materials of the dwelling.
    - d. The total square footage of the garage must not exceed the total ground level square footage of the dwelling.
    - e. The appearance of the garage shall closely resemble the dwelling.
    - f. The garage shall be located at least ten (10) feet from the dwelling.
    - g. The garage must have a minimum setback of twenty (20) feet from an alley.

3. Outdoor storage of a fish house is considered an accessory building and is subject to zoning regulations.

Sec. 46-103                      Conditional Uses

The following are permitted uses with a Conditional Use Permit: (also refer to Article Eighteen)

A. Home occupations shall be permitted provided they meet the following regulations:

1. No sale of a product will be permitted.
2. The business can only occupy twenty-five percent (25%) of the household.
3. Hours of operation between 8:00 am and 5:00 p.m.

B. Recreational buildings, community centers, public and private education institutions, and religious institutions provided that:

1. Side yard requirement is doubled.
2. Refuse storage must be completely enclosed and screened (in accordance with Article Eight) from public view.
3. Screened and landscaped in accordance with Article Eight.
4. Off-street parking as required by Article Fifteen.
5. Lights may not shine on neighboring properties.
6. Contain water runoff.

C. Elderly care, assisted living, and nursing home facilities provided that:

1. Front yard setback is twenty-five (25) feet from the property line or public right-of-way greater than twenty-five (25) feet.
2. Off-street parking cannot be located in the required front yard.
3. One (1) off-street parking stall for each employee on the primary shift and one and a half (1 ½) parking stalls for each housing unit.
4. Refuse storage must be completely enclosed and screened (in accordance with Article Eight) from public view.
5. Side yard setback of fifteen (15) feet. However, if the side yard abuts a public right of way greater than twenty five (25) feet, the setback is then increased to twenty five (25) feet.
6. All off-street parking must be screened from adjoining residential lot. (see Article Eight)

7. Light may not shine on neighboring properties.
8. Contain water runoff.

D. Multi family dwellings, not to exceed four (4) dwelling units per lot per building provided that:

1. The minimum lot area is increased by 2,000 square feet per dwelling unit in addition to two (2).
2. Front yard setback is forty (40) feet.
3. Side yard setbacks are twenty (20) feet.
4. Rear yard setback is forty (40) feet.
5. Two point two (2.2) off-street parking stalls for each housing unit.
6. Adequately screened from residential districts.
7. Thirty-five (35) percent of the lot must be dedicated as green space.

E. Commercial day care facilities.

1. Screened from residential uses and attractively landscaped.
2. One off street parking stall for each full time employee plus one off street parking stall for every two daycare slots.
3. Playground must be completely enclosed.
4. Contain water runoff.
5. Lights may not shine on residential properties.
6. Refuse storage must be completely enclosed and screened (in accordance with Article Eight) from public view.

F. Move in dwellings provided:

1. The contractor submits a cash bond or letter of credit to the City. The Le Center City Council will set the amount of the bond on a case-by-case project.
2. A Certificate of Completion must be issued by the City Council prior to the person/applicant/contractor responsible for moving the house and placing it on a lot in the city can apply for a permit to move another dwelling from outside or within the city.

G. Planned Unit Development in conformance with Article Three.

#### **Sec. 46-104 Lot Requirements**

A. Minimum lot area: The minimum required lot size is 8,000 square feet. The minimum requirement shall be increased by 2,000 square feet for each dwelling unit in addition to two (2).

- B. Minimum lot width: The minimum required lot width is 80 feet.
- C. Lot Depth: The minimum required lot depth is 100 feet.
- D. Lot grade: The grade of the dwelling must not be less than one fourth inch (1/4") per foot of setback and not exceeding three quarter inch (3/4") per foot of setback above the curb.
- E. Maximum lot coverage: Buildings, structures and impervious surfaces shall not cover more than thirty-five (35) percent of the lot.
- F. Each lot shall have a minimum lot frontage of 80 feet along a public road.

**Sec. 46-105                      Front, side and rear yard requirements**

- A. Front yard: Each lot is required to provide a front yard not less than twenty-five (25) feet measured from the front property line. The dwelling shall not be setback further than forty (40) feet from the front property line. This range has been established to preserve the general aesthetics of the neighborhoods.
  - 1. The required front yard is designed to provide an open green space between the public right-of-way and the dwelling. Decks, patios, and cement slabs may be placed in the front yard, provided they are not located on the required front yard. However, the front entrance land may be located in the required front yard provided that the landing does not exceed six (6) by six (6).
- B. Rear yard: Each lot is required to provide a rear yard not less than twenty-five (25) feet measured from the rear property line. See Article Thirteen
- C. Side yards: Each lot is required to provide two side yards. Each side yard shall not be less than seven (7) feet from the side property line except:
  - 1. Where a side yard abuts a public-right-of-way greater than twenty-five (25) feet in width, the side yard requirement is increased to twenty-five (25) feet.

Decks, patios, and cement slabs can be placed in the side yard, provided they are not located on the required side yard. See Article Thirteen

**Sec. 46-106                      Dwelling Requirements**

Refer to:            Article Fourteen

**Sec. 46-107                      Parking Regulations**

Each residential property shall provide two (2) off-street parking stalls. The parking stalls shall be impervious and maintained in good condition. No vehicles are permitted to park in the front yard of the dwelling, except on the designated driveway. Vehicles that

are parked on the driveway must not block the sidewalk or obscure the view of any form of transportation.

The excessive size of Recreational Vehicles (RVs), semi trucks, and trailers poses a threat to the safety of the general public. Because of this threat, these vehicles are not permitted to park on the public right-of-way, nor shall the private front yard driveway serve as the primary storage area. These vehicles may be stored in the rear yard provided they do not violate any setback requirements and remain licensed and operable.

Refer to: Article Fifteen

**Sec. 46-108 Handicapped Accessible Ramps as a Permitted Encroachment**

Handicap accessible ramps shall be allowed to encroach into the required front yard by ½ (half) of the existing setback. Ramp landings shall be the minimum size required to maintain the general aesthetics of the ramp. Ramp shall not impede into required side yard or beyond the perpendicular wall of the structure, whichever is least restrictive

**Sec. 46-109 – Sec. 46-124. Reserved**

**Division Five: R-3 Multi Family Residential District**

**Sec. 46-125 Purpose**

The R-3 district is intended for medium-density and high-density urban residential development. The regulations in the R-3 district are designed to minimize the effects a dense development can have on surrounding properties.

**Sec. 46-126 Permitted Uses**

The following are permitted uses:

- A. Owner occupied multi family dwellings.
- B. Single family dwellings.
- C. Two family dwellings.
- D. Public parks and playgrounds.
- E. Essential public utilities.

**Sec. 46-127 Permitted Accessory Uses**

The following are permitted accessory uses:

~~A. Sheds that are used for domestic storage of supplies and non-commercial equipment provided that:~~

- ~~1. The shed is located not less than twenty (20) feet from any property line.~~
- ~~2. The shed shall not be greater than one hundred and twenty (120) square feet.~~
- ~~3. The material used to construct the shed shall be similar to the materials of the dwelling.~~
- ~~4. The appearance of the shed shall closely resemble the dwelling.~~
- ~~5. The shed shall be located at least ten (10) feet from the dwelling.~~
- ~~6. The shed must be located in the rear or side yard and setback twenty (20) feet from an alley.~~

A. Sheds that are used for domestic storage of supplies and non-commercial equipment provided that:

- 1. The shed must be setback two (2) feet from any property line.
- 2. The shed shall not be greater than one hundred and twenty (120) square feet.
- 3. The shed must be located at least five (5) feet from the dwelling.

4. There is no separation distance required from an attached garage.
  5. The shed must be located in the rear or side yard.
  6. The shed must be fourteen (14) feet from the centerline of the platted alley right of way.
  7. Sheds adjacent to and unimproved alley shall be setback two (2) feet from the property line.
- B. Private detached, attached, and row garages for the storage of licensed and operable vehicles and non-commercial uses provided that:
1. The garage is located not less than twenty (20) feet from any property line.
  2. The material used to construct the garage shall be similar to the materials of the dwelling.
  3. The appearance of the garage shall closely resemble the dwelling.
  4. Single and two family dwellings may have a detached or attached garage provided that the total square footage of the garage does not exceed the total ground level square footage of the dwelling.
  5. The garage must be setback a minimum of fifteen (15) from an alley.
- C. Outdoor storage of a fish house, boat, inoperable vehicle, or any other form of outdoor storage is prohibited in this district.
- D. Owner occupied day care facilities.

**Sec. 46-128                      Conditional Uses**

The following are uses by Conditional Use Permit: (also refer to Article Eighteen)

- A. Rental multi family dwellings, not to exceed eight (8) dwelling units per lot per building provided that:
1. The minimum lot area is increased by 2,000 square feet per dwelling unit in addition to four (4).
  2. The Le Center Planning and Zoning Commission approve the site plan, landscaping plan, parking plan, and building plan.
  3. 2.2 off street parking stalls shall be provided per dwelling unit.
  4. Refuse must be storage must be completely enclosed and screened (in accordance with Article Eight) from public view.
  5. Contain water runoff.
  6. Attractively landscaped.
  7. Lights may not shine on neighboring properties.



B. Recreational buildings, community centers; public and private education institutions, and religious institutions provided that:

1. Side yard requirement is doubled.
2. Screened from residential districts and attractively landscaped.
3. Adequate off-street parking. Refer to Article Fifteen
4. Refuse storage must be completely enclosed and screened (in accordance with Article Eight) from public view.
5. Lights may not shine on neighboring properties.
6. Contain water runoff.

C. Home occupations provided that they meet the following regulations:

1. No sale of a product will be permitted.
2. The business may not occupy more than twenty five (25) percent of the dwelling.
3. Hours of operation may not be outside the parameters of 8:00 a.m. and 5:00 p.m.

D. Elderly care, assisted living, and nursing home facilities provided that:

1. Front yard setback is forty (40) feet from the property line or public right-of-way greater than twenty-five (25) feet.
2. Off-street parking cannot be located in the required front yard.
3. One (1) off-street parking stall for each employee on the primary shift and one and a half (1 ½) parking stalls for each housing unit.
4. Side yard setback of fifteen (15) feet. If the side yard abuts a public right of way greater than twenty five (25) feet, the side yard setback is then increase to forty (40) feet.
5. Refuse storage must be completely enclosed and screened (in accordance with Article Eight) from public view
6. All off-street parking must be screened from adjoining residential lots.
7. Lights may not shine on neighboring properties.
8. Contain water runoff.

E. Commercial day care facilities.

1. Screened from residential uses and attractively landscaped.
2. One off street parking stall for each full time employee plus one off street parking stall for every two (2) daycare slots.
3. Playground must be completely enclosed.

4. Refuse must be completely enclosed and screened (in accordance with Article Eight) from public view.
  5. Lights may not shine on neighboring properties.
- F. Move in dwellings provided that the contractor submits a letter of credit or cash bond to the City. The Le Center City Council will set the bond amount on a case-by-case basis.
- G. Mortuaries.
1. One off street parking stall for every two hundred and fifty (250) square feet. The off street parking stalls cannot be located in the required front yard.
  2. Refuse must be completely enclosed and screened (in accordance with Article Eight) from public view.
  3. Off street parking areas must be screened from residential areas.
  4. No outdoor lights may shine on neighboring properties.
  5. Contain water runoff by means of retention or detention.
- H. Planned Unit Development in conformance with Article Three.

**Sec. 46-129                      Lot Requirements**

- A. Minimum lot area:            The minimum required lot size is 6,000 square feet. The minimum requirement shall be increased by 2,000 square feet for each dwelling unit in addition to four (4).
- B. Minimum lot width:            The minimum required lot width is 60 feet.
- C. Minimum lot depth:            The minimum required lot depth is 100 feet.
- D. Lot grade: The grade of the structure must not be less than one fourth inch (1/4”) per foot of setback and not exceeding three quarter inch (3/4”) per foot of setback above the curb.
- E. Maximum Lot coverage: Buildings, structures and impervious surfaces shall not cover more than thirty-five (35) percent of the lot.
- F. Each lot shall have a minimum lot frontage of 60 feet along a public road.

**Sec. 46-130                      Green Space Requirement**

Minimum green space: Each lot must provide green space strictly dedicated for pedestrian enjoyment. The green space shall not be less than thirty-five (35) percent of the lot.

**Sec. 46-131                    Front, side and rear yard requirements**

- A. Front yard: Each lot is required to provide a front yard not less than forty (40) feet measured from the front property line. The front entrance landing may be located in the required front yard provided that the landing does not exceed six (6) by six (6).
- B. Rear yard: Each lot is required to provide a rear yard not less than forty (40) feet measured from the rear property line. Rear yard parking lots are permitted in the required rear yard provided that:

- 1. The parking lot is properly screened from R-1 and R-2 residential districts.
- 2. There shall be at least a ten (10) foot setback from any property line.

- C. Side yards: Each lot is required to provide two side yards. Each side yard shall not be less than twenty (20) feet from the side property line except:

- 1. Where a side yard abuts a public-right-of-way greater than twenty-five (25) feet in width, the side yard requirement is increased to forty (40) feet.

**Sec. 46-132                    Dwelling Requirements**

Refer to:            Article Fourteen

**Sec. 46-133                    Parking Regulations**

Multi family dwellings shall provide two and two tenths (2.2) off-street parking stalls for each housing unit. The required off-street parking stalls must be concentrated in a parking lot on the same lot as the residential structure. The parking lot must be constructed with an impervious material and maintained in good condition. The parking lot needs to have adequate ingress and egress to a major public right-of-way and be attractively screened when located adjacent to R-1 and R-2 residential districts.

The excessive size of Recreational Vehicles (RVs), semi trucks, and trailers poses a threat to the safety of the general public. Because of this threat, these vehicles are not permitted to park on the public right-of-way, nor shall the parking lot or private front yard driveway serve as the primary storage area.

Refer to:            Article Fifteen

**Sec. 46-134    Handicapped Accessible Ramps as a Permitted Encroachment**

Handicap accessible ramps shall be allowed to encroach into the required front yard by ½ (half) of the existing setback. Ramp landings shall be the minimum size required to maintain the general aesthetics of the ramp. Ramp shall not impede into required side yard or beyond the perpendicular wall of the structure, whichever is least restrictive

**Sec. 46-135 – Sec. 46-149.                      Reserved**

**Division Six: R-4 Residential District**

**Sec. 46-150 Purpose**

In the interests of providing a wide spectrum of housing within the community, and to address the housing needs of all citizens, the City of Le Center has established an R-4 Residential District. The R-4 District is designed to accommodate move-in/mobile trailer parks within the community.

**Sec. 46-151 Permitted Uses**

The following are permitted uses:

- A. Manufactured homes meeting the minimum building requirements for dwellings in the residential districts in Article Fourteen.
- B. Single family dwellings.
- C. Two family dwellings.
- D. Public parks and playgrounds.
- E. Essential public utilities.

**Sec. 46-152 Permitted Accessory Uses**

The following are permitted accessory uses:

Each lot shall be permitted two (2) detached accessory buildings, which shall not be located in the front yard of the property. The following are the permitted accessory uses:

- ~~A. Sheds that are used for domestic storage of supplies and non-commercial equipment provided that:~~
  - ~~1. The shed is located not less than ten (10) feet from the property line.~~
  - ~~2. The shed shall not be greater than one hundred and twenty (120) square feet.~~
  - ~~3. The shed must be located at least ten (10) feet from the dwelling.~~
  - ~~4. The shed must be located in the rear or side yard.~~
- A. Sheds that are used for domestic storage of supplies and non-commercial equipment provided that:
  - 1. The shed must be setback two (2) feet from any property line.

2. The shed shall not be greater than one hundred and twenty (120) square feet.
3. The shed must be located at least five (5) feet from the dwelling.
4. There is no separation distance required from an attached garage.
5. The shed must be located in the rear or side yard.
6. The shed must be fourteen (14) feet from the centerline of the platted alley right of way.
7. Sheds adjacent to and unimproved alley shall be setback two (2) feet from the property line.

B. Private detached garage for the storage of licensed and operable vehicles and non commercial uses provided that:

1. The garage is located not less than ten (10) feet from the property line.
2. The garage cannot cover more than thirty (30) percent of the rear yard.
3. The garage shall be located at least ten (10) feet from the dwelling and shall not exceed the total square footage of the ground level of the dwelling.
4. The garage must be set a minimum of twenty (20) feet from an alley.

C. Storage of a fish house is considered an accessory use building and is subject to zoning regulations.

**Sec. 46-153                      Conditional Uses**

The following are uses by Conditional Use Permit: (also refer to Article Eighteen)

A. Manufactured homes provided that:

1. The Le Center Planning and Zoning Commission approves the site plan, landscaping plan, and parking plan.

B. Elderly care, assisted living, and nursing home facilities provided that:

1. Front yard setback is thirty (30) feet from the property line or public right-of-way greater than twenty-five (25) feet in width.
2. Off-street parking cannot be located in the required front yard.
3. One (1) off-street parking stall for each employee on the primary shift and a half (½) parking stall for each housing unit.
4. Side yard setback of fifteen (15) feet. However, if the side yard abuts a public right of way greater than twenty five (25) feet in width, then the side yard requirement is increase to thirty (30) feet.
5. Refuse storage must be completely enclosed and screened (in accordance with Article Eight) from public view

- 6. All off-street parking must be screened from adjoining residential lot.
  - 7. Lights may not shine on neighboring properties.
  - 8. Contain water runoff.
- C. Move in dwellings, except trailers, provided that the contractor submits a cash bond or letter of credit to the City. The Le Center City Council will set the amount of the bond on a case-by-case basis.

**Sec. 46-154                      Lot Requirements**

- A. Minimum lot area:
- B. Minimum lot width: The minimum permitted lot width is eighty (80) feet measured at the setback line.
- C. Lot grade: The grade of the structure (permanent or temporary) must not be less than one fourth inch (1/4") per foot of setback and not exceeding three quarter (3/4) inch per foot of setback above the curb.
- D. Maximum Lot coverage: The square footage of all the buildings, structures and impervious surfaces shall not cover more than thirty-five (35) percent of the lot.
- E. Maximum Coverage: The square footage of all the buildings and structures on the lot cannot occupy more than thirty-five (35) percent of the lot.
- F. Each lot shall have a minimum lot frontage of 80 feet along a public road.

**Sec. 46-155                      Green Space Requirement**

Minimum green space: Each lot must provide green space strictly dedicated for pedestrian enjoyment. The green space shall not be less than thirty-five (35) percent of the lot.

**Sec. 46-156                      Front, side and rear yard requirements**

- A. Front yard: Each lot is required to provide a front yard not less than thirty (30) feet measured from the front property line.
  - 1. The required front yard is designed to provide an open green space between the public right-of-way and the dwelling. Decks, patios, and cement slabs can be placed in the front yard, provided they are not located on the required front yard. However, the front entrance landing may be located in the required front yard provided that the size does not exceed six (6) by six (6).

- B. Rear yard: Each lot is required to provide a rear yard not less than thirty (30) feet measured from the property line. See Article Thirteen
- C. Side yards: Each lot is required to provide two side yards. Each side yard shall not be less than ten (10) feet measured from the side property line except:
  - 1. Where a side yard abuts a public-right-of-way greater than twenty-five (25) feet in width, the side requirement is increased to thirty (30) feet.

Decks, patios, and cement slabs can be placed on the side of the dwelling, provided they are not located on the required side yard.

See Article Thirteen

**Sec. 46-157                      Dwelling Requirements**

Refer to:        Article Fourteen

**Sec. 46-158                      Parking Regulations**

Refer to:        Article Fifteen

Each residential property shall provide two (2) off-street parking stalls. The parking stalls shall be impervious and maintained in good condition. No vehicles are permitted to park in the front yard of the dwelling, except on the designated driveway. Vehicles that are parked on the driveway must not obscure the view of any form of transportation. The excessive size of Recreational Vehicles (RVs), semi trucks, and trailers poses a threat to the safety of the general public. Because of this threat, these vehicles are not permitted to park on the public right-of-way, nor shall the private front yard driveway serve as the primary storage area. These vehicles may be stored in the rear yard provided they do not violate any setback requirements and remain licensed and operable.

**Sec. 46-159      Handicapped Accessible Ramps as a Permitted Encroachment**

Handicap accessible ramps shall be allowed to encroach into the required front yard by ½ (half) of the existing setback. Ramp landings shall be the minimum size required to maintain the general aesthetics of the ramp. Ramp shall not impede into required side yard or beyond the perpendicular wall of the structure, whichever is least restrictive

**Sec. 46-160 – 46-169.              Reserved**



**Division Seven: B-1 Limited Business and Industrial District**

**Sec. 46 170 Purpose**

This zone is intended for limited commercial and industrial uses, which maintain a high standard of appearance. This zone will allow commercial and industrial uses to be located near, or adjacent to residential neighborhoods. The businesses that locate within this zone shall be compatible with residential areas and not create nuisances beyond their property line.

**Sec. 46-171 Permitted Uses**

The following are permitted uses:

- A. Professional offices.
- B. Light industrial (warehousing and storage).
- C. High technology manufacturing.
- D. Research and development facilities.

**Sec. 46-172 Permitted Accessory Uses**

The following are permitted accessory uses:

- A. Signs in conformance with Article Five.
- B. Garages and sheds provided that:
  - 1. Detached structures must be located in the rear yard and setback six (6) feet from any property line.
  - 2. Structures shall resemble the main building and be constructed with the same or similar materials.

**Sec. 46-173 Conditional Uses**

The following uses are permitted with a Conditional Use Permit: (also refer to Article Eighteen)

- A. Indoor storage provided:

1. Items being stored are kept in a storage shed or other storage facility that is completely enclosed.
  2. The storage facility shall closely resemble the main building and be constructed with the same or similar materials.
- B. Commercial day care facilities.
1. The grounds of the facility must be attractively landscaped.
  2. One off street parking stall for every full time employee plus one off street parking stall for every two daycare slots.
  3. Playground must be completely enclosed.
  4. Contain water runoff.
  5. Lights may not shine on neighboring properties.
  6. Refuse must be screened and completely enclosed (in accordance with Article Eight) from public view.

**Sec. 46-174                      Performance Standards**

The businesses that locate within this zone shall comply with the following regulations  
:

- A. Operating hours between 6 a.m. – 10 p.m.
- B. Any noise, odor, or other public nuisances shall not be detected beyond the limits of the property.
- C. The property shall be attractively landscaped.
  1. All unpaved and open land shall be covered with sod or seeded within six weeks of operation (weather permitting).
  2. Grass and weeds shall not exceed six (6) inches in height.
  3. Each lot shall have no fewer than eight (8) trees per acre. The trees shall be planted within six (6) weeks of operation (weather permitting).

4. Shrubs and trees shall be properly pruned and maintained in good condition.
  5. The property shall be properly drained (no standing water).
  6. All land intended for vehicular and pedestrian traffic shall be impervious and maintained in good condition (no cracks or weeds protruding from the pavement).
  7. Refuse storage shall be kept in an approved sanitary container that is covered and screened (in accordance with Article Eight) from public view.
  8. Not less than thirty (30) percent of the lot shall be dedicated for green space.
- D. The business shall be screened in accordance with Article Eight.

**Sec. 46-175                      Lot Requirements**

- A. Minimum Lot area: Minimum lot size is ninety thousand (90,000) square feet.
- B. Minimum Lot width: Each lot shall have a minimum lot width of three hundred (300) feet.
- C. Lot grade: A drainage, soil and erosion and stormwater plan meeting the requirements of Article Twelve shall be a required addendum to the building permit application.
- D. Maximum Lot coverage: Buildings and other structures shall not cover more than forty (40) percent of the lot. Total impervious surface shall not exceed fifty (50) percent of the lot.
- E. Each lot shall have a minimum lot frontage of 300 feet along a public road.

**Sec. 46-176                      Front, side and rear yard requirements**

- A. Front yard: Each lot is required to provide a front yard not less than thirty (30) feet measured from the front property line.
- B. Rear yard: Each lot is required to provide a rear yard not less than fifty (50) feet measured from the rear property line.

C. Side yards: Each lot shall provide two (2) side yards. Each side yard shall not be less than fifteen (15) feet measured from the side property line except:

1. Where a driveway is to be provided on the side yard, the side yard requirement is doubled.
2. Where the side yard abuts a public right-of-way greater than twenty-five (25) feet, the minimum setback is increased to thirty (30) feet.

**Sec. 46-177                      Building Requirements**

The type of building materials used on exterior walls shall be faced brick, natural stone or specifically designed pre-cast concrete. Any other materials need to be approved by the Planning and Zoning Commission.

**Sec. 46-178                      Parking Requirements**

Refer to:            Article Fifteen

**Sec. 46-179 – Sec. 46-199.    Reserved**

**Division Eight: B-2 General Business District**

**Sec. 46-200 Purpose**

The B-2 district is intended for commercial activities that are vehicle orientated and not compatible with other commercial uses by the reason of accessibility, lot size, and other considerations that evolve from the commercial uses.

**Sec. 46-201 Permitted Uses**

The following are permitted uses in the B-2 district:

1. Retail businesses.
2. Research and development facilities.
3. Service orientated businesses.
4. Commercial recreational facilities.
5. Professional office buildings.
6. Essential public uses.
7. Commercial lodging facilities.
8. Eating facilities (sit down or carry out, no drive through).
9. Liquor stores and bars.

**Sec. 46-202 Permitted accessory uses:**

- A. Signs in conformance with Article Five.
2. Off street loading facilities provided that they are located on the buildable portion of the lot.
- B. Garages and sheds provided:
  1. Detached structures must be located in the rear yard and setback six (6) feet from any property line.

2. Structures shall resemble the main building and be constructed with the same or similar materials.

C. Indoor storage provided:

1. Items being stored are kept in a storage shed or other storage facility that is completely enclosed.
2. The storage facility shall closely resemble the main building and be constructed with the same or similar materials.

**Sec. 46-203                      Conditional Uses**

The following uses are permitted with a Conditional Use Permit: (also refer to Article Eighteen)

A. New and used automobile sales, car washes, automobile service stations or repair shops provided:

1. The City of Le Center approves the site plan. The site plan shall include the parking lot, arrangement of entrances and exits, screening, and storage and refuse facilities.

B. Drive through restaurants provided:

1. Appropriately screened from residential districts.
2. Impervious off-street parking lot with individual stalls clearly marked.
3. One off street parking stall for every four seats.
4. Contain water runoff.
5. Lighting shall be directed away from residential districts and public right-of-ways.

C. Commercial day care facilities.

D. Any other business activities that are the same general character of B-2 permitted uses.

**Sec. 46-204                      Performance Standards**

The businesses that locate within this zone shall comply with the following regulations:

- A. Any noise, odor, or other public nuisances shall not be detected beyond the limits of the property.
- B. The property shall be attractively landscaped.
  - 1. All non-impervious and open land not required for off street parking or pedestrian traffic shall be covered with sod or seeded within six weeks of operation (weather permitting).
  - 2. Grass and weeds shall not exceed six (6) inches in height.
  - 3. The property shall be adequately drained (no standing water).
  - 4. All land intended for vehicle and pedestrian traffic shall be impervious and maintained in good condition (no cracks or weeds protruding from the pavement).
  - 5. Refuse storage shall be kept in an approved sanitary container that is covered and screened (in accordance with Article Eight) from public view by a fence or wall.
- C. The business shall be screened in accordance with Article Eight.

**Sec. 46-205                      Lot requirements**

- A. Minimum lot area: The smallest permitted lot size is =10,000 square feet.
- B. Minimum lot width: Each lot shall have a minimum width of fifty (50) feet measured at the front setback line.
- C. Lot grade: A drainage, soil and erosion and stormwater plan meeting the requirements of Article Twelve shall be a required addendum to the building permit application.
- D. Maximum lot coverage: Buildings shall not cover more than sixty (60) percent of the lot. The total impervious surface coverage shall not exceed seventy (70) percent of the lot.
- E. Each lot shall have a minimum lot frontage of 100 feet along a public road.

**Sec. 46-206                      Front, side and rear yard regulations**

A. Front yard: Each lot is required to provide a front yard not less than thirty (30) feet measured from the front property line.

B. Rear yard: Each lot is required to provide a rear yard not less than thirty (30) feet measured from the rear property except:

1. When the rear yard abuts a residential property, the minimum setback increases to fifty (50) feet.

C. Side Yards: Each lot is required to provide two (2) side yards. Each side yard shall not be less than fifteen (15) feet measured from the side property line except:

1. Where a driveway is to be provided on the side yard, the side yard requirement is doubled.
2. Where the side yard abuts a public right-of-way greater than twenty-five (25) feet, the side yard requirement is increased to thirty (30) feet.

**Sec. 46-207                      Building Requirements**

The type of material used on the exterior walls shall be faced brick, natural stone, or specifically designed pre-cast concrete. Any other materials need to be approved by the Planning and Zoning Commission.

**Sec. 46-208                      Parking Requirements**

**Refer to: Article Fifteen**

**Sec. 46-209      Handicapped Accessible Ramps as a Permitted Encroachment**

Handicap accessible ramps shall be allowed to encroach into the required front yard by ½ (half) of the existing setback. Ramp landings shall be the minimum size required to maintain the general aesthetics of the ramp. Ramp shall not impede into required side yard or beyond the perpendicular wall of the structure, whichever is least restrictive

**Sec. 46-210 – Sec. 46-229.    Reserved**



**Division Nine:        B-3    Central Business District**

**Sec. 46-230            Purpose**

The B-3 District is the central business district or downtown of Le Center. It is intended for retail stores and offices, which are mutually compatible and can benefit from and contribute to a compact shopping and office environment.

**Sec. 46-231            Permitted Uses**

The following are permitted uses:

- A. Retail stores.
- B. Service businesses, except clinics for animals.
- C. Professional offices.
- D. Eating establishments (sit down and carryout only).
- E. Liquor stores and bars.

**Sec. 46-232            Permitted Accessory Uses**

The following are permitted accessory uses:

- A. Signs in conformance with Article Five.
- B. Indoor storage provided:
  - 1. Items being stored are kept in a storage facility that is completely enclosed.
  - 2. The storage facility shall closely resemble the main building and be constructed with the same or similar materials.

**Sec. 46-233                    Conditional Uses**

The following uses are permitted with a Conditional Use Permit: (also refer to Article Eighteen)

- A. Second floor apartments will be permitted provided that each unit has one (1) off-street parking space.
- B. Two family and multi-family dwellings provided that one (1) off-street parking stall for each dwelling unit.
- C. Other business activities that are the same general character as the B-3 permitted uses.

**Sec. 46-234                    Performance Standards**

Refer to:            Article Eight: Landscaping and Screening

**Sec. 46-235                    Lot requirements**

- A. Minimum lot area:            The minimum lot area required is 6,000 square feet.
- B. Minimum lot width:            The minimum lot width is 50 feet.
- C. Lot grade:            A drainage, soil and erosion and storm water plan meeting the requirements of Article Twelve shall be a required addendum to the building permit application.
- D. Maximum lot coverage:            There is no lot coverage restriction.            However, the maximum floor area ratio is 4.0.
- E. Each lot shall have a minimum lot frontage of 50 feet along a public road.

**Sec. 46-236                    Front, side and rear yard requirements**

None required. Structures may encroach into the required site triangle as defined by Article Thirteen, Sec.46-551A.1,2 provided the structure location does not unduly restrict vehicular or pedestrian sight distances.

**Sec. 46-237                      Building Requirements**

The type of material used on the exterior walls shall be faced brick or natural stone. Any other materials need to be approved by the Planning and Zoning Commission.

**Sec. 46-238                      Parking Requirements**

Uses and buildings in the B-3 District shall be exempt from the parking requirements contained in Article Fifteen.

**Sec. 46-239 – Sec. 46-259.    Reserved**

**Division Ten: I-1 Industrial District**

**Sec. 46-260 Purpose**

The I-1 District is intended for wholesaling, manufacturing and other related uses which can maintain high standards of appearance, including open spaces and landscaping, and limit external effects such as noise, odors, smoke and vibration.

**Sec. 46-261 Permitted Uses**

The following are permitted uses:

- A. Storage and warehousing facilities and wholesale business and office establishments.
- B. Building and materials sales.
- C. Engraving, printing, publishing, cartographic, and bookbinding establishments.
- D. Industrial dry cleaning, dyeing and laundering establishments.
- E. Electrical and electronic manufacturing establishments; electrical service shops.
- F. Medical, dental, and optical laboratories.
- G. Light manufacturing.

**Sec. 46-262 Permitted Accessory Uses**

The following are accessory uses:

- A. Signs in conformance with Article Five.
- B. Accessory buildings.
  - 1. Buildings shall comply with Maximum Lot Coverage requirements set forth in this section
  - 2. Not more than two (2) accessory buildings under one thousand five hundred (1500) square feet shall be allowed on each lot
  - 3. Accessory building must closely resemble the Principal Building – The exterior finish, siding, and roofing materials, shall match as closely as possible the construction and appearance of the principal building on the lot. Boxed eaves and rakes on accessory building shall be required where they occur on

the principal building. Brick, stucco, stone, cedar shakes, and tile roofs on principal building shall justify exception.

4. Accessory building shall be not less than six (6) feet from any property line
5. Accessory building shall be not less than Fifteen (15) feet from any public right-of-way
6. Accessory building shall be not less than Fifteen (15) feet from any property line abutting a residential property or residential district
7. Accessory building shall be located not less than ten (10) feet from Permitted (primary) Structure

C. Retail, discount, or wholesale store provided that the items sold are manufactured on the same site.

### **Sec. 46-263                      Conditional Uses**

The following uses are permitted by Conditional Use Permit: (also refer to Article Eighteen)

A. Any manufacturing, production, processing, cleaning, storage, servicing, repair and testing of materials, goods, or products similar to those which comply with the performance standards of this district.

B. Radio and television towers and stations.

C. Outdoor storage.

1. All outdoor storage needs to be screened from public view and right-of-ways.
2. Outdoor storage of refuse needs to be enclosed on all four sides with locking doors.

### **Sec. 46-264                      Lot requirements**

A. Minimum lot area: The minimum required lot size is one (1) acre.

B. Minimum lot width: Each lot shall have a width of one hundred and fifty (150) feet.

C. Lot grade: A drainage, soil and erosion and storm water plan meeting the requirements of Article Twelve shall be a required addendum to the building permit application.

D. Maximum lot coverage: Buildings shall not cover more than 60% of the lot. The total impervious surface coverage shall not exceed seventy (70) percent of the lot.

E. Each lot shall have a minimum lot frontage of 150 feet along a public road.

**Sec. 46-265 Front, side and rear yard requirements**

A. Front yard: Each lot is required to have a front yard setback of forty (40) feet measured from the front property line.

B. Rear yard: Each lot is required to have a rear yard setback of forty (40) feet measured from the rear property line except:

1. When the rear yard abuts a residential district, than the rear yard setback increases to fifty (50) feet.

C. Side Yards: Each lot is required to provide two (2) side yards. Each side yard shall have a setback of fifteen (15) feet except:

1. Where a driveway is to be provided on the side yard, the side yard requirement is doubled.

2. Where the side yard abuts a public right-of-way greater than twenty-five (25) feet, the side yard requirement is increased to forty (40) feet.

**Sec. 46-266 Building Requirements**

All site plans and exterior building materials need to be approved by the Planning and Zoning Commission as part of the building permit process.

**Sec. 46-267 Adjoining Residential Districts**

**Refer to: Article Eight**

**Sec. 26-268 Parking Requirements**

Refer to: Article Fifteen

**Sec. 46-269 – Sec. 46-289. Reserved**

**Division Eleven: I-1a Light Manufacturing District**

**Sec. 46-290 Purpose**

The I-1a District is intended for limited wholesaling, manufacturing and other related uses that require regulations to guide coexistence with residential neighbors in close proximity. These uses must maintain high standards of appearance, including open spaces and landscaping, and limit external effects such as noise, odors, smoke, vibration and traffic congestion.

**Sec. 46-291 Permitted Uses**

The following are permitted uses:

- A. Light manufacturing: a varied and wide range of manufacturing all sharing the ability to maintain high standards of outward appearance, and limit to the confines of their own property external effects such as noise, smoke, vibration, and traffic congestion.
- B. Storage and warehousing facilities and wholesale business and office establishments.
- C. Engraving, printing, publishing, cartographic, and bookbinding establishments.
- D. Electrical and electronic manufacturing establishments; electrical service shops.
- E. Medical, dental, and optical laboratories.
- F. Multi-Family Residential; all R-3 district rules and regulations apply.

**Sec. 46-292 Permitted Accessory Uses**

The following are permitted accessory uses:

- A. Signs in conformance with Article Five.
- B. Accessory buildings.
  - 1. Buildings shall comply with Maximum Lot Coverage requirements set forth in this section
  - 2. Not more than two (2) accessory buildings under one thousand five hundred (1500) square feet shall be allowed on each lot
  - 3. Accessory building must closely resemble the Principal Building – The exterior finish, siding, and roofing materials, shall match as closely as possible

the construction and appearance of the principal building on the lot. Boxed eaves and rakes on accessory building shall be required where they occur on the principal building. Brick, stucco, stone, cedar shakes, and tile roofs on principal building shall justify exception.

4. Accessory building shall be not less than six (6) feet from any property line
5. Accessory building shall be not less than Fifteen (15) feet from any public right-of-way
6. Accessory building shall be not less than Fifteen (15) feet from any property line abutting a residential property or residential district
7. Accessory building shall be located not less than ten (10) feet from Permitted (primary) Structure

### **Sec. 46-293                      Conditional Uses**

The following are permitted uses with a Conditional Use Permit: (also refer to Article Eighteen)

- A. Radio and television towers and stations.
- B. Outdoor storage.
  1. All outdoor storage needs to be screened from public view and right-of-ways.
  2. Outdoor storage of refuse needs to be enclosed on all four sides with locking doors.

### **Sec. 46-294                      Lot requirements**

- A. Minimum lot area: The minimum required lot size is 15,000 square feet.
- B. Minimum lot width: Each lot shall have a width of one hundred and fifty (150) feet.
- C. Lot grade: A drainage, soil and erosion and stormwater plan meeting the requirements of Article Twelve shall be a required addendum to the building permit application.
- D. Maximum lot coverage: Buildings shall not cover more than 60% of the buildable lot area. The total impervious surface coverage shall not exceed seventy (70) percent of the lot.
- E. Each lot shall have a minimum lot frontage of 150 feet along a public road.

### **Sec. 46-295                      Front, side and rear yard requirements**



A. Front yard: Each lot is required to have a front yard setback of twenty-five (25) feet measured from the front property line for all structures built after December 31, 1999 and twenty (20) feet for all structures built prior to January 1, 2000.

B. Rear yard: Each lot is required to have a rear yard setback of twenty-five (25) feet measured from the rear property line except:

C. Side Yards: Each lot is required to provide two (2) side yards. Each side yard shall have a setback of fifteen (15) feet except:

1. Where a driveway is to be provided on the side yard, the side yard requirement is increased to twenty (20) feet.
2. Where the side yard abuts a public right-of-way greater than twenty-five (25) feet, the side yard requirement is increased to twenty-five (25) feet.
3. When a required yard abuts a residential district, the setback increases to twenty (20) feet.

**Sec. 46-296                      Performance Standards**

A. Appropriate screening will be provided in required yards directly adjoining residential properties either: As described in supplementary regulations within this code, or in the form of a fence erected 10 feet in height, the type and design of fence to be approved by the City of Le Center and placed no less than 24" from the property line. Article Eight of this Chapter.

B. Operating hours may be 24 hours per day granted that any noise, odor, or other activity and conditions that would normally be associated with a public nuisance in a residential area are not detectable beyond the limits of the property.

C. The property shall be attractively landscaped.

D. If levels of noise, smoke, odors, or vibrations reach a level within this district that is in violation of the nuisance ordinance standards, which would apply within any residential zone. These violations will be deemed actionable and appropriate abatement measures shall be instituted. Article Eleven. Nuisances shall be complied with.

**Sec. 46-297                      Building Requirements**

All site plans and exterior building materials need to be approved by the Planning and Zoning Commission as part of the building permit process. Consistency with: code, current structures, and building materials as the focus.

**Sec. 46-298                      Parking Requirements**

Refer to: Article Fifteen.

**Sec. 46-299 –Sec. 46-319. Reserved**

**Division Twelve: I-2 Industrial District**

**Sec. 46-320 Purpose**

The purpose of the I-2 District is to provide an area in the City for heavy industrial uses. Businesses within the I-2 District generally are not compatible with commercial and residential land uses, because of the noise and odor that is produced.

**Sec. 46-321 Permitted Uses**

The following are permitted uses:

- A. Manufacturing that involves the processing of raw materials.
- B. Manufacturing that produces noise and odors beyond their property line.
- C. Storage of hazardous waste or chemicals.
- D. Extraction or storage of raw materials.
- E. Freight Terminals.
- F. Bulk storage of gasoline, oil and propane, and distribution plants.
- G. Highway maintenance shops and yards.
- H. Contractor offices, shops, yards, and storage facilities.

**Sec. 46-322 Permitted Accessory Uses**

The following are permitted accessory uses:

- A. Signs in conformance with Article Five.
- B. Accessory buildings.
  - 1. Buildings shall comply with Maximum Lot Coverage requirements set forth in this section
  - 2. Not more than two (2) accessory buildings under one thousand five hundred (1500) square feet shall be allowed on each lot
  - 3. Accessory building must closely resemble the Principal Building – The exterior finish, siding, and roofing materials, shall match as closely as possible the construction and appearance of the principal building on the lot. Boxed

eaves and rakes on accessory building shall be required where they occur on the principal building. Brick, stucco, stone, cedar shakes, and tile roofs on principal building shall justify exception.

4. Accessory building shall be not less than six (6) feet from any property line
5. Accessory building shall be not less than Fifteen (15) feet from any public right-of-way
6. Accessory building shall be not less than Fifteen (15) feet from any property line abutting a residential property or residential district
7. Accessory building shall be located not less than ten (10) feet from Permitted (primary) Structure

### **Sec. 46-323                      Conditional Uses**

The following are permitted uses with a Conditional Use Permit: (also refer to Article Eighteen)

- A. Any use that is similar to the permitted uses and can comply with the design, maintenance, and performance standards in this district.
- B. Adult Use Establishments subject to the requirements of Article Four.

### **Sec. 46- 324                      Lot requirements**

- A. Minimum lot area: The smallest permitted lot size is one (1) acre.
- B. Minimum lot width: Each lot shall have a minimum width of three hundred (300) feet measured at the setback line.
- C. Lot grade: Minimum requirements to be determined by the grading and drainage plan.
- D. Maximum lot coverage: Buildings shall not cover more than 60% of the lot. The total impervious surface coverage shall not exceed seventy (70) percent of the lot.
- E. Each lot shall have a minimum lot frontage of 200 feet along a public road.

### **Sec. 46-325                      Front, side and rear yard requirements**

- A. Front yard: Each lot is required to have a front yard setback of fifty (50) feet measured from the front property line.

B. Rear yard: Each lot is required to have a rear yard setback of fifty (50) feet measured from the rear property line.

C. Side yards: Each lot is required to have two (2) side yards. Each side yard shall have a minimum setback of twenty-five (25) feet measured from the side property line except:

1. Where a driveway is to be provided on the side yard, the side yard requirement is doubled.
2. Where the side yard abuts a public right-of-way greater than twenty-five (25) feet, the side yard requirement is increased to fifty (50) feet.

**Sec. 46-326                      Building Requirements**

All site plans and exterior building materials need to be approved by the Planning and Zoning Commission as part of the building permit process.

**Sec. 46-327                      Adjoining Residential Districts**

**Refer to:                      Article Eight**

**Sec. 46-328                      Parking Requirements**

**Refer to:                      Article Fifteen**

**Sec. 46-329 –Sec. 46-349.      Reserved**

**Division Thirteen: P-1 Public District**

**Sec. 46-350 Purpose**

This district is provided for publicly owned buildings and land, such as the Le Sueur County Fair Grounds, Public School District #392, City of Le Center offices and facilities, and Le Sueur County offices. The district is designed to insure that non-compatible uses do not disrupt the function of the public building or land.

**Sec. 46-351 Permitted Uses**

The following are permitted uses:

- A. Publicly owned buildings, structures, and facilities.
- B. Parks and playgrounds.
- C. Essential public facilities.

**Sec. 46-352 Permitted Accessory Uses:**

The following are permitted accessory uses and structures:

- A. Off street loading facilities. (Refer to Article Fifteen)
- B. Garages and sheds provided:
  - 1. Structures are setback ten (10) feet from any property line.
  - 2. Structures shall resemble the main building and be constructed with the same or similar materials.
- C. Indoor storage provided:
  - 1. Items being stored are kept in a storage shed or other storage facility that is completely enclosed.
  - 2. The storage facility shall closely resemble the main building and be constructed with the same or similar materials.

**Sec. 46-353                    Conditional Uses**

The following are permitted uses with a Conditional Use Permit: (also refer to Article Eighteen)

- A. Non-illuminated signs. (refer to Article Five)
- B. Radio and cellular antennas.
- C. Temporary buildings, structures, and facilities.

**Sec. 46-354                    Performance Standards**

The buildings, structures, and facilities that are located within this zone shall comply with the following regulations:

- A. Any noise, odor, or other public nuisances shall not be detected beyond the limits of the property.
- B. The property shall be attractively landscaped.
  - 1. All unpaved and open land shall be covered with sod or seeded within six weeks of operation (weather permitting).
  - 2. Grass and weeds shall not exceed six (6) inches in height.
  - 3. The property shall be adequately drained (no standing water).
  - 4. All land intended for year round vehicle and pedestrian traffic must be paved and maintained in good condition (no cracks or weeds protruding from the pavement).
  - 5. All land intended for seasonal vehicle and pedestrian traffic shall be graveled and maintained in good condition (no weeds protruding from the gravel).
  - 6. Refuse storage shall be kept in an approved sanitary container that is covered and screened from public view by a fence or wall. (see Article Eight)

**Sec. 46-355                    Lot Requirements**

- A. Minimum lot area: The minimum required lot area is 6,000 square feet.
- B. Minimum lot width: The minimum required lot width is 60 feet.
- C. Maximum lot coverage: Buildings shall not cover more than 60% of the lot. The total impervious surface coverage shall not exceed seventy (70) percent of the lot.

**Sec. 46-356                    Front, side and rear yard requirements**

- A. Front yard: Each lot is required to provide a minimum front yard not less than thirty (30) feet.
- B. Rear yard: Each lot is required to provide a minimum rear yard not less than thirty (30) feet.
- C. Side Yards: Each lot shall provide two side yards. Each side yard shall have a minimum setback, measured from the side property line, of ten (10) feet except:
  - 1. Where a driveway is to be provided in the side yard, the side yard requirement is doubled.
  - 2. Where the side yard abuts a public right-of-way greater than twenty-five (25) feet, the side yard requirement is increased to thirty (30) feet.

**Sec. 46-357                    Building Requirements**

The type of material used on the exterior walls shall be faced brick, natural stone, or specifically designed pre-cast concrete. Any other materials need to be approved by the Planning and Zoning Commission.

**Sec. 46-358                    Parking Requirements**

**Refer to:                    Article Fifteen**

**Sec. 46-359 – Sec. 46-379.    Reserved**



**Article Three:                      Planned Unit Development**

**Sec. 46-380                      Purpose**

The purpose of a Planned Unit Development is to encourage flexibility in the design and development of land in order to promote the most efficient use of land and preserve natural features and open space.

**Sec. 46-381                      Objectives**

The objectives of the Planned Unit Development District are as follows:

- A. Preserve the natural beauty of wooded areas, and to provide usable open space and recreation facilities in close proximity to dwelling units.
  
- B. Encourage a less sprawling form of development, which makes more efficient use of land, requires shorter networks of streets and utilities, and fosters less consumption of rural land.
  
- C. Provide an efficient procedure, which can insure appropriate, high quality design and site planning, and a high level of environmental amenities.
  
- D. Avoid developing portions of the sites, which have poor soils, high water tables, subject to flooding, or have excessively steep slopes.
  
- E. Provide a variety of housing opportunities for a wide range of ages and needs.

**Sec. 46-382                      Preliminary and Final Development Plan**

Each applicant is required to provide a preliminary and final development plan of the tract. Each development plan shall show the layout of all roads and shall differentiate between service roads and collector roads. The Planning and Zoning Commission reserves the right to make the final determination of which roads are deemed to be collector roads.

- A. All roads shall be built to the City of Le Center's road specifications.
  
- B. Where deemed applicable, the Planning and Zoning Commission may modify the specification for the construction of service roads.

**Sec. 46-383                      Review process**

The review process shall be as follows:

A. The preliminary plot of the Planned Unit Development is subject to approval by the Planning and Zoning Commission.

B. Any required covenants, cooperative agreements, or similar forms shall be reviewed by the City Attorney to insure legal form and enforceability. The applicant shall pay the cost of this review.

C. Prior to final plot approval, the Planning and Zoning Commission shall ascertain that adequate provisions have been made by the applicant, including but not limited to the following:

1. Traffic circulation and access including adequacy of adjacent streets, entrances and exits, traffic flow, sight distance, curb cuts, turning lanes, and existing or recommended traffic signalization.
2. Pedestrian safety and access.
3. Off-street parking and loading. Number and configuration of spaces shall be shown.
4. Emergency vehicles access.
5. Fire protection as it applies to the proximity of the building to one another and to the existence of fire fighting water sources.
6. Storm water drainage based upon a minimum of twenty-five (25) year storm frequency, utilizing on-site absorption and/or temporary detention.
7. Snow storage and trash disposal area.
8. Recreation facilities.
9. Adequate water and sewage provisions as approved by the City Engineer.
10. Protection against pollution, noise, odor, and the protection of natural features.
11. Landscaping is similar with the general character of the natural features.
12. Location and style description or sketch of all signs and exterior lighting.
13. Names and addresses of all abutting property owners.

14. Plans shall be drawn to scale and prepared by a professional architect, engineer, or registered surveyor.

15. Building locations and all elevations.

D. The Planning and Zoning Commission may request special impact studies on any or all elements of the proposed development. The Commission reserves the right to approve the choice of agent or agency selected. The applicant shall pay the cost of these studies.

**Sec. 46-384                      Performance Security**

A cash bond or letter of credit and other legal data shall be submitted to the Planning and Zoning Commission to ensure the completion of streets, buffers, and amenities.

**Sec. 46-385                      Development Regulation**

A. Minimum Tract Size: The entire tract of land, being under single or consolidated ownership at the time of application, shall be at least one (1) acre. No portion of any pond, lake, perennial stream or surface water may be used to fulfill the minimum tract size for any proposed Planned Unit Development.

B. Frontage and Setback Regulations: Structures may be located in any manner on the site to meet the objectives of the district and providing that the following regulations are met:

1. Front Setbacks and Buffers: No structures or parking area shall be within fifty (50) feet from a public right-of-way in existence prior to the Planned Unit Development proposal. This setback area is to serve as a buffer zone, and maintained in its natural state unless otherwise directed by the Commission.
2. Internal Dimensional Requirements: The following dimensions shall apply for the layout of the structures.
  - a. Front yard setback: Twenty (20) feet from the right-of-way.
  - b. Side yard setback: Structures shall be at least fifteen (15) feet apart.
  - c. Rear yard setback: Structures shall be at least thirty (30) feet apart.

**Sec. 46-386 Permitted Uses**

The following are permitted uses:

- A. Single family dwellings.
- B. Two family dwellings.
- C. Multi-family dwelling.

**Sec. 46-387 Prohibited Uses**

The following are prohibited uses:

- A. No Planned Unit Development shall include mobile homes, trailers, campers, or similar semi-permanent housing, whether provided with foundations or not.

**Sec. 46-388 Parking Regulations**

Refer to: Article Fifteen

**Sec. 46-389 Emergency Vehicle Access**

Emergency vehicle access shall be provided to all structures within the Planned Unit Development.

**Sec. 46-390 Open Space**

At least twenty (20) percent of the total common area shall be set aside as land covenanted to be maintained as permanent green space. Fifty (50) percent of the required open space shall be usable for active recreational uses and not wetlands, ponds, lakes, streams or other water bodies.

**Sec. 46-391 Protection of Common Area**

Open space, common areas, and common facilities within the Planned Unit Development shall be protected by covenants running with the land and shall be conveyed by the property owners to a homeowners association.

**Sec. 46-392 Dwelling Requirements**

Refer to: Article Fourteen

**Sec. 46-393 – Sec. 46-399. Reserved**

**Article Four            Adult Use Entertainment and Establishments**

**Sec. 46-393    Findings and Purpose.**

Studies conducted by the Minnesota Attorney General, the American Planning Association, and cities such as St. Paul, Minnesota; Indianapolis, Indiana; Hopkins, Minnesota; Ramsey, Minnesota; Minnetonka, Minnesota; Rochester, Minnesota; Phoenix, Arizona; Los Angeles, California; and Seattle, Washington, have studied the impacts that adult establishments have on those communities. These studies have concluded that adult establishments have adverse impacts on the surrounding neighborhoods. These impacts include increased crime rates, lower property values, increased transiency, neighborhood blight, and potential health risks. Based on these studies and findings, the City Council concludes:

- A. Adult establishments have adverse secondary impacts of the type set forth above.
- B. The adverse impacts caused by adult establishments tend to diminish if adult establishments are governed by geographic, licensing, 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.

**Sec. 46-394            Definitions.**

For purposes of this Section, the following terms have the meanings given them.

- A. “Adult establishment” means a business where sexually-oriented materials are sold, bartered, distributed, leased, or furnished and which meet any of the following criteria:
  - 1. A business where sexually oriented materials are provided for use, consumption, enjoyment or entertainment on the business premises.

2. A business that is distinguished or characterized by an emphasis on the description or display of specified sexual activities;
3. A business that is distinguished or characterized by an emphasis on the description or display of specified anatomical areas.
4. An adult cabaret as defined in Sec. 46-398 of this article.
5. A business providing sexually oriented materials only for off-site use, consumption, enjoyment or entertainment if the portion of the business used for such purpose exceeds 20% of the retail floor area of the business or 500 square feet, whichever is less. The phrase "retail floor area" does not include storerooms, stock areas, bathrooms, basements, attics or any portion of the business not open to the public.

B. "Sexually oriented materials" means visual, printed or aural materials, objects or devices that are distinguished or characterized by an emphasis on the depiction or description of specified anatomical areas or specified sexual activities.

C. "Specified anatomical areas" means:

1. 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
2. Human male genitals in a discernable turgid state, even if completely and opaquely covered.

D. "Specified sexual activities" means:

1. 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; buggery; coprophagy; coprophilia; cunnilingus; fellatio; necrophilia; pederasty; pedophilia; piquerism; sapphism; or zoerastia;
2. Clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence;
3. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation;

4. Fondling or touching of nude human genitals, pubic regions, buttocks, or female breasts;
5. 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;
6. Erotic or lewd touching, fondling, or other sexually oriented contact with an animal by a human being; or
7. Human excretion, urination, menstruation, or vaginal or anal irrigation.

**Sec. 46-395            Location of Adult Establishments.**

A. Adult establishments may be located only in I-2 industrial district.

B. No person shall operate an Adult Establishment on property, any part of which is within the area circumscribed by a circle, which has a radius of 750 feet from any of the uses listed below. Distances shall be measured by following a straight line, without regard to intervening structures or objects, between the closest points on the property lines of the two (2) uses. This distance requirement applies to the following uses:

1. Property developed or zoned for residential uses;
2. Property located in a major recreation zone;
3. Property frequented by children or designed as a family destination, such as a day care facility, school, library, park, playground, state or federal wildlife area or preserve, religious institution, or other public recreational facility;
4. Premises licensed under City Code Chapter 5, relating to liquor, beer and wine licensing;
5. A street with a 10,000 average daily traffic count, as noted on the most recent Municipal State Aid System Traffic Volume Map from the Minnesota Department of Transportation; and
6. Another adult establishment.

**Sec. 46-396            Operation of Business.**

- A. Both the owner of an Adult Establishment and the manager of the business shall be responsible for the conduct of their employees and for compliance with this Section.
- B. No owner or manager of an Adult Establishment shall employ a person under the age of eighteen (18).
- C. No owner, manager, or employee of an Adult Establishment shall have been convicted of violating this Section three (3) or more times within twenty-four (24) months.

**Sec. 46-397                      Restrictions and Regulations of Adult Establishments.**

An Adult Establishment is subject to the following restrictions and regulations:

- A. No owner, manager, or employee shall allow any sexually oriented materials or entertainment to be visible or perceivable in any manner, including aurally, at any time from outside of the business.
- B. No owner, manager, or employee of an Adult Establishment shall have been convicted of a sex crime, as identified in Minnesota Statutes Section 609.293 through 609.352, 609.746 through 609.749, 609.79, 518B.01, or related statute dealing with sexual assault, sexual conduct, harassment, obscenity, or domestic abuse.
- C. The business owner, manager, or employee shall ensure that no person under the age of eighteen (18) enters the business.
- D. No owner, manager, or employee shall allow any person under the age of eighteen (18) to have access to sexually oriented materials, whether by sight, purchase, touch, or any other means.
- E. No owner, manager, or employee may sell or display for sale any sexually oriented materials except in original unopened packages.
- F. Each business shall display a sign on its main entrance door which reads: "This business sells sexually oriented material or entertainment. Persons under the age of eighteen (18) are prohibited from entering." The sign letters shall be a minimum of two (2) inches high.
- G. No business may have a license under Chapter 5 of the City Code, and no alcoholic beverages may be consumed in the business.



H. No business shall be open except between 7:00 a.m. and 10:00 p.m., Monday through Saturday.

**Sec. 46-398      Adult Cabarets.**

A. An adult cabaret is a business that provides dancing and other live entertainment distinguished or characterized by an emphasis on the presentation, display or depiction of specified sexual activities or specified anatomical areas, or the presentation, display or depiction of matter that seeks to evoke, arouse or excite sexual or erotic feelings or desires.

B. Any adult cabaret operating in the City must comply with the following conditions:

1. An owner, operator, or manager of an adult cabaret may not allow any dancer or other live entertainer to display specified anatomical areas or to display or perform specified sexual activities on the premises of the adult cabaret;
2. A dancer, live entertainer, performer, patron, or any other person may not display specified anatomical areas in an adult cabaret;
3. The owner, operator, or manager of an adult cabaret must provide the following information to the City concerning any person who dances or performs live entertainment at the adult cabaret: the person's name, home address, home telephone number, date of birth, and any aliases;
4. A dancer, live entertainer, or performer may not be under eighteen (18) years old;
5. Dancing or live entertainment must occur on a platform intended for that purpose and that is raised at least two (2) feet from the level of the floor;
6. A dancer or performer may not perform a dance or live entertainment closer than ten (10) feet from any patron;
7. A dancer or performer may not fondle or caress any patron and no patron may fondle or caress any dancer or performer;
8. A patron may not pay or give any gratuity to any dancer or performer; and
9. A dancer or performer may not solicit or accept any pay or gratuity from any patron.

**Sec. 46-399 License Required.**

No person, corporation, partnership, or other ownership entity shall own or operate an adult establishment within the City of Le Center, Le Sueur County, Minnesota, unless such person, corporation, partnership, or other ownership entity is currently licensed under the provisions of this Section.

**Sec. 46-400 License Application.**

The application for a license under this Section shall be made on a form supplied by the issuing authority and shall request the following information:

A. For all applicants:

1. Whether the applicant is a natural person, corporation, partnership, or other form of organization;
2. The legal description of the premises to be licensed, along with a floor plan of the premises. The floor plan of the premises shall detail all internal operations and activities, including a statement of the total floor space occupied by the business. The floor plan 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;
3. The name and street address of the business. If the business is to be conducted under a designation, name, or style other than the name of the applicant, a certified copy of the certificate required by Minnesota Statutes Section 333.01 shall be submitted;
4. A detailed owners and encumbrance report concerning the premises to be licensed, fully identifying all owners of the premises to be licensed, the type and percentage of ownership interest possessed by each owner, and a detailed disclosure of any encumbrances against the premises to be licensed.

B. If the applicant is a natural person:

1. The name, place and date of birth, street and city address, and phone number of the applicant;

2. Whether the applicant has ever used or has been known by a name other than the applicant's name, and if so, the name or names used and information concerning dates and places where used;
3. The street and city addresses at which the applicant has lived during the preceding two (2) years;
4. The type, name and location of every business or occupation in which the applicant has been engaged during the preceding two (2) years and the names(s) and address(es) of the applicant's employer(s) and partner(s), if any, for the preceding two (2) years;
5. Whether the applicant has ever been convicted of a felony, crime, or violation of any ordinance other than a petty misdemeanor traffic ordinance. If so, the applicant shall furnish information as to the time, place, and offense for which convictions were had.

C. If the applicant is a partnership:

1. The name(s) and address(es) of all general partners and all of the information concerning each general partner that is required of applicants in subpart (2) of this Section;
2. The name(s) of the managing partner(s) and the interest of each partner in the business;
3. A true copy of the partnership agreement shall be submitted with the application. If the partnership is required to file a certificate as to a trade name pursuant to Minnesota Statutes Section 333.01, a certified copy of such certificate shall be attached to the application.

D. If the applicant is a corporation or other organization:

1. The name of the corporation or business form, and if incorporated, the state of incorporation;
2. A true copy of the Certificate of Incorporation, Articles of Incorporation or Association Agreement, and By-Laws shall be attached to the application. If the applicant is a foreign corporation, a Certificate of Authority as required by Minnesota Statutes Section 303.06, shall be attached;

3. The name of the manager(s), proprietor(s), or other agent(s) in charge of the business and all of the information concerning each manager, proprietor, or agent that is required of applicants in subpart (2) of this Section.

E. Ruling on Application.

1. Within 60 days of receiving an application or a license, the City Clerk shall submit the application to the City Council for approval or denial;
2. Failure or refusal of the applicant to give any information relative to the investigation of the application shall constitute grounds for denial of the license.

F. Application Execution.

If the application is that of a natural person, the application shall be signed and sworn to by that person; if of a corporation, by an officer thereof; if of a partnership, by one of the general partners; or if of an unincorporated association, by the manager or managing officers thereof.

**Sec. 46-401                      Standards for Issuing Licenses**

To receive a license to operate an adult oriented business, an applicant must meet the following standards:

- A. The applicant must be eighteen (18) years of age or older;
- B. The applicant or his or her spouse has not been denied a similar license by any other city, county or state within the preceding twelve (12) months or has not had such a license revoked or suspended within the preceding twelve (12) months;
- C. All current real estate taxes have been paid on the licensed premises;
- D. The licensed premises meets all the provisions of this Chapter as well as all building and fire codes;
- E. The applicant or spouse has not been convicted of any felony involving moral turpitude, prostitution, obscenity or other crime of a sexual nature or involving the use or distribution of a controlled substance as defined by Minnesota laws, or the use or distribution of a dangerous weapon. The fact that a conviction may be under appeal shall not affect the disqualification of the applicant;
- F. All license and investigation fees required by this Chapter have been paid.

For the purposes of this Section the term “applicant” shall include an individual, all persons having a financial interest in a partnership or joint venture, and, in the case of a corporation, all officers, directors and stockholders required to be named in the application.

All police, fire and building code investigations shall be completed within forty-five (45) days after the date the application is filed with the City Clerk. Upon a showing of good cause and reasonable diligence on the part of an investigator, the City Council may extend the investigation period for a reasonable time. Any investigation not completed within the allotted time period shall be deemed to be waived.

**Sec. 46-402                      Persons and Locations Ineligible for a License.**

The issuing authority shall issue a license under this Section to an applicant unless one or more of the following conditions exist:

- A. The applicant is a minor at the time the application is submitted; or,
- B. The applicant failed to supply all of the information requested on the license application; or,
- C. The applicant gave false, fraudulent, or untruthful information on the license application; or,
- D. The applicant has had an adult establishment or similar license revoked within a one (1) year period immediately preceding the date the application was submitted; or,
- E. The applicant has had a conviction for a felony or gross misdemeanor or misdemeanor relating to sex offenses, obscenity offenses, or adult use offenses within five (5) years of the date of the application; or,
- F. The adult establishment business does not meet all of the requirements prescribed in the Le Center City Zoning Code; or,
- G. The premises to be licensed as an adult establishment is currently licensed by the City as a tanning facility, tattoo establishment, pawn shop, therapeutic massage enterprise, or an establishment licensed to sell alcoholic beverages; or,
- H. The applicant has not paid the required license and investigation fees.

**Sec. 46-403 License Fees**

- A. The annual license fee to operate an adult oriented business shall be \$5,000.00.
- B. In addition to the annual license fee, an investigation fee of \$1,500.00 shall be paid at the time of the initial license application. This fee does not apply to an applicant who is already an adult oriented business license holder in the City of Le Center.
- C. All appropriate fees shall be submitted along with the application for a new or renewal license.
- D. If an application is denied, the license fee, but not the investigation fee shall be refunded to the applicant.

**Sec. 46-404 Display of License.**

The license shall be displayed in a conspicuous public place in the adult oriented business.

**Sec. 46-405 Renewal of License.**

- A. Every license issued pursuant to this Chapter shall expire at 12:00 midnight on December 31<sup>st</sup> of each year unless sooner revoked by the City Council, and must be renewed before operation is allowed in the following year.
- B. Applications for renewal must be submitted with the annual license fee to the City Clerk not later than sixty (60) days before the license expires.
- C. Renewal of a license may be issued by the City Clerk unless the Clerk finds cause for not renewing the license in which case the Clerk shall submit the renewal application to the City Council prior to the expiration of the license.
- D. No license for which application for renewal has been timely made shall be deemed to expire until the City Council has rendered its decision not to renew a license. No application for renewal of a license may be denied by the City Council until the applicant has received ten (10) days' written notice of a public hearing before the Council. The applicant may appear with or without counsel at that public meeting and may present such evidence and witnesses as he or she deems appropriate.

**Sec. 46-406 Revocation of License.**

- A. The City Council shall revoke a license for any of the following reasons:
1. Discovery that false or misleading information or data was given on any initial or renewal application or material facts were omitted from any such application.
  2. The operator or an employee of the operator violates any provisions of this Chapter or any rule or regulation adopted by the Council pursuant to this Chapter, provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee the penalty shall not exceed a suspension of thirty (30) days if the Council finds that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.
  3. The operator or an employee of the operator violates any provision of the Le Center City Code, provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee the penalty shall not exceed a suspension of thirty (30) days if the Council finds that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.
  4. The operator becomes ineligible to obtain a license.
  5. Any cost or fee required to be paid by this ordinance is not paid.
  6. Any intoxicating liquor or cereal malt beverage is served or consumed on the premises of the adult oriented business.
- B. The Council, before revoking or suspending any license, shall give the operator ten (10) days' written notice of the charges against him or her, and an opportunity for a public hearing before the Council at which time the operator may appear with or without counsel and may present such evidence and witnesses as he or she deems appropriate.
- C. The transfer of a license or any interest in a license shall automatically and immediately revoke the license.
- D. Any operator whose license is revoked shall not be eligible to receive a license for one (1) year from the date of revocation. No location or premises for which a license has been issued shall be used as an adult oriented business for six (6) months from the date of revocation of the license.



**Division Two: Premise Conducive to High Risk Sexual Conduct**

**Sec. 46-407 Findings and Purpose.**

The City Council makes the following findings regarding the need to regulate commercial premises, buildings, and structures that are conducive to the spread of communicable diseases of danger to persons in order to further the substantial interest of public health:

- A. The experience of other cities establishes that certain commercial premises, buildings and structures, or parts thereof, by reason of the design and use of such premises, buildings or structures are conducive to the spread of communicable disease of danger to persons frequenting such premises, buildings or structures, as well as to the general public, and that the risk of spreading infectious and contagious diseases can be minimized by regulating such commercial premises, buildings and structures.
- B. The experience of other cities where such commercial premises, buildings and structures are present indicates that the risk of spreading the sexually transmittable disease of Acquired Immune Deficiency Syndrome (AIDS) is increased by the presence of such premises, buildings and structures, because the design or use of such premises, buildings and structures, or parts thereof, can facilitate high-risk sexual conduct.
- C. Medical publications of the Center for Disease Control of the United States Department of Health and Human Services indicate that the sexually transmittable disease of AIDS is currently irreversible and uniformly fatal. Medical research has further established that the risk factors for obtaining or spreading AIDS are associated with high-risk sexual conduct.
- D. Certain commercial premises, buildings and structures, or parts thereof, by reason of their design and use, are conducive to high-risk sexual conduct and hence the spread of communicable disease, and that the risk of spreading infectious and contagious diseases can be minimized by regulating these commercial premises, buildings and structures.
- E. The public health, safety, morals and general welfare will be promoted by the City adopting regulations governing commercial premises, buildings and structures conducive to high-risk sexual conduct.

- F. The purpose of this Section is to prescribe regulations governing commercial premises, buildings and structures that are conducive, by virtue of design and use, to high-risk sexual conduct which can result in the spread of sexually transmitted diseases to persons frequenting such premises, buildings and structures.

**Sec. 46-408                      Definitions.**

The following terms have the meanings given them below:

- A. “Booths, stalls, or partitioned portions of a room or individual room” means enclosures specifically offered to persons for a fee or as an incident to performing high-risk sexual conduct, or enclosures which are part of a business operated on the premises which offers movies or other entertainment to be viewed within the enclosure, including enclosures wherein movies or other entertainment is dispensed for a fee, but does not include enclosures that are private offices used by the owners, managers or persons employed by the premises for attending to the tasks of their employment, and which are not held out to the public or members of the establishment for hire or for a fee or for the purpose of viewing movies or other entertainment for a fee, and are not open to any persons other than employees.
- B. “Doors, curtains or portal partitions” means full, complete, non-transparent closure devices through which one cannot see or view activity taking place within the enclosure.
- C. “Hazardous site” means any commercial premises, building, or structure, or any part thereof, which is a site of high-risk sexual conduct as defined herein.
- D. “High-risk sexual conduct” means (i) fellatio; (ii) anal intercourse; or (iii) vaginal intercourse with persons who engage in sexual acts in exchange for money.
- E. “Open to an adjacent public room so that the area inside is visible to persons in the adjacent public room” means either the absence of any entire “door, curtain or portal partition” or a door or other device which is made of clear, transparent material such as glass, Plexiglas or other similar material meeting building code and safety standards, which permits the activity inside the enclosure to be entirely viewed or seen by persons outside the enclosure.
- F. “Public health official” means an agent or employee of the City, county or state charged with the enforcement of the state or local health laws.

**Sec. 46-409                    Public Health Regulations.**

A commercial building, structures, premises or part thereof, or facilities therein may not be constructed, used, designed or operated in the City for the purpose of engaging in, or permitting persons to engage in, sexual activities which include high-risk sexual conduct.

It is unlawful to own, operate, manage, rent, lease, or exercise control of a commercial building, structures, premises or portion or part thereof in the City that contains:

- A. Partitions between subdivisions of a room portion or part of a building, structure or premises having an aperture which is designed or constructed to facilitate sexual activity, including but not limited to vaginal intercourse, anal intercourse, or fellatio, between persons on either side of the partition.
  
- B. “Booths, stalls, or partitioned portions of a room or individual room” as defined herein which have “doors, curtains or portal partitions” as defined herein unless the booths, stalls or partitioned portions of a room or individual room have at least one (1) side open to an adjacent public room so that the area inside is visible to persons in the adjacent public room as defined herein. Booths, stalls or partitioned portions of a room or individual room that are so open to an adjacent public room must be lighted in a manner that the persons in the area used for viewing motion picture or other forms of entertainment are visible from the adjacent public rooms, but such lighting need not be of such intensity as to prevent the viewing of the motion pictures or other offered entertainment.

**Sec. 46-410                    Exceptions.**

The regulations set forth in this Section do not apply to premises, buildings or structures that are lawfully operating and licensed as hotels, motels, apartment complexes, condominiums, townhouses, or boarding houses which are subject to other general health and sanitation requirements under state and local law.

**Sec. 46-411                    Health Enforcement Powers.**

In exercising powers conferred by this and any other Section of this Code relating to communicable diseases, the Public Health Official is to be guided by the most recent instructions, opinions and guidelines of the Center for Disease Control of the United States Department of Health and Human Services that relate to the spread of infectious diseases. In order to ascertain the source of infection and reduce its spread, the Public Health Official, and persons under the Public Health Official’s direction and control, may inspect or cause to be inspected, and to issue orders regarding any commercial building, structures or premises, or any part thereof, that may be a site of high-risk sexual conduct. If the Public Health Official determines that a hazardous site as defined herein exists, the

Public Health Official will declare it to be a public health hazard and public health nuisance and will:

- A. Notify the manager, owner, or tenant of the hazardous site that the Public Health Official has reasonable belief that the premises, building or structure is a hazardous site as defined herein.
- B. Issue two (2) written warnings at least ten (10) days apart to the manager, owner, or tenant of the premises stating the specific reasons for the Public Health Official's opinion that the premises, building or structure is a hazardous site as defined herein.
- C. Once such notices and warnings have been issued, the Public Health Official must proceed as follows:
  1. After the manager, owner or tenant of the premises has been notified in writing as to the basis of the Public Health Official's determination, the manager, owner or tenant will have ten (10) days from the date of the last warning to request a hearing before the Public Health Official or the Public Health Official's appointee for the determination as to the existence of such hazardous site. If the manager, owner or tenant of the premises does not request a hearing within ten (10) days of the last warning notice, the Public Health Official will then cause the premises to be posted with a warning advising the public that the premises have been declared a hazardous site and the Public Health Official will cause orders to be issued to the manager, owner or tenant of the premises constituting the hazardous site to take specified corrective measures to prevent high-risk sexual conduct from taking place within the premises.
  2. If the manager, owner or tenant of the premises requests a hearing, the hearing will be held before the Public Health Official or the Public Health Official's appointee at a date no more than thirty (30) days after demand for a hearing. After considering all evidence, the Public Health Official or the Public Health Official's appointee will make a determination as to whether the premises constitute a hazardous site, as defined herein and issue a decision based upon all hearing evidence presented. If the Public Health Official or the Public Health Official's appointee makes a determination that the premises constitute a hazardous site, the Public Health Official will then issue orders to the manager, owner or tenant of the premises to take corrective measures to prevent high-risk sexual conduct from taking place within the premises and cause the premises to be posted with a warning advising the public that the premises have been declared a hazardous site.
  3. If, within thirty (30) days after issuance of the orders to the manager, owner or tenant of the hazardous site, the Public Health Official determines that such corrective measures have not been undertaken, the Public Health Official (i) may

order the abatement of the hazardous site as a public nuisance, which may be enforced by mandatory or prohibitory injunction in a court of competent jurisdiction, or (ii) may secure a court order for the closure of the premises constituting the hazardous site until the premises, building or structure is in compliance with all provisions of this Code.

### **Division Three: Penalties**

#### **Sec. 46-412 Criminal Penalties.**

A person violating any provision of this Chapter, or any person who removes, destroys, or defaces warnings posted on premises by the Public Health Official shall be guilty of a misdemeanor. A defendant convicted of a misdemeanor under this Section of the City Ordinance, in addition to the other penalties proscribed by law, shall be made responsible for reimbursing the City its costs of prosecution. This Section is adopted in conformance with Minnesota Statutes Section 412.231, which the City hereby adopts and incorporates herein.

#### **Sec. 46-413 Administrative Remedies.**

The City may, at its sole discretion, invoke any administrative remedy available to it under the Code in the event a person violates any provision of this Chapter. For the purposes of this Section a person is defined as an individual, a partnership, a corporation, or any other entity.

#### **Sec. 46-414 Non-Exclusivity of Remedies.**

Violations of this Chapter of the Le Center City Code may be remedied by the City, at its sole discretion, administratively or through criminal prosecution. These remedy options are not mutually exclusive and the City may pursue both remedy options simultaneously.

#### **Sec. 46-415 – Sec. 46-419 Reserved**

## **Article Five:            Signs**

### **Sec. 46-420            Purpose**

The purpose of this Section is to regulate the location, size, placement and certain features of signs to enable the public to locate goods, services and facilities; to prevent competition for attention; to prevent hazards to life and property; and to protect the natural roadside aesthetics throughout City of Le Center.

### **Sec. 46-421            Permits Required**

Except as otherwise provided in this Ordinance, no sign shall be erected, constructed, altered, rebuilt, or relocated until a sign permit for the sign has been issued. However, no permit will be required under this Ordinance for the following signs:

- A. All signs under nine (9) square feet in area, including political signs, real estate signs, yard signs, and warning signs.
  
- B. Public signs
  
- C. Construction signs.

### **Sec. 46-422            Prohibited Signs**

No sign shall be erected or maintained:

- A. Which is located off premise.
  
- B. Which purports to be or resembles an official traffic control device, sign or signal, or railroad sign or signal; or which hides from view or interferes in any material degree with the effectiveness of any traffic control device, sign, or signal, or railroad sign or signal, or which obstructs or interferes with the driver's view of approaching, merging, or intersection traffic for a distance not to exceed five hundred (500) feet.
  
- C. Which prominently displays the word "stop" or "danger".
  
- D. Which contains statements, words, or pictures of an obscene, indecent, or immoral character, or such as would offend public morals or decency.

- E. On any right-of-way of any highway, except as otherwise provided by law or allowed by the Commissioner of the Minnesota Department of Transportation.
- F. If any part of such sign extends more than six (6) feet over the public right-of-way and is less than eight (8) feet above ground level. Canopies and marquees shall be considered an integral part of the structure to which they are attached. This Section does not apply to signs posted by duly constituted public authorities in the performance of their public duties.
- G. On trees, shrubs, or which are painted or drawn upon rocks or natural features, or on any public utility poles.
- H. Which has distracting flashing or moving lights resembling an emergency vehicle or so designed as to be a traffic hazard.
- I. To which access can be obtained only from an interstate highway, excluding frontage roads adjacent thereto.
- J. Which are structurally unsafe, in disrepair, or are abandoned.

**Sec. 46-423                      General Provisions**

The following requirements shall apply to all signs in all districts.

- A. Signs painted on a building shall be governed by the square footage limitations specified in the appropriate zoning districts. These shall be repainted when required, to be kept in good condition, and shall be repainted, removed or painted out when they are not so maintained.
- B. Signs shall not obstruct any window, door, fire escape, stairway, or opening intended to provide light, air, ingress or egress for any building or structure.
- C. The owner, lessee or manager of any ground sign and the owner of the land on which the same is located shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which a sign is located.
- D. Signs which may be or may hereafter become rotted, unsafe or unsightly shall be repaired or removed by the owner or lessee of the property upon which the sign stands upon notice by the Zoning Administrator.

- E. Political Signs. Political signs are allowed in any district, on private property, with the consent of the owner of the property. Such signs must be removed within seven (7) days following the date of the election or elections to which they apply.
  
- F. Displays. In any district, animal displays, lights directed skyward, pieces of sculpture, fountains or other displays or features which do not clearly fall within the definition of a sign, but which direct attention to an object, product, activity, person, institution, organization or business, shall require a sign permit. Mobile signs on wheels or otherwise capable of being moved from place to place shall conform to the provisions of this Ordinance just as permanently affixed signs.
  
- G. Illuminated signs shall be diffused or indirect so as not to direct rays of light into adjacent property or onto any public street or way. No illuminated signs or their support structure shall be located closer than twenty-five (25) feet to a roadway surface or closer than ten (10) feet to a road right-of-way line or property line, notwithstanding more restrictive portions of this Section.
  
- H. Real estate sales signs may be placed in any yard providing such signs are within the property line.
  
- I. Real estate development project sales signs may be erected for the purpose of selling or promoting a real estate development project.
  - 1. Such signs shall not exceed one hundred and twenty (120) square feet in area.
  - 2. Only one (1) such sign shall be erected on each road frontage of the project with a maximum of three (3) such signs per project.
  - 3. Such signs shall be removed when the project is eighty (80%) percent completed, sold or leased.
  - 4. Such signs shall not be located closer than one hundred (100) feet to any existing residence.
  
- J. Construction Signs. Construction signs shall not be erected before issuance of a building permit or remain after issuance of certificate of occupancy.
  
- K. Temporary Signs. Banners, pennants, and temporary signs may be used for grand openings, but must be removed after the event or a maximum of ten (10) days, whichever is shorter. No business may utilize such signs more than 3 times in a calendar year.



- L. Inside signs. The regulations contained herein do not apply to signs painted, attached by adhesive or otherwise attached directly to or visible through windows and glass portions of doors.
- M. Required Signs. Address numbers must be visible and legible from the street.
- N. Multi-faced signs shall not exceed two (2) times the allowed square footage of single-faced signs.

**Sec. 46-424                      Signs In the R-A, R-1, R-2, R-3, R-4 Districts**

A. Permitted Types of Signs. Nameplate, real estate sales and development, public, political, identification, informational, institutional, business, directional, construction, temporary and agricultural crop demonstration signs.

B. Number of Signs. One (1) of each type of sign is allowed per lot frontage, except political signs where one (1) per each candidate is permitted, or as hereinafter allowed.

C. Sign Size and Location Requirements.

- 1. Nameplate signs shall not exceed nine (9) square feet in area.
- 2. Construction signs (temporary) not exceeding thirty-two (32) square feet in area.
- 3. Real estate signs not exceeding nine (9) square feet and real estate development project signs not to exceed one hundred and twenty (120) square feet.

D. Business signs, located only on premises, for allowed conditional uses or allowed uses, subject to the following provisions:

- 1. No more than one (1) freestanding sign of not more than thirty-five square feet in surface area and no more than fifteen (15) feet in height above the average grade.
- 2. No more than one (1) flat wall sign, which shall not exceed thirty-five (35) square feet in surface area.
- 3. Home occupation signage of no more than one (1) single or double-faced sign with a maximum area of eight (8) square feet per side.

**Sec. 46-425**

**Signs in P-1, B-1 and B-2 Districts**

The following signs are permitted and regulations established for the B-1, B-2 and B-3 districts:

- A. One business or advertising sign shall be permitted on each lot. The total area of the sign shall not exceed sixty (60) square feet per surface. The sign cannot exceed thirty (30) feet in height and shall not be less than ten (10) feet from any public right-of-way, or obscure the view of any intersection or right-of-way.

Exception: Signs shall not exceed one hundred (100) square feet in the B-2 District.

- B. Illuminated signs shall be permitted, except signs that have intermitting or rotating beams of light are prohibited. Signs that provide public information, such as time and temperature, are exempt from the intermitting and rotating regulation. Lighting giving off from the sign shall not be directed towards any residential areas or public right-of-ways. Illuminated signs shall not be less than twenty-five (25) feet from any public right-of-way.

- C. Government signs. Signs of a public orientation to include safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historic points of interest, memorial plaques, and other signs of the same nature.

- D. On site directional and parking signs. Signs that facilitate the movement of vehicles and pedestrians. Such signs shall not exceed six (6) square feet in total area.

- E. Integral signs. Names of buildings, date constructed, commemorative tablets, and signs that are built into the building or structure.

- F. Temporary signs. For the purpose of selling or leasing and not exceeding six (6) square feet per surface area.

- G. Construction signs. For the purpose of promoting or selling residential, commercial, and/or industrial projects. Such sign shall not exceed two hundred and forty (240) feet in total surface area.

- H. Election signs. Election signs will be permitted two (2) months prior to the election and must be taken down within seven (7) days after.

- I. Off premises advertising signs. Off premises sign will only be permitted in this zone with a Conditional Use Permit.

**Sec. 46-426                      Signs in the B-3 District**

- A. In the B-3 District each business is permitted to display one (1) mounted business or advertising sign on the building. The sign shall be securely mounted to the building and not obstruct any public right of ways. The total surface area of the sign shall not exceed ten (10) percent of the façade of the building.
- B. Illuminated signs shall be permitted, except signs that have intermitting or rotating beams of light are prohibited. Signs that provide public information, such as time and temperature, are exempt from the intermitting and rotating regulation. Lighting giving off from the sign shall not be directed towards any residential areas or public right-of-ways. Illuminated signs shall not be less than twenty-five (25) feet from any public right-of-way.

**Sec. 46-427                      Signs in the I-1, I-1a, I-2 Districts**

The following signs are permitted:

- A. One business or advertising sign shall be permitted on each lot. The total area of the sign shall not exceed sixty (60) square feet per surface. The sign cannot exceed thirty (30) feet in height and shall not be less than ten (10) feet from any public right-of-way, or obscure the view of any intersection or right-of-way.
- B. Illuminated signs shall be permitted, except signs that have intermitting or rotating beams of light are prohibited. Signs that provide public information, such as time and temperature, are exempt from the intermitting and rotating regulation. Lighting giving off from the signs shall not be directed at any residential areas or public right-of-ways.
- C. Government signs. Signs of a public orientation to include safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historic points of interest, memorial plaques, and other signs of the same nature.
- D. On site directional and parking signs. Signs that facilitate the movement of vehicles and pedestrians. Such signs shall not exceed six (6) square feet in total area.
- E. Integral signs. Names of buildings, date constructed, commemorative tablets, and signs that are built into the building or structure.
- F. Temporary signs. For the purpose of selling or leasing and not exceeding six (6) square feet per surface area.

- G. Temporary construction signs. For the purpose of promoting or selling a residential, commercial, and/or industrial projects. Such signs shall not exceed one hundred and twenty (120) feet in surface area.
- H. Election signs. Election signs will be permitted two (2) months prior to the election and must be taken down within ten (10) days after.
- I. Off premise advertising signs. Off premise signs will only be permitted in this zone with a special permit.
- J. Public information signs. Signs of a public orientation to include safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historic points of interest, memorial plaques, and other signs of the same nature.

**Sec. 46-428                      Reserved**

**Article Six:**

**Fences**

**Sec. 46-429                    Fences In General**

- A. That side of the fence considered to be the face (finished side as opposed to structural supports) shall face abutting property. Vegetation or landscaping located between the abutting property lines and finished side of the fence, shall be entirely maintained by said fence owner.
  
- B. Fences shall require a zoning permit and may require a building permit.
  
- C. No fence shall be permitted on a public right-of-way or restricted easements. Fences located within restricted easements or public right-of-ways shall be removed by the City at any time, and without notice.
  
- D. Fences shall not be allowed in the established front yard of any residential district. Applications for decorative fences shall be reviewed on any individual basis by the Planning Commission.
  
- E. Application for retaining wall structures shall be subject to the permitting process and shall be reviewed on an individual basis by the Planning Commission and may be referred to the City Engineer for further examination. The burden of engineering review or approval and subsequent fees shall be the sole responsibility of the applicant.
  
- F. Approved materials in business and residential districts shall include: pvc, composite, finished wood, and chain link.
  
- G. Approved materials in industrial districts shall include: pvc, composite, finished wood, chain link, or other materials as approved by the Planning Commission. Barbed-wire security fencing shall be allowed when used above a height of 6 feet.

**Sec. 46-430                    Fences in Relation to Property Lines and Street Grades**

- A. Fences shall be placed at least two (2) feet from the abutting property line.
  
- B. Fences in business and industrial districts may be erected to a height of eight (8) feet from finished street grade.

- C. Fences in any residential districts placed within the established side and rear lot lines beginning at the rear building line of the principal structure shall be a maximum of six (6) feet in height.
- D. Fences in any district located adjacent to any improved alley shall be located no closer than fourteen (14) feet from the centerline of the platted alley right of way. Fences in any district adjacent to an unimproved alley shall be located no closer than two (2) feet from the property line.
- F. Where property lines are not clearly defined, a boundary survey in addition to an official Certificate of Survey document conducted and stamped by a currently licensed State of Minnesota Land Surveyor may be required by the Zoning Administrator to establish said property lines. In either case, property pins shall be clearly marked for identification and inspection by the City prior to consideration of any application for fencing.

**Sec. 46-431                      Swimming Pool Safety Fence**

Prior to final inspection by the City Building Inspector, all in-ground swimming pools shall have at least a four (4) foot high safety fence installed, which completely encloses the pool. All gates or points of entry shall be equipped with self-closing and self-latching devices. A secure temporary fence may be approved by the Building Inspector for up to 60 day from commencement of pool construction. No swimming pool may be filled or partially filled until an approved fence is securely in place. For purposes of this Subdivision, any swimming pool, which is accessible at any point from grade level shall be considered an “in-ground swimming pool.”

**Sec. 46-432 – Sec. 46-449.    Reserved**

**Article Seven:**

**Nonconformities**

**Sec. 46-450 Purpose**

It is the purpose of this Section to provide for the regulation of nonconforming buildings, structures and uses and to specify those requirements, circumstances and conditions under which nonconforming buildings, structures, and uses will be operated and maintained. The Zoning Ordinance establishes separate districts, each of which is an appropriate area for the location of uses, which are permitted in that district. It is necessary and consistent with the establishment of these districts that nonconforming buildings, structures and uses not be permitted to continue without restriction. Furthermore, it is the intent of this Section to provide for the gradual elimination of nonconformities.

**Sec. 46-451 General Provisions**

A. Any structure or use lawfully existing upon the effective date of this Ordinance shall not be enlarged, but may be continued at the size and in the manner of operation existing upon such date except as hereafter specified or, subsequently amended.

B. No nonconforming building, structure or use shall be moved to another lot or to any other part of the parcel, land upon which the same was constructed or was conducted at the time of this Ordinance adoption unless such movement shall bring the nonconformance into compliance with the requirements of this Ordinance.

C. When any lawful nonconforming use of any structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to any nonconforming use.

D. A lawful nonconforming use of a structure or parcel of land may be changed to lessen the nonconformity of use. Once a nonconforming structure or parcel of land has been changed, it will not thereafter be so altered to increase the nonconformity.

E. If at any time a nonconforming building, structure or use shall be destroyed to the extent of fifty (50) percent or more of its fair market value, said value to be determined by the County Assessor, then without further action by the City, the building and the land on which such building was located or maintained shall, from and after the date of said destruction, be subject to all the regulations specified by these zoning regulations for the district in which such land and buildings are located. Any building which is damaged to an extent of less than fifty (50) percent of its value may be restored to its former size, but may not be enlarged.

F. Whenever a lawful nonconforming use of a structure or land is discontinued for a period of one (1) year or following written notice from the Zoning Administrator, any future use of said structure or land shall be made to conform with the provisions of this Ordinance.

**Sec. 46-452                      Substandard Lots**

The minimum lot area requirements are set forth within the district provisions of the ordinance. Any lot not meeting the minimum requirements of the district it is located in, which was legally recorded prior to the adoption of this ordinance, shall be considered a substandard lot.

A substandard lot may be allowed as a building site provided that all the following criteria are met:

- A. The lot is a lot of record recorded at the Le Sueur County recorder's office, prior to the effective date of this ordinance and all amendments thereto.
  
- B. All required setbacks and maximum lot coverage provisions for a structure and associated impervious surfaces can be complied with.

**Sec. 46-453                      Substandard Lots: Accessory Structures**

A. Substandard lots containing a principal structure may add a permitted accessory structure, provided the accessory structure will meet all minimum setback requirements of this Ordinance, and will not cause the maximum percentage of lot area under roof requirement to be exceeded.

B. Additions to principal and/or accessory structures located on substandard lots may be permitted, provided that any such additions will meet the minimum setback standards for the zone in which it is located.

**Sec. 46-454                      Uses Under Conditional Use Permits**

Any use, which is permitted as a conditional use in a district under the terms of this Ordinance, shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

**Sec. 46-455                      Maintenance of Non-Conforming Structures**

Normal maintenance of a building or other lawful non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not physically extend or intensify the nonconforming use, providing the necessary repairs



shall not constitute fifty (50) percent or more of fair market value of such structure. Said value shall be determined by the County Assessor.

**Sec. 46-456                      Alterations of Non-Conforming Structures**

Alterations may be made to a building or other lawful nonconforming residential units when they will improve the livability thereof, provided they will not increase the number of dwelling units or size or volume of traffic.

**Sec. 46-457                      Non-Conforming Structures in Progress at Time of Adoption**

Any proposed structure which will, under this Ordinance, become nonconforming but for which a building permit has been lawfully granted prior to the effective date of this Ordinance, may be completed in accordance with the approved plans.

**Sec. 46-458 – Sec. 46-469.    Reserved**

**Article Eight: Landscaping and Screening**

**Sec. 46-470 Landscaping On A Lot**

Landscaping on a lot shall consist of a finish grade and a soil retention cover such as sod, seed and mulch, plantings or as may be required by the Zoning Administrator to protect the soil and aesthetic values on the lot and adjacent property, and to protect public drainage systems and the City's natural resources. Such landscaping shall be completed within one growing season of the issuance of a Certificate of Occupancy.

**Sec. 46-471 Landscaping In the Residential Districts**

In the residential zoning districts, all developed uses shall provide landscaping from the urban curb and gutter or edge of road surface to the road right-of-way lines and shall be completed within one growing season.

This landscaped yard shall be kept clear of all structures, exterior storage and off-street parking.

**Sec. 46-472 Landscaping Maintenance**

Landscaping shall be provided and maintained on all required front and side yards in all developed districts except where pavement or crushed stone is used for walkways or driveways.

**Sec. 46-473 Double Fronted Lots**

Double fronted lots must be landscaped on both fronts and not utilized for exterior storage.

**Sec. 46-474 Commercial, Industrial and Non-Residential Uses**

**In Residential Districts**

Where a business, or industrial district abuts a residential district or is separated from a residential district by only a street other than a collector or arterial, and for any non-residential special use in a residential district, the use in that district shall provide screening and a twenty (20) foot wide landscaped yard along any adjacent side. The landscaped yard shall be increased to forty (40) feet if the use is over three (3) acres in size. The Planning and Zoning Commission may waive these requirements when the use on the adjacent property is a non-residential use.

**Sec. 46-475 Residential Uses**

A. Where any multiple-family use with more than four (4) parking spaces adjoins another residential use, the off-street parking for such use shall be screened from adjoining properties.

B. The light from automobile headlights and other sources shall be screened whenever it may be directed onto residential windows to the extent that it will cause an unreasonable disturbance.

**Sec. 46-476 All Districts**

Exterior storage of goods or materials, which unreasonably annoys or endangers the property values of surrounding property users shall be screened.

**Sec. 46-477 Trash Storage Screening**

Trash containers provided in conjunction with institutional, public, commercial, or industrial uses, or with residential uses where a common collection location is designated for three (3) or more dwelling units shall be screened by an enclosure constructed on three (3) sides with break-off block, face brick, or masonry. For all residential uses where such screening is required, the fourth side shall consist of a durable gate.

For all other uses requiring such screening, a durable gate shall be provided where the open side of the enclosure is visible from a public street or from an abutting residential zoning district. All gates shall provide one hundred (100%) percent opaqueness and shall be constructed in conformance with standards on file in the office of the Zoning Administrator. Enclosures for trash containers, including recycling containers, must be of sufficient size to accommodate the containers and any mechanical means of servicing the containers. Screening enclosures shall be located in the side or rear yard of the property in such a manner as to provide easy access thereto, and shall conform to the setback requirements for accessory structures.

**Sec. 46-478 Mechanical Screening**

Except for single and two-family homes, all mechanical equipment on the ground or roof, such as heating and air conditioning, shall be screened on all sides so as not to be visible from public streets or adjoining property. Such screening shall be designed and constructed of a material that is compatible with the principal building.

**Sec. 46-479 Screening Materials and Maintenance**

A. Requirements. The screening requirements of shall be satisfied by the use of one or more of the following:

1. Screening Fence.

A screening fence at least six (6) feet in height with a minimum opaqueness of eighty (80%) percent. The fence shall be compatible with the principle building and surrounding properties. Screening fences shall be painted or stained, whenever necessary, to prevent fading, chipping or discoloration. Damaged or destroyed fences shall be repaired or restored.

2. Planting Screen.

A planting screen consisting of a row of alternating evergreen shrubs and deciduous trees shall be planted. The trees shall be a minimum two (2) inches in diameter and shall be spaced not more than fifteen (15) feet apart. The shrubs shall be a minimum of two (2) feet in height at the time of planting, with a mature height of four (4) to six (6) feet, and shall be spaced between the trees in such proximity as will form a screen. Planting screens shall be maintained in a neat and healthy condition. Dead materials shall be replaced. As an alternative, a planting screen may consist of a continuous row of evergreen trees, no less than four (4) feet in height at time of planting and ten (10) feet apart.

3. Berm.

A berm no less than six (6) feet in height with a side slope of no greater than one and one-half (1 ½) to one (1). The berm shall be sodded or seeded, mulched, and maintained until sod develops. Slopes greater than one and one-half (1 ½) to one (1) may be used if the slopes are stepped using retaining walls. Plant material resistant to erosion may be substituted for sod or seed with the prior approval of the Zoning Administrator. Dead plant materials shall be replaced.

4. Others.

Topography, existing vegetation, permanent buildings or other barriers may be substituted for the above if, in the determination of the Planning and Zoning Commission, they provide equivalent screening.

**Sec. 46-480 – Sec. 46-489. Reserved**

**Article Nine: Exterior Storage**

**Sec. 46-490 Storage or Screening Requirements**

In all districts, all materials and equipment shall be stored within a building or be fully screened so as to not be visible from adjoining properties. Exceptions to these requirements are as follows:

- A. Construction materials and equipment currently being used on the premises.
- B. Off-street parking of passenger vehicles.
- C. Recreational equipment for use of residents of principal structure.
- D. Merchandise being displayed for sale.

**Sec. 46-491 Conditional Use Permit May Be Required**

In all districts, the City may require a conditional use permit for any exterior storage if there exists a potential that such storage may be a hazard to the public health, safety, convenience, morals, or has a depreciating effect upon nearby property values, or impairs scenic views, or constitutes a threat to living amenities.

- A. Bulk Storage Liquid.

All uses associated with the bulk storage of over two thousand (2,000) gallons of oil, gasoline, liquid fertilizer, chemicals and similar liquids shall require a conditional use permit in order that the Zoning Administrator may have the assurance that fire, explosion or water or soil contamination hazards are not present that would be detrimental to the public health, safety and general welfare.

All existing, above ground liquid storage tanks having a capacity in excess of two thousand (2,000) gallons shall secure a conditional use permit. The Zoning Administrator shall require the development of diking around said tanks, suitably selected to hold a leakage capacity equal to one hundred fifteen (115%) of the tank capacity. Any existing storage tank that, in the opinion of the Planning and Zoning Commission, based upon expert opinion, constitutes a hazard to the public safety shall discontinue operations immediately. Control of Bulk Liquid at retail outlets must follow API recommended practice 1621; fourth edition, December 1987; regardless of the size of the storage tanks used.

- B. Explosive Materials.

Activities involving the commercial storage, use or manufacture of materials or products, which could decompose by detonation shall be permitted only by conditional use. Such materials shall include but not be confined to all primary explosives such as lead azide and mercury fulminate, all high explosives and boosters such as TNT, tetryl and nitrates, propellants and components thereof such as nitrocellulose, black powder and nitroglycerin, blasting explosives such as dynamite and nuclear fuel and reactor elements such as uranium 235 and plutonium.

**Sec. 46-492 – Sec. 46-499. Reserved**

**Article Ten:            Lighting**

**Sec. 46-500            In General**

In all districts, any lighting used to illuminate an off-street parking area, or other structure or area, shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding shall not be directed into any adjoining property. The source of light shall be hooded or controlled so as not to light adjacent property. Bare light bulbs shall not be permitted in view of adjacent property or public rights-of-way. No light or combination of lights which cast light on a public street shall exceed four-tenths (0.4) foot candle meter reading as measured from the centerline of said street nor shall any light or combination of lights which cast light on residential property exceed one-tenth (0.1) foot candles.

Lighting standards shall not exceed twenty-five (25) feet or the height of the principal building on a lot, without a conditional use permit.

**Sec. 46-501 – Sec. 46-509.    Reserved**

## **Article Eleven:**

## **Nuisances**

### **Sec. 46-510            General Requirements**

No visual appearance, noise, odors, heat, dust, vibration, smoke, air pollution, glare, electrical interferences, or other such objectionable influences, or the storage or disposal of wastes in a manner dangerous to the public health and safety shall be permitted in any district.

### **Sec. 46-511            Noise**

Any use established shall be so operated that no undue or objectionable noise resulting from said use is transmitted beyond the boundaries of the lot line of the site on which such use is located. This standard shall not apply to incidental traffic, parking, loading, construction, maintenance operations or agricultural operations.

### **Sec. 46-512            Odors, Heat, Dust**

All uses shall be so operated as to prevent the emission of odor, heat, and dust as to be reasonably objectionable at any point beyond the lot line of the site on which the use is located. This standard shall not apply to agricultural operations.

### **Sec. 46-513            Vibration**

Any use creating periodic earth-shaking vibration shall be prohibited if such vibrations are perceptible to persons beyond the lot line of the site on which the use is located. The standard shall not apply to vibrations created during the process of construction. This standard shall not apply to agricultural operations.

### **Sec. 46-514            Air Pollution**

All uses and activities shall conform to air pollution standards and/or controls as adopted or amended from time to time by any body or agency vested with the authority to adopt and enforce the same. This standard shall not apply to agricultural operations.

### **Sec. 46-515            Water Pollution**

All uses and activities shall conform to water pollution standards and/or controls in effect at the time of the adoption of this Ordinance and those adopted at a later date by any and all agencies and governing bodies which have such powers and controls over this Ordinance.



**Sec. 46-516                    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 reflected glare from any source shall not be directed into any adjoining property. The source of light shall be hooded or controlled in some manner so as not to unreasonably light adjacent property. Bare incandescent light bulbs shall not be permitted in full view from adjacent property or public right-of-way.

**Sec. 46-517                    Electrical Interferences**

There shall be no electrical disturbance or interference generated from any use, except from domestic household appliances, which adversely affects the operation of ordinary business or household equipment and appliances.

**Sec. 46-518                    Storage and Disposal of Items, Materials, and Waste**

The following standards shall apply to storing, handling and disposal of any items, materials or wastes:

- A. No use shall be so operated that the storage and or disposal of materials or wastes results in any discharge of matter across the boundaries of the lot wherein such use is located or into the atmosphere or subsoil in such concentration as to endanger the public health, safety, comfort, or welfare, or to cause injury or damage to property or business.
- B. The pollution of any well, stream, lake or body of water by sewage, industrial waste, or other substances is prohibited.
- C. The ownership, possession or control of any unused appliances or other containers person, that are exposed and accessible to the public without removing the doors, lids, hinges or latches or providing locks to prevent access by the public is prohibited.
- D. No person in charge or control of any property shall allow any partially dismantled, inoperative, wrecked or junked vehicle or goods to remain on the property longer than thirty (30) days unless enclosed in a building, nor shall there be allowed any unlicensed vehicle capable of being operated to remain on such property if such vehicle has been unlicensed in both the current and preceding year, except as a vehicle used on the property without the requirement of a license.
- E. All structures, landscaping and fencing shall be reasonably maintained so as to avoid health or safety hazards and prevent a degradation in the value of adjacent property.

**Sec. 46-519                    NUISANCE CODE AND ABATEMENT.**

**46-519a                    Definitions.**

The following terms, as used in this Section, shall have the meanings stated:

A. "Abandoned Building" means any building or portion of a building which has stood with an incomplete exterior shell for longer than one (1) year or any building or portion thereof which has stood unoccupied for longer than one year which meets one or more of the following criteria: (a) unsecured; or (b) boarded; or (c) having multiple exterior Housing Code or Building Code violations; or (d) placarded as "Unfit for Human Habitation".

B. "Abatement Deadline" means the date before which the nuisance must be abated as specified in a written order.

C. "Dangerous Structure" means any structure which is potentially dangerous to persons or property including but not limited to: (a) a structure which is in danger of partial or complete collapse; or (b) a structure which has any exterior parts such as chimneys, eaves, porches, siding, railings, or trim which are loose or in danger of falling; or (c) a structure which has any parts such as porches, stairs, ramps, rails, balconies, or roofs which are accessible and which are either collapsed, in danger of collapsing, or unable to support a person.

D. "Enforcement Officer" means the Director of the Department of Public Works, the Building Inspector, the Chief of Police, the Fire Chief, the City Clerk or their duly authorized representative.

E. "Extermination" means the eradication of rodents or other vermin by any or all approved methods such as poisoning, fumigation, or trapping.

F. "Hazardous Waste" means any waste material so defined by Minnesota Statutes, Section 116.06, or described or listed as hazardous waste in Minnesota Rules, Chapter 7045.

G. "Interested Party" means any owner of record, occupying tenant, or lien holder of record.

H. "Last Known Address" means the address known on the records of the Le Sueur County department of property taxation or a more recent address known to the enforcement officer. In the case of parties not listed in these records, the last known address shall be that address obtained by the officer after a reasonable search.

I. "Mail" means service by mail by depositing the item with the United States Postal Service addressed to the intended recipient at his or her last known address with first class postage prepaid thereon.

J. "Noxious Substances" means substances, solid or fluid, which are offensive, detrimental to health, hurtful, or dangerous. Noxious substances shall include but not be limited to any dead animal, or portion thereof, putrid carcass, decayed animal matter, green hides, or any putrid, spoiled, foul, or stinking meat, poultry, fish, offal, hides, skins, fat, grease, liquors, human or animal excrement, or manure.

K. "Owner" means those shown to be owner or owners on the records of the Le Sueur County Recorder or Le Sueur County Registrar of Titles.

L. "Personal Service" means service by personally handing a copy to the intended recipient or by leaving a copy at the intended recipient's residence or place of business with a person of suitable age and discretion.

M. "Privy" means any type of no-flush fixture for the receipt and storage of human waste including fixed units with vaults as well as portable units.

N. "Property" means any parcel of land whether vacant or not, whether any structure thereon is occupied or not, or whether submerged or not.

O. "Refuse" means putrescible or non-putrescible and combustible or non-combustible waste, including paper, garbage, material resulting from the handling, processing, preparation, cooking, storage, serving and consumption of food, vegetable or animal matter, offal, rubbish, plant wastes such as tree trimmings or grass cuttings, ashes, incinerator residue, street cleanings, construction debris, detached vehicle parts, and solid industrial and market wastes.

P. "Responsible Party" means any one or more of the following: (2) agent, (b) assignee or collector of rents, (c) holder of a contract for deed, (d) a mortgagee or vendee in possession, (e) receiver or executor or trustee, (f) lessee, (g) those listed as owners on a vacant building registration form submitted to the Building Inspector under the City Code, (h) other person, firm, or corporation exercising apparent control over a property.

Q. "Unoccupied" means a building which is not being used for a legal occupancy or a building which has been ordered vacated by the City.

R. "Unsecured" means open to entry by unauthorized persons without the use of tools or ladders.

#### **Sec 46-519b Nuisance.**

A nuisance shall mean any substance, matter, emission or thing which creates a dangerous or unhealthy condition or which threatens the public peace, health, safety, or sanitary condition of the City or which is offensive or has an aesthetically negative influence on the community and which is found upon, in, being discharged or flowing from any street, alley, highway, railroad right-of-way, vehicle, railroad car, water, excavation, building, erection, lot, grounds, or other property located within the City. Nuisances shall include but not be limited to those set forth in this Section.

A. Refuse, Noxious Substances, Hazardous Wastes. Refuse, noxious substances, or hazardous wastes laying, pooled, accumulated, piled, left, deposited, buried, or discharged upon, in, being discharged or flowing from any property, structure, or vehicle; except for:

1. Refuse deposited at places designated and provided for that purpose by the City Code;  
or

2. Refuse stored in accordance with provisions of the City Code or vehicle parts stored in an enclosed structure.

B. Firewood. Stacks of firewood in excess of six cords, stacks of firewood higher than six feet from ground level to the highest point of elevation, or stacks of firewood stored within the required setback.

C. Stagnant Water. Stagnant water standing on any property. Any property, container, or material kept in such a condition that water can accumulate and stagnate.

D. Vermin Harborage. Conditions which in the opinion of the enforcement officer are conducive to the harborage or breeding of vermin.

E. Vermin Infestations. Infestations of vermin such as rats, mice, skunks, snakes, bats, grackles, starlings, pigeons, bees, wasps, cockroaches, or flies; except for bees or pigeons kept with written permission from, and in accordance with the regulations of the Division of Public Health.

F. Sanitary Structures. Structures for sanitation such as privies, vaults, sewers, private drains, septic tanks, cesspools, drain fields which have failed or do not function properly or which are overflowing, leaking, or emanating odors. Septic tanks, cesspools, cisterns which are abandoned or no longer in use unless they are empties and filled with clean fill. Any vault, cesspool, or septic tank which does not meet the following criteria:

1. The bottom and sides are cemented to make impervious to water;
2. The bottom is at least six feet below grade;
3. Proper ventilating pipes and covers are provided;
4. It is located at least 20 feet from any house, residence, building, or public street;
5. It is cleaned at least once a year; and
6. The property served is located such that connection to the public sewer is impractical.

G. Manure Vaults. Manure vaults which have become offensive. Manure vaults for stables where more than two animals are kept which are not cleaned twice in each week.

H. Unsecured Unoccupied Buildings. Unoccupied buildings or unoccupied portions of buildings which are unsecured.

I. Dangerous Structures. Dangerous structures whether or not registered pursuant to the City Code.

J. Abandoned Buildings. Abandoned buildings whether or not registered pursuant to the City Code.

K. Hazards. Any thing or condition on the property which in the opinion of the enforcement officer may contribute to injury of any person present on the property. Hazards shall include but not be limited to open holes, open foundations, open wells, dangerous trees or limbs, abandoned refrigerators, or trapping devices.

L. Fire Hazards. Any thing or condition on the property which in the opinion of the enforcement officer creates a fire hazard or which is a violation of the Fire Code.

M. Health Hazards. Any thing or condition on the property which in the opinion of the enforcement officer creates a health hazard or which is a violation of any health or sanitation law.

N. Statute and Common Law Nuisances. Any thing or condition on property which is known to the common law of the land, Minnesota Statutes, or the City Code as a nuisance.

**Sec 46-519c Violations.**

A. It is unlawful for any person to maintain a public nuisance by his/her act or failure to perform a legal duty, and for purposes of this Section, a public nuisance shall be defined as any of the following: (1) maintaining or permitting a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public; or, (2) interfering with, obstructing or rendering dangerous for passage, any street, public right-of-way, or waters used by the public; or, (3) any other act or omission declared by law to be a public nuisance.

B. It is unlawful for any person to permit real property under his/her control to be used to maintain a public nuisance, or let the same to another knowing it is to be so used.

C. It is unlawful for any owner of any truck, trailer, railroad car or flat, or other vehicle to leave the vehicle standing on or along any street, highway, freeway, or railroad track, or other property within the City carrying or containing any refuse, noxious substance, or hazardous waste, except as otherwise permitted in the City Code.

**Sec. 46-519d Disclosure of Responsible Party.**

Upon the request of the enforcement officer or the City Clerk, a responsible party or owner shall disclose the name of any other responsible party or owner known to him or her. This shall include but not be limited to the persons for whom he or she is acting, from whom he or she is leasing the property, to whom he or she is leasing the property,

with whom he or she shares joint ownership, or with whom he or she has any conveyanceing contract.

**Sec. 46-519e Inspection of Unoccupied Buildings.**

An owner or responsible party shall, upon the request of the enforcement officer, provide the office with access to all interior portions of an unoccupied building in order to permit the officer to make a complete inspection.

**Sec. 46-519f Order to Cease.**

In the event that an enforcement officer observes a person creating a nuisance, the officer may, after presenting proper identification, order that the person cease creating a nuisance.

**Sec. 46-519g Enforcement Officer Authorized to Enter.**

The enforcement officer shall be authorized to enter any property or structure in the City for the purpose of enforcing and assuring compliance with the provisions of this Section.

**Sec. 46-519h Authority to Abate.**

A. The City is authorized to abate nuisances in accordance with the procedures set forth in this Section and shall be remedied administratively or by criminal prosecution. Remedial measures are not mutually exclusive and the City may pursue both remedy options simultaneously against the owner of the premises on which the nuisance is located. Any abatement costs incurred shall be charged against the property as a special assessment to be collected in the manner provided for in Minnesota Statutes, Section 429.

B. Abatement may include but shall not be limited to removal, cleaning, extermination, cutting, mowing, grading sewer repairs, draining, securing, boarding unoccupied structures, barricading or fencing, removing dangerous portion of structures, and demolition of dangerous structures or abandoned buildings.

C. Abatement costs shall include the cost of the abatement, including but not limited to personnel costs and equipment costs and depreciation; the cost of investigation, such as title searches, inspection, and testing; the cost of notification; filing costs; legal costs, including attorney fees; and administrative costs, including fees for Council meetings.

**Sec. 46-519i Service.**

If a mailed order or notice is returned by the United States Postal Service, a good faith effort shall be made to determine the correct address, unless the order or notice orders abatement and that abatement has been completed. When service of an order or notice is required, any one or more of the following methods of service shall be adequate:

- A. By personal service with affidavit prepared by, and filed with the City; or
- B. By mail, unless it is a written order which gives three days or less for the completion of any act it requires; or
- C. If the appropriate party or address cannot be determined after reasonable effort, by posting a copy of the order in a conspicuous place on the property.

**Sec. 46-519j Summary Abatement Procedure.**

Unless the nuisance is as described in the following Subdivisions, the City may abate the nuisance by the procedure described below.

A. Order. The enforcement officer shall serve a written order upon the owner. The written order shall also be served upon any responsible party known to the officer and may be served upon any party known to have caused the nuisance. The order shall contain the following:

1. A description of the real estate sufficient for identification;
2. A description, location, and digital photograph of the nuisance and the remedial action required to abate the nuisance;
3. The abatement deadline, to be determined by the enforcement officer allowing a reasonable time for the abatement of the nuisance;
4. A statement that the order may be appealed and a hearing before the Council obtained by filing a written request with the City Clerk prior to the appeal deadline, being the same as the abatement deadline; and
5. A statement that if the remedial action is not taken nor a request for a public hearing filed with the City Clerk within the time specified, the City will abate the nuisance and charge all costs incurred therein against the real estate as a special assessment to be collected in the same manner as property taxes.

B. Hearing Date. In the event that an appeal is filed with the City Clerk, the Council shall within three (3) weeks confirm a date for a public hearing.

C. Notice. The City Clerk shall mail a notice of the date, time, place, and subject of the hearing to the owner and known responsible parties. The City Clerk shall also notify the enforcement officer issuing the order.

D. Hearing. At the time of the public hearing, the Council shall hear from the enforcement officer, and any other interested parties who wish to be heard. After the hearing, the Council may confirm or modify the order of the enforcement officer. In either case, if the Council's determination requires abatement, the Council shall, in the

resolution, fix a time within which the nuisance must be abated and shall provide that if corrective action is not taken within the time specified, the City may abate the nuisances. The City Clerk shall mail a copy of this resolution to same parties required to be notified in Subparagraph C, above.

**Sec. 46-519k Substantial Abatement Procedure.**

Except in the case of an emergency as provided for in the following Subdivisions, when the enforcement officer determines that a nuisance exists on a property and the cost of abatement of the nuisance is estimated to exceed \$2,000.00 or the abatement involves demolition of a building other than a structure accessory to a residential building or the abatement substantially diminishes the value of the property, the City shall abate the nuisance by the procedure described below. A good faith estimate of the abatement costs, not the actual cost calculated after the abatement is completed, or the property value diminution, shall be the basis which determines whether this abatement procedure shall be used.

A. Order. The enforcement officer shall serve a written order upon the owner, all interested parties, and any responsible party known to the officer. The order shall contain the following:

1. A description of the real estate which is sufficient for identification;
2. The location of the nuisance on the property;
3. A description, including digital photograph of the nuisance and the basis upon which it is declared to be a nuisance;
4. The remedial action required to abate the nuisance;
5. The abatement deadline, to be determined by the enforcement officer allowing a reasonable time for the completion of any act required;
6. A statement that if the remedial action is not taken before the abatement deadline, the matter will be referred to the Council which, after a public hearing, may order the City to abate the nuisance and charge all costs incurred against the real estate as a special assessment to be collected in the same manner as property taxes.

B. Notice to Public. When an order requires, exclusively or as an option, the demolition of a building, the public shall be put on notice as follows:

1. A copy of the order shall be placed on file in the office of the City Clerk.
2. The enforcement officer shall notify the Council of each property subject to a demolition order as follows: Each month the enforcement officer shall send to the Council a list of the properties that have become subject to a demolition order. The list



shall be in the form of a resolution declaring that an enforcement action has been commenced and that as a result of the nuisance status of a building on the property an order has been issued detailing the violations and requiring, exclusively or as an option, that the building be demolished and that a copy of this order is on file in the office of the City Clerk. This resolution shall include the legal description of each property and shall authorize and direct the City Clerk to file a copy of the resolution with the Le Sueur County Recorder and/or Registrar of Titles.

C. Setting Hearing Date. If the remedial action is not taken within the time specified in the written order, the enforcement officer may notify the Council that substantial abatement is necessary and appropriate. Upon being notified by the enforcement officer, the Council shall, within three (3) weeks, confirm a date for an abatement hearing.

D. Notice. Written notice of the time, date, place and subject of the hearing shall be given as set forth herein:

1. The City Clerk shall immediately notify the enforcement officer;
2. At least ten (10) days prior to the hearing, the enforcement officer shall notify the owner, all interested parties and any known responsible parties. Any one of the following methods of notice shall be considered adequate:

(a) Personal service with Affidavit prepared and filed by the City; or

(b) Confirmed mail service which is either certified mail with signed receipt returned or first class mail confirmed by written response;

(c) Mailing the notice to the last known address and publishing the notice once a week for two (2) weeks in a newspaper of general circulation in the City and posting the notice in a conspicuous place on the building or property.

E. Hearing. At the time of the public hearing, the Council shall hear from the enforcement officer and any other parties who wish to be heard. After the hearing, the Council shall adopt a resolution, describing what abatement action, if any, it deems appropriate. If the resolution calls for abatement action it may either order the City to take the abatement action or fix a time within which the nuisance must be abated and provide that if corrective action is not taken within the specified time, the City shall abate the nuisance. The City Clerk shall give a copy of this resolution to the enforcement officer issuing the order and shall mail copies to any of the parties required to be notified in Subparagraph D above, for whom the City Clerk has a current mailing address.

#### **Sec. 46-519I Emergency Abatement Procedure.**

When the enforcement officer determines that a nuisance exists on a property and the nuisance constitutes an immediate danger or hazard which if not immediately abated will endanger the health or safety of the public and there does not exist sufficient time to

follow the procedures described herein, the City may abate the nuisance by the procedure described below.

A. Order by City Clerk. The City shall order emergency abatement by an administrative order to be signed by the City Clerk. A good faith effort shall be made to inform the owner that the action is being taken.

B. Notice of the Abatement. Following an emergency abatement, as soon as the costs incurred are known to the City Clerk, the City Clerk shall serve written notice upon the owner. The notice shall contain:

1. A description of the real estate sufficient for identification;
2. The location, description, and digital photograph of the nuisance;
3. The remedial action taken by the City;
4. The reasons for immediate action;
5. The costs incurred in abating the nuisance; and
6. A statement that the owner may request, by writing to the City Clerk within thirty (30) calendar days of the date of the notice, a hearing at which the Council shall review the actions taken by the City.

C. Setting Hearing Date. In the event that the owner files a request for a review of the action with the City Clerk, the Council shall within three (3) weeks confirm a date for a public hearing.

D. Notice. The City Clerk shall notify the enforcement officer and the owner of the date, time, place and subject of the hearing.

E. Hearing. At the time of the hearing, the Council shall hear from the enforcement officer and any other parties who wish to be heard. After the hearing, the Council may adopt a resolution levying an assessment for all or a portion of the costs incurred by the City in abating the nuisance. The City Clerk shall give a copy of the resolution to the enforcement officer and shall mail a copy to the owner.

**Sec. 46-519m Penalty.**

Any person who violates any provision of this Section or fails to comply with a lawful order issued pursuant to this Section shall be guilty of a misdemeanor.

**SEC. 46-520 DISPOSAL OF ABANDONED MOTOR VEHICLES AND UNCLAIMED PROPERTY.**

## **Sec 46-520a Disposal of Abandoned Motor Vehicles.**

### A. definitions.

1. The term "abandoned motor vehicle" means a motor vehicle as defined in Minnesota Statutes, Chapter 169, that has remained for a period of more than forty-eight hours on public property illegally or lacking vital component parts, or has remained for a period of more than forty-eight hours on private property without the consent of the person in control of such property, or on any property in an inoperable condition such that it has no substantial potential further use consistent with its usual function unless it is kept in an enclosed garage or storage building. It shall also mean a motor vehicle voluntarily surrendered by its owner to and accepted by the City. A classic car or pioneer car, as defined in Minnesota Statutes, Chapter 168, shall not be considered an abandoned motor vehicle within the meaning of this Section. Vehicles on the premises of junk yards or automobile graveyards, which are licensed and maintained in accordance with the City Code, shall not be considered abandoned motor vehicles within the meaning of this Section.

2. The term "junk vehicle" means a vehicle that is three years old or older; is extensively damaged, with the damage including such things as broken or missing wheels, motor, drive train, or transmission, is apparently inoperable or not roadworthy; does not have a valid, current registration plate; and has an approximate fair market value equal only to the approximate value of the scrap in it.

3. The term "unauthorized vehicle" means a vehicle that is subject to removal and impoundment pursuant to Minnesota Statutes but is not a junk vehicle or abandoned vehicle.

4. The term "vital component parts" means those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including, but not limited to, the motor, drive train and wheels.

B. Custody. The City may take into custody and impound any abandoned or junk motor vehicle, or any unauthorized vehicle as provided by statute.

### C. Sale; Waiting Periods.

1. An impounded vehicle is eligible for disposal or sale 15 days after notice to the owner if the vehicle is determined to be a junk vehicle, except that it may have a valid, current registration plate and still be eligible for disposal or sale; or an abandoned motor vehicle.

2. An impounded vehicle is eligible for disposal or sale 45 days after notice to the owner if the vehicle is determined to be an unauthorized vehicle.

### D. Notice.

1. When an impounded vehicle is taken into custody, the City or impound lot operator shall give notice of the taking within 10 days. The notice shall set forth the date and place of the taking, the year, make, model and serial number of the abandoned motor vehicle, if such information can be reasonably obtained, and the place where the vehicle is being held, shall inform the owner and any lien holders of their right to reclaim the vehicle under Subparagraph E of this Subdivision, and shall state that failure of the owner or lien holder to exercise their right to reclaim the vehicle and contents within the appropriate time allowed under statute shall be deemed a waiver by them of all rights, title and interest in the vehicle and a consent to the transfer of title to and disposal or sale of the vehicle and contents pursuant to Subparagraph F of this Subdivision.

2. The notice shall be sent by mail to the registered owner, if any, of the impounded motor vehicle and to all readily identifiable lien holders of record. This information shall be made available to impound lot operators for notification purposes. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lien holders, the notice shall be published once in the official newspaper where the motor vehicle was towed from or abandoned. Published notices may be grouped together for convenience and economy. If an unauthorized vehicle remains unclaimed after 30 days from the date the notice was sent, a second notice shall be sent by certified mail, return receipt requested, to the registered owner, if any, of the unauthorized vehicle and to all readily identifiable lien holders of record.

#### E. Right to Reclaim.

1. The owner or any lien holder of an impounded motor vehicle shall have the right to reclaim such vehicle from the City or impound lot upon payment of all towing and storage charges resulting from taking the vehicle into custody within 15 or 45 days as applicable under this Section after the date of the notice required by this Section.

2. Nothing in this Subdivision shall be construed to impair any lien of a garage keeper under the laws of this State, or the right of the lien holder to foreclose. For the purposes of this Subparagraph E "garage keeper" is an operator of a parking place or establishment, an operator of a motor vehicle storage facility, or an operator of an establishment for the servicing, repair or maintenance of motor vehicles.

#### F. Auction or Sale.

1. An abandoned or unauthorized motor vehicle and contents taken into custody by the City or any impound lot and not reclaimed under Subparagraph E of this Subdivision may be disposed of or sold at auction or sale when eligible pursuant to Subparagraph E. The purchaser shall be given a receipt in a form prescribed by the Registrar of Motor Vehicles which shall be sufficient title to dispose of the vehicle. The receipt shall also entitle the purchaser to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership. Before such a vehicle is issued a new certificate of title, it must receive a motor vehicle safety check.

2. From the proceeds of the sale of an abandoned or unauthorized motor vehicle by the City or public impound lot, the City shall reimburse itself for the cost of towing, preserving and storing the vehicle, and all administrative, notice and publication costs incurred pursuant to this Subdivision. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lien holder for 90 days and then shall be deposited in the General Fund of the City.

3. The operator of a nonpublic impound lot may retain any proceeds from a sale derived from a sale conducted under the authority of this Section. The operator may retain all proceeds from the sale of any personal belongings and contents in the vehicle that were not claimed by the owner or the owner's agent before the sale; except that any suspected contraband or other items that likely would be subject to forfeiture in a criminal trial must be turned over to the appropriate law enforcement agency.

G. Operator's Deficiency Claim. The nonpublic impound lot operator has a deficiency claim against the registered owner of the vehicle for the reasonable costs of services provided in the towing, storage and inspection of the vehicle minus the proceeds of the sale or auction. The claim for storage costs may not exceed the cost of 25 days' storage for an abandoned or junk vehicle and 55 days' storage for a vehicle determined to be an unauthorized vehicle.

H. Disposal of Vehicles. Where no bid has been received for an abandoned or junk motor vehicle, the City may dispose of it in accordance with this Subdivision.

#### I. Contracts and Disposal.

1. The City may contract with any qualified person for collection, storage, incineration, volume reduction, transportation or other services necessary to prepare abandoned motor vehicles and other scrap metal for recycling or other methods of disposal.

2. Where the City enters into a contract with a person duly licensed by the Minnesota Pollution Control Agency, the Agency shall review the contract to determine whether it conforms to the Agency's plan for solid waste disposal. A contract that does so conform may be approved by the Agency. Where a contract has been approved, the Agency may reimburse the City for the costs incurred under the contract which have not been reimbursed.

3. If the City utilizes its own equipment and personnel for disposal of the abandoned motor vehicle, it shall be entitled to reimbursement for the cost thereof along with its other costs as herein provided.

### **Sec. 46-520b Disposal of Unclaimed Property**

A. Definition. The term "abandoned property" means tangible or intangible property that has lawfully come into the possession of the City in the course of municipal operations,

remains unclaimed by the owner, and has been in the possession of the City for at least sixty days and has been declared such by a resolution of the Council.

B. Preliminary Notice. If the City Administrator knows the identity and whereabouts of the owner, s/he shall serve written notice upon him/her at least thirty days prior to a declaration of abandonment by the Council. If the City acquired possession from a prior holder, the identity and whereabouts of whom are known by the City Administrator notice shall also be served upon him/her. Such notice shall describe the property and state that unless it is claimed and proof of ownership, or entitlement to possession established, the matter of declaring it abandoned property will be brought to the attention of the Council after the expiration of thirty days from the date of such notice.

C. Notice and Sale. Upon adoption of a resolution declaring certain property to be abandoned property, the City Administrator shall publish a notice thereof describing the same, together with the names (if known) and addresses (if known) of prior owners and holders thereof, and including a brief description of such property. The text of such notice shall also state the time, place and manner of sale of all such property, except cash and negotiables. Such notice shall be published once in a legal newspaper at least 10 days prior to the sale. Sale shall be made to the highest bidder at public auction or sale or by a nonprofit organization with a significant mission of community service in a private sale in the manner authorized by statute.

D. Funds and Claims Thereon. Expenses shall be paid from the proceeds of the sale; the balance of the proceeds shall be paid into the General Fund of the City if the property was disposed of by a public auction or sale; or in the case of a private sale, to the nonprofit organization authorized to conduct said sale. The former owner, if s/he makes claim within six months from the date of publication of the notice herein provided, and upon application and satisfactory proof of ownership, may be paid the amount of cash or negotiables or, in the case of property sold, the amount received therefore, less a pro rata share of the expenses of storage, publication of notice, and sale expenses, but without interest.

## **SEC. 46-521 REGULATION OF GRASS, WEEDS AND TREES.**

### **Sec. 46-521a Definition.**

"Weeds" means useless and troublesome plants commonly known as weeds including but not limited to noxious weeds such as cocklebur, burdock, tumble mustard, wild mustard, wild oats, Canadian thistle, oxeye daisy, quack grass, Frenchweed, and Russian thistle.

### **Sec. 46-521b City to Control Tree Planting (Standards).**

The City shall have control and supervision of planting shrubs and trees upon, or overhanging, all the streets or other public property. The City may establish and enforce uniform standards relating to the kinds and types of trees to be planted and the placement thereof. Such standards shall be kept on file in the office of the Public Works Director

and may be revised from time to time by action of the Council upon the recommendation of the Public Works Director.

**Sec. 46-521c Permit Required.**

It is unlawful for any person to plant, spray, trim or remove trees or other plants which are upon City property, including rights-of-way or utility and/or drainage easements, without first procuring from the City a permit in writing to do so.

**Sec. 46-521d Duty of Property Owners to Cut Grass and Weeds and Maintain Trees and Shrubs.**

Every owner of property abutting on any street shall cause the grass and weeds to be cut from the line of such property nearest to such street to the center of such street. If the grass or weeds in such a place attain a height in excess of six (6) inches it shall be prima facie evidence of a failure to comply with this Subdivision. Every owner of property abutting on any street shall, subject to the provision herein requiring a permit therefore, trim, cut and otherwise maintain all trees and shrubs from the line of such property nearest to such street to the center of such street.

**Sec. 46-521e City May Order Work Done.**

The City may, in cases of failure to comply with this Section, perform such work with employees of the City or under contract, keeping an accurate account of the cost thereof for each lot, piece or parcel of land abutting upon such street.

**Sec. 46-521f Assessment.**

If such maintenance work is performed by the City as set forth in the foregoing Subdivision, the Public Works Director shall forthwith upon completion thereof ascertain the cost attributable to each lot, piece or parcel of abutting land. The Public Works Director shall, at the next regular meeting thereof, present such certificate to the Council and obtain its approval thereof. When such certificate has been approved it shall be extended as to the cost therein stated as a special assessment against such abutting land and such special assessment shall, at the time of certifying taxes to the County Auditor, be certified for collection as other special assessments are certified and collected.

**SEC. 46.522 VIOLATION A MISDEMEANOR.**

Every person violates a section, subdivision, paragraph or provision of this Chapter when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, or performs an act prohibited or declared unlawful or fails to act when such failure is prohibited or declared unlawful by a Code adopted by reference by this Chapter, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

The defendant, upon conviction, shall be made responsible for reimbursing the City of Le Center for all incurred costs of prosecution.

**Sec. 46-523 – Sec. 46-529. Reserved**



**Article Twelve: Storm Water Management**

**Sec. 46-530 Purpose**

The purpose of storm water management regulations is to promote, preserve and enhance the natural resources within the City of Le Center and protect them from adverse effects occasioned by poorly sited development or incompatible activities by regulating land disturbing or development activities that would have an adverse and potentially irreversible impact on water quality and unique and fragile environmentally sensitive land; by minimizing conflicts and encouraging compatibility between land disturbing and development activities and water quality and environmentally sensitive lands; and by requiring detailed review standards and procedures for land disturbing or development activities proposed for such areas, thereby achieving a balance between urban growth and development and protection of water quality and natural areas.

**Sec. 46-531 Statutory Authorization**

This ordinance is adopted pursuant to Minnesota Statutes Section 462.351

**Sec. 46-532 Definitions**

For the purpose of this ordinance, the following terms, phrases, words and their derivatives shall have the meaning stated below. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number includes the singular number, and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directive.

- A. Applicant. Any person who wishes to obtain a building permit, zoning or subdivision approval.
  
- B. Control measure. A practice or combination of practices to control erosion and attendant pollution.
  
- C. Detention facility. A permanent natural or man-made structure, including wetlands, for the temporary storage of run off which contains a permanent pool of water.
  
- D. Flood fringe. The portion of the floodplain outside of the floodway.
  
- E. Floodplain. The areas adjoining a watercourse or water basin that have been or may be covered by a regional flood.

- F. Floodway. The channel of the watercourse, the bed of water basins, and those portions of the adjoining floodplains that are reasonably required to carry and discharge floodwater and provide water storage during a regional flood.
- G. Hydric soils. Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.
- H. Hydrophytic vegetation. Macrophytic plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.
- I. Land disturbing or development activities. any change of the land surface including removing vegetative cover, excavating, filling, grading and the construction of any structure.
- J. Person. Any individual, firm, corporation, partnership, franchise, association or governmental entity.
- K. Public waters. Waters of the state as defined in Minnesota Statutes, Section 103G.00S, subdivision 15.
- L. Regional flood. A flood that is representative of large floods known to have occurred generally in the state and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of a 100-year recurrence interval.
- M. Retention facility. A permanent natural or man made structure that provides for the storage of storm water runoff by means of a permanent pool of water.
- N. Sediment. Solid matter carried by water, sewage, or other liquids.
- O. Structure. Anything manufactured, constructed or erected which is normally attached to or positioned on land, including portable structures, earthen structures, roads, parking lots, and paved storage areas.
- P. Wetlands. Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following three attributes:
  - 1. Have a predominance of Hydric soils;

2. Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of Hydrophytic vegetation typically adapted for life in saturated soil conditions; and
3. Under normal circumstances support a prevalence of such vegetation.

**Sec. 46-533                      Scope and effect.**

A. Applicability. Every applicant for a building permit, subdivision approval, or a permit to allow land-disturbing activities must submit a storm water management plan to the Zoning Administrator. No building permit, subdivision approval, or permit to allow land disturbing activities shall be issued until approval of the storm water management plan or a waiver of the approval requirement has been obtained in strict conformance with the provisions of this ordinance. The provisions of Article apply to all land, public or private.

B. Exemptions. The provisions of this ordinance do not apply to:

1. Any part of a subdivision if a plat for the subdivision has been approved by the City Council on or before the effective date of this ordinance.
2. A lot for which a building permit has been approved on or before the effective date of this ordinance;
3. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles; or
4. Emergency work to protect life, limb or property.
5. Individual lots in a subdivision, which are approved after the effective date of the ordinance.

C. Waiver. The City Council, upon recommendation of the Planning and Zoning Commission, may waive any requirement of this ordinance upon making a finding that compliance with the requirement will not adversely affect the standards and requirements set forth in this Article. The City Council may require as a condition of the waiver such dedication or construction, or agreement to dedicate or construct as may be necessary to adequately meet said standards and requirements.

**Sec. 46-534**

**Storm water management plan approval procedures.**

A. Application. A written application for storm water management plan approval, along with the proposed storm water management plan, shall be filed with the Zoning Administrator and shall include a statement indicating the grounds upon which the approval is requested, that the proposed use permitted by right or as an exception in the underlying zoning district, and adequate evidence showing that the proposed use will conform to the standards set forth in this ordinance. Prior to applying for approval of a storm water management plan, an applicant may have the storm water management plans reviewed by the appropriate departments of the City.

Two sets of clearly legible blue or black lined copies of drawings and required information shall be submitted to the Zoning Administrator and shall be accompanied by a receipt from the City Clerk evidencing the payment of all required fees for processing and approval as set forth in the City of Le Center adopted fee schedule and a bond when required by Article Eleven in the amount to be calculated in accordance with that section. Drawings shall be prepared to a scale appropriate to the site of the project and suitable for the review to be performed. At a minimum, the scale shall be 1 inch equals 100 feet.

B. Storm water management plan. At a minimum, the storm water management plan shall contain the following information:

1. Existing site map. A map of existing site conditions showing the site and immediately adjacent areas, including:
  - a. The name and address of the applicant, the legal description, north point, date and scale of drawing and number of sheets;
  - b. Location of the tract by an insert map at a scale sufficient to clearly identify the location of the property and giving such information as the names and numbers of adjoining roads, railroads, utilities, subdivision, towns and districts or other landmarks;
  - c. Existing topography with a contour interval appropriate to the topography of the land but in no case having a contour interval greater than 2 feet;
  - d. A delineation of all streams, rivers, public waters and wetlands located on and immediately adjacent to the site, including depth of water, a description of all vegetation which may be found in the water, a statement of general water quality and any classification given to the water body or wetland by the Minnesota Department of Natural Resources, the Minnesota Pollution Control Agency, and/or the United States Army Corps of Engineers;

- e. Location and dimensions of existing storm water drainage systems and natural drainage patterns on and immediately adjacent to the site delineating in which direction and at what rate storm water is conveyed from the site, identifying the receiving stream, river, public water, or wetland, and setting forth those areas of the unaltered site where storm water collects;
  - f. A description of the soils of the site, including a map indicating soil types of areas to be disturbed as well as a soil report containing information on the suitability of the soils for the type of development proposed and for the type of sewage disposal proposed and describing any remedial steps to be taken by the developer to render the soils suitable;
  - g. Vegetative cover and clearly delineating any vegetation proposed for removal; and
  - h. 100 year floodplain, flood fringes and floodways.
2. Site construction plan. A site construction plan including;
- a. Locations and dimensions of all proposed land disturbing activities;
  - b. Locations and dimensions of all temporary soil or dirt stockpiles;
  - c. Locations and dimensions of all construction site erosion control measures necessary to meet the requirements of this Article;
  - d. Schedule of anticipated starting and completion date of each land disturbing activity including the installation of construction site erosion control measures needed to meet the requirements of this ordinance; and
  - e. Provisions for maintenance of the construction site erosion control measures during construction.
3. Plan of final site conditions. A plan of final site conditions on the same scale as the existing site map showing the site changes including;
- a. Finished grading shown at contours at the same interval as provided above or as required to clearly indicate the relationship of proposed changes to existing topography and remaining features;
  - b. A landscape plan, drawn to an appropriate scale, including dimensions and distances and the location, type, size and description of all proposed landscape materials which will be added to the site as part of the development;

- c. A drainage plan of the developed site delineating in which direction and at what rate storm water will be conveyed from the site and setting forth the areas of the site where storm water will be allowed to collect;
- d. The proposed size, alignments and intended use of any structures to be erected on the site;
- e. A clear delineation and tabulation of all areas which shall be paved or surfaced, including a description of the surfacing material to be used; and
- f. Any other information pertinent to the particular project, which in the opinion of the applicant is necessary for the review of the project.

**Sec. 46-535                      Plan review procedure.**

A. Process. Storm water management plans meeting the requirements of Section 1250.07 shall be submitted by the Zoning Administrator to the Planning and Zoning Commission for review in accordance with the standards of Section 1250.09. The Commission shall recommend approval, with conditions or recommend denial of the storm water management plan. Following Planning and Zoning Commission action, the storm water management plan shall be submitted to the City Council at its next available meeting. City Council action on the storm water management plan must be accomplished within 120 days following the date the application for approval is filed with the Zoning Administrator.

B. Duration. Approval of a plan submitted under the provisions of this ordinance shall expire one year after the date of approval unless construction has commenced in accordance with the plan. However, if prior to the expiration of the approval, the applicant makes a written request to the Zoning Administrator for an extension of time to commence construction setting forth the reason for the requested extension, the planning department may grant one extension of not greater than one single year. Receipt of any request for an extension shall be acknowledged by the Zoning Administrator within 15 days. The Zoning Administrator shall make a decision on the extension within 30 days of receipt. Any plan may be revised in the same manner as originally approved.

C. Condition. A storm water management plan may be approved subject to compliance with conditions reasonable and necessary to insure that the requirements contained in the ordinance are met. Such conditions may, among other matters, limit the size, kind or character of the proposed development, require replacement of vegetation, establish required monitoring procedures, stage the work over time, require alteration of the site design to insure buffering, and require the conveyance to the City of Le Center other public entity of certain lands or interests therein.

D. Performance Security. Prior to approval of any storm water management plan, the applicant shall submit an agreement to construct such required physical improvements, to dedicated property or easements, or to comply with such conditions as may have been agreed to. Such agreement shall be accompanied by a letter of credit to cover the amount of the established cost of complying with the agreement. The agreement and letter of credit shall guarantee completion and compliance with conditions within a specific time, which time may be extended in accordance with this Article. The adequacy, conditions and acceptability of any agreement and bond shall be determined by the City Council or any official of the City of Le Center as may be designated by resolution of the City Council.

E. Fees. All applications for storm water management plan approval shall be accompanied by a process and approval fee as set by Council Fees Resolution.

#### **Sec. 46-536                      Approval Standards**

A. No storm water management plan which fails to meet the standards contained in this section shall be approved by the City Council.

B. Site dewatering. Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydrocyclones, swirl concentrators or other appropriate controls as appropriate. Water may not be discharged in a manner that causes erosion or flooding of the site or receiving channels or a wetland.

C. Waste and material disposal. All waste and unused building materials (including garbage debris, cleaning wastes, wastewater, toxic materials or hazardous materials) shall be properly disposed of off-site and not allowed to be carried by runoff into a receiving channel or storage sewer system.

D. Tracking. Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning (or flushing) before the end of each workday.

E. Drain inlet protection. All storm drain inlets shall be protected during construction until control measures are in place with a straw bale, silt fence or equivalent barrier meeting accepted design criteria, standards and specifications contained in the MPCA publication "Protecting Water Quality in Urban Areas".

F. Site erosion control. The following criteria (1 through 4) apply only to construction activities that result in runoff leaving the site.

1. Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described below. Sheetflow runoff from adjacent areas greater than 10,000 square feet in area shall also be diverted around disturbed areas, unless shown to have resulted runoff rates of less than 0.5 ft./sec. across the disturbed area for the one year storage. Diverted runoff shall be conveyed in a manner that will not erode the conveyance at receiving channels.
2. All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.
3. Runoff from the entire disturbed area on the site shall be controlled by meeting either subsections a. and b. or a. and c.
  - a. All disturbed ground left inactive for fourteen or more days shall be stabilized by seeding or sodding (only available prior to September 15) or by mulching or covering or other equivalent control measure.
  - b. For sites with more than ten (10) acres disturbed at one time, or if a channel originates in the disturbed area, one or more temporary or permanent sedimentation basin shall be constructed. Each sedimentation basin shall have a surface area of at least one percent of the area draining to the basin and at least three feet of depth and constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of three feet. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.
  - c. For sites with less than ten (10) acres disturbed at one time, silt fences, straw bales or equivalent control measures shall be placed along all sidesteps and downsides of the site. If a channel or area of concentrated runoff passes through the site, silt fences shall be placed along the channel edges to reduce sediment reaching the channel. The use of silt fences, straw bales or equivalent control measures must include a maintenance and inspection schedule.
4. Any soil or dirt storage piles containing more than ten (10) cubic yards of material should not be located with a downslope drainage length of less than twenty-five (25) feet from the toe of the pile to a roadway or drainage channel. If remaining for more than seven days, they shall be stabilized by mulching vegetative cover, tarps or other means. Erosion from piles which will be in existence for less than seven days shall be controlled by placing straw bales or silt fence barriers around the pile. In-street utility repair or construction soil or dirt storage piles located closer than twenty-five (25) feet of a roadway or drainage channel must be covered with tarps or suitable alternative control, if exposed for more than seven (7) days, and the stormdrain inlets must be protected with straw bale or other appropriate filtering barriers.



G. Storm water management criteria for permanent facilities.

1. An applicant shall install or construct, on or for the proposed land disturbing development activity, all storm water management facilities necessary to manage increased runoff so that the two-year, ten-year and 100-year storm peak discharge rate existing before the proposed development shall not be increased and accelerate channel erosion will not occur as a result of the proposed land disturbing or development activity. An applicant may also make an in-kind or monetary contribution to the development and maintenance of community storm water management facilities designed to serve multiple land disturbing and development activities undertaken by one or more persons, including the applicant.
2. The applicant shall give consideration to reducing the need for storm water management facilities by incorporating the use of natural topography and land cover such as wetlands, ponds, natural swales and depressions as they exist before development to the degree that they can accommodate the additional flow of water without compromising the integrity or quality of the wetland or pond.
3. The following storm water management practices shall be investigated in developing a storm water management plan in the following descending order of preference:
  - a. Natural infiltration of precipitation on-site;
  - b. Flow attenuation by use of open vegetated swales and natural depressions;
  - c. Storm water retention facilities; and
  - d. Storm water detention facilities.
4. A combination of successive practices may be used to achieve the applicable minimum control requirements specified in subsection (1) above. Justification shall be provided by the applicant for the method selected.

H. Design Standards. Storm water detention facilities constructed in the City of Le Center shall be designed according to the most current technology as reflected in the MPCA publication "Protecting Water Quality in Urban Areas", and shall contain, at a minimum, the following design factors:

1. A permanent pond surface area equal to two percent of the impervious area draining to the pond or one percent of the entire area draining to the pond, whichever amount is greater;

2. An average permanent pool depth of four to ten feet;
3. A permanent pool length-to-width ratio of 3:1 or greater;
4. A minimum protective shelf extending ten feet into the permanent pool with a slope of 10:1, beyond which slopes should not exceed 3:1;
5. A protective buffer strip of vegetation surrounding the permanent pool at a minimum width of one rod (16.5 feet) (this width is consistent with the draft rules developed by the Board of Water and Soil Resources under the Wetland Conservation Act);
6. All storm water detention facilities shall have a device to keep oil, grease and other floatable material from moving downstream as a result of normal operations;
7. Storm water detention facilities for new development must be sufficient to limit peak flows in each subwatershed to those that existed before the development for the ten (10) year storm event. All calculations and hydrologic models/information used in determining peak flows shall be submitted along with the storm water management plan;
8. All storm water detention facilities must have a forebay to remove coarse-grained particles prior to discharge into a watercourse or storage basin.

I. Wetlands.

1. Runoff shall not be discharged directly into wetlands without presettlement of the runoff.
2. A protective buffer strip of natural vegetation at least one rod (16.5 feet) in width shall surround all wetlands. (This width is consistent with the draft rules developed by the Board of Water and Soil Resources under the Wetland Conservation Act)
3. Wetlands must not be drained or filled, wholly or partially, unless replaced by restoring or creating wetland areas of at least equal public value. Replacement must be guided by the following principles in descending order of priority:
  - a. Avoiding the direct or indirect impact of the activity that may destroy or diminish the wetland;
  - b. Minimizing the impact by limiting the degree or magnitude

- c. Rectifying the impact by repairing, rehabilitating, or restoring the affected wetland environment;
  - d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the activity; and
  - e. Compensating for the impact by replacing or providing substitute wetland resources or environments. (Compensation, including the replacement ratio and quality of replacement should be consistent with the requirements outlined in the rules which will be adopted by the Board of Water and Soil Resources to implement the Wetland Conservation Act.)
- J. Steep Slopes. No land disturbing or development activities shall be allowed on slopes of 18 per cent or more.
- K. Catch basins. All newly installed and rehabilitated catch basins shall be provided with a sump area for the collection of coarse-grained material. Such basins shall be cleaned when they are half filled with material.
- L. Drain leaders. All newly constructed and reconstructed buildings will route drain leaders to pervious areas wherein the runoff can be allowed to infiltrate. The flow rate of water existing the leaders shall be controlled so no erosion occurs in the pervious areas.
- M. Inspection and maintenance. All storm water management facilities shall be designed to minimize the need of maintenance, to provide access for maintenance purposes and to be structurally sound. All storm water management facilities shall have a plan of operation and maintenance that assures continued effective removal of pollutants carried in storm water runoff. The director of public works, or designated representative, shall inspect all storm water management facilities during construction, during the first year of operation, and at least once every five years thereafter. The inspection records will be kept on file at the public works department for a period of 6 years. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the storm water management facilities for inspection and maintenance purposes.
- N. Models/methodologies/computations. Hydrologic models and design methodologies used for the determination of runoff and analysis of storm water management structures shall be approved by the director of public works. Plans, specifications and computations for storm water management facilities submitted for review shall be sealed and signed by a registered professional engineer. All computations shall appear on the plans submitted for review, unless otherwise approved by the director of public works.
- O. Watershed management plans/groundwater management plans. Storm water management plans shall be consistent with adopted watershed management plans and groundwater management plans prepared in accordance with Minnesota Statutes section

103B.231 and 103B.255, respectively, and as approved by the Minnesota Board of Water and Soil Resources in accordance with state law.

P. Easements. If a storm water management plan involves direction of some or all runoff off of the site, it shall be the responsibility of the applicant to obtain from adjacent property owners any necessary easements or other property interests concerning flowage of water.

**Sec. 46-537                      Lawn fertilizer regulations**

A. Use of impervious surfaces. No person shall apply fertilizer to or deposit grass clippings, leaves or other vegetative materials on impervious surfaces, or within storm water drainage systems, natural drainage ways, or within wetland buffer areas.

B. Unimproved land areas. Except for driveways, sidewalks, patios, areas occupied by structures or areas, which have been improved by landscaping, all areas shall be covered by plants or vegetative growth.

C. Fertilizer content. Except for the first growing season for newly established turf areas, no person shall apply liquid fertilizer which contains more than one-half percent by weight of phosphorus, or granular fertilizer which contains more than three percent by weight of phosphorus, unless the single application is less than or equal to one-tenth pound of phosphorus per one thousand square feet. Annual application amount shall not exceed one half pound of phosphorus per one thousand square feet of lawn area.

D. Buffer zone. Fertilizer applications shall not be made within one rod (16.5 feet) of wetland or water resource. (this distance is consistent with the draft rules developed by the Board of Water and Soil Resources under the Wetland Conservation Act.)

**Sec. 46-538 – Sec. 46-549.    Reserved**

**Article Thirteen:                      Yard Regulations**

**Sec. 46-550                      General Statement**

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

No required yard or open space allocated to a structure or parcel of land in compliance with this Ordinance shall be used to satisfy yard or open spaces or minimum lot area requirements for any other structure or land.

**Sec. 46-551                      Yard Requirements**

The minimum yard setback distances from the appropriate lot line are set forth within the district provisions of this Ordinance.

A. Corner Lots.

1. Where a lot is located at the intersection of two (2) or more streets, the width of the yard along the street shall not be less than thirty (30) feet.
  
2. On a corner lot, nothing shall be placed or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2 ½) and ten (10) feet above street level for a distance of thirty (30) feet from intersecting streets.

B. Through Lots.

On a lot fronting on two (2) parallel streets, both street lines shall be front lot lines for applying the yard regulations of this Ordinance.

C. Earth Sheltered Buildings.

Computations for yard requirements shall be based upon measurements from the exposed exterior surface of the building.

D. Exceptions.

1. Architectural projects including chimneys, flues, leaders, sills, pilasters, lintels, ornamental features, mechanical devices, cornices, eaves, gutters, and the like, provided they do not extend more than three (3) feet.
2. Yard lights and signs provided they are located three (3) feet or more from all lot lines. Lights for illuminated parking or loading areas or yards for safety and security purposes may be installed where necessary provided that glare is not visible from public right-of-way or adjacent residential property.
3. Off-street parking spaces except as hereinafter regulated.
4. Fencing or buffering materials as hereinafter regulated.
5. In front and side yards: balconies that extend a distance of four (4) feet or less provided they are seven (7) feet or more above grade at the building line. Also steps, terraces, driveways, stoops, decks, and patios, which do not extend in elevation above the ground floor level of the principal building or to a distance of less than five (5) feet from any lot line.  
  
6. In rear yards: recreational and laundry drying equipment, picnic tables, open arbors and trellises, balconies, breezeways, porches, detached outdoor living rooms and decks, and outdoor eating facilities, are allowed, provided these are not less than five (5) feet from any lot line.

**Sec. 46-552 – Sec. 46-569. Reserved**

## **Article Fourteen:**

## **Building Requirements**

### **Sec. 46-570 Building requirements**

#### **A. Requirements for Dwellings Moved In**

A dwelling that is moved into the city from a property outside the city limits or a dwelling that is moved from one lot in the city to another lot in the city that is not a prefabricated home being shipped directly from the factory requires the following prior to the issuance of a building permit:

Move in dwellings provided that the contractor submits a letter of credit or cash bond to the City. The Le Center City Council will set the bond amount on a case-by-case basis.

2. A Certificate of Completion must be issued by the City Council prior to the person/applicant/contractor responsible for moving the house and placing it on a lot in the city can apply for a permit to move another dwelling from outside or within the city.

#### **B. Height Exceptions**

The building height limits established shall not apply to belfries, cupolas, domes, spires, monuments, airway beacons, radio or television towers, flag poles, chimneys, or flues, nor to elevators, water-tanks, poles, towers and other structures for essential services; nor to similar structures for essential services; nor to similar structures extending above the roof of any building and not occupying more than twenty-five (25%) percent of the total roof area shall be fifty (50) feet; except as otherwise regulated herein.

#### **C. Architectural Requirements.**

The following architectural requirements shall apply to all dwellings in the residential districts:

1. Dwellings shall have a width of not less than twenty-four (24) feet in width.
2. Dwellings shall be secured on a permanent foundation forming a complete enclosure under exterior walls.
3. Exterior walls shall have the appearance of wood or masonry regardless of their actual composition.
4. Roof Materials shall have the appearance of wood regardless of their actual composition.
5. All dwellings shall be constructed on site or be prefabricated.

6. The roof shall have a minimum roof pitch of 4/12.

7. Each dwelling must have an attached or detached garage for the parking of personal motor vehicles, personal recreational vehicles, lawn maintenance equipment for the residential property on which it is stored and other items clearly accessory and incidental to the use of the dwelling.

**Sec. 46-571                      Accessory Buildings Prior to Principal Building**

No accessory building or structure other than a fence or a temporary construction office shall be permitted on any lot prior to the time of construction of the principal building to which it is accessory except a private garage, which prior to construction of the residence can be used only for storage purposes, pertaining to, and until the completion of the principal structure. A building permit must be issued for the principal structure at the same time as the building permit for the accessory building.

**Sec. 46-572                      Height Elevation of Non-Agricultural Accessory Buildings**

The height elevation of accessory buildings shall not exceed the height elevation of the principal structure.

The exterior finish and roofing materials of all accessory buildings in all Districts, shall match as closely as possible the construction and appearance of the dwelling unit on the lot. Boxed eaves and rakes on accessory buildings shall be required where they occur on the dwelling unit. Brick, stucco, stone, cedar shakes, and tile roofs on principal structures shall justify exception.

**Sec. 46-573                      Damage to Existing Buildings**

Buildings in any Zoning District within the City of Le Center that sustain damage for any reason or have its façade removed for any reason, exceeding forty percent (40%) of any single façade, shall be restored in compliance with current zoning requirements in that buildings Zoning District. Building owner shall be given a fair and reasonable amount of time to make corrections, timeline preferred not to exceed ninety (90) days.

**Sec. 46-574 –Sec. 46-589.      Reserved**



**Article Fifteen:                      Off Street Parking, Loading and Storage**

**Sec. 46-590                      Purpose**

It is the purpose of this Section to provide for the regulation of and design standards for off-street parking facilities within the City, to minimize congestion on the public right-of-ways, and to maximize the safety and general welfare of the public.

**Sec. 46-591                      Scope of Regulations**

No provision of any Section of this Ordinance shall be less restrictive than those outlined in this Section. The off-street parking requirements and off-street loading requirements of this Section shall apply within all zoning districts.

**Sec. 46-592                      Calculating Space**

- A. Where calculations result in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.
- B. The term “Floor area” for the purpose of calculating the number of off-street parking spaces required shall be determined on the basis of the exterior floor area dimensions of the building structure or use times the number of floors, minus ten (10%) percent.
- C. Should a building or structure contain two (2) or more types of uses, each should be calculated separately for determining the total off-street parking spaces required.
- D. The parking requirements for a use not specifically mentioned herein shall be the same as required for a use of similar nature as determined by the Planning and Zoning Commission.

**Sec. 46-593                      Site Plan**

Except for single family dwellings, all applications for a building permit shall be accompanied by a site plan drawn to scale and dimensioned indicating the location of all off-street parking and loading spaces in compliance with the requirements of this Section. The Zoning Administrator shall review such plan in accordance to the criteria developed in this Division. The site plan should include at least the following:

- A. Zoning, setbacks, and statement of use.
- B. North point and scale.

- C. All adjacent streets and alleys.
- D. Sidewalks, curbs, gutters and street trees.
- E. Entire ownership of lot or parcel being developed.
- F. Completely dimensioned parking layouts.
- G. All parking spaces clearly marked.
- H. Owner's name and current address.
- I. The type and thickness of the paving.

**Sec. 46-594                      Site Plan Criteria**

Upon review by the Zoning Administrator, the plan for off-street parking shall meet the following site design standards:

- A. All areas devoted for parking space and driveways shall be surfaced with materials suitable to control dust and drainage as determined by the Zoning Administrator. All parking areas shall be designed to control surface runoff to adjacent properties either with curbing or grading techniques.
- B. All off-street parking areas shall be so designed and constructed that no part of any vehicle parked or access lanes be nearer than two (2) feet from the property line.
- C. Any lighting used to illuminate off-street parking areas shall be directed away from abutting property and public right-of-way.
- D. No sign shall be so located as to restrict the sight, orderly operation, and traffic movement within any parking area.
- E. All parking lots with spaces for four (4) or more cars shall be screened and landscaped from abutting residential uses or districts by a wall, fence, or densely-planted compact hedge or tree cover not less than four (4) feet in height.
- F. The parking area shall meet the minimum design standards, and number of stalls required within this Section.

**Sec. 46-595                      Reduction and Use of Parking and Loading Space**

Off-street parking and loading facilities provided to comply with the provisions of this Ordinance shall not subsequently be reduced below the requirements of this Ordinance. No change of use or occupancy of land, or of use or occupancy of any building shall be made until there is furnished sufficient parking and loading space as required by this Section. In such case where reconstruction enlarges bulk or floor area or other such measurable unit prescribed in this Ordinance, parking and loading facilities shall be provided for that measurable unit beyond the original type use of structure.

**Sec. 46-596                      Parking of Large Vehicles or Equipment**

Except as provided below, it shall be illegal to park or store, or permit to be parked or stored on residential property any truck licensed for more than 9,000 pounds gross vehicle weight, a truck-tractor, a semitrailer or other large mobile equipment.

**A. Parking of Large Vehicles or Equipment.**

1. No large vehicles, or equipment, exceeding nine thousand (9,000) pounds gross weight, shall be parked, stored, or otherwise continued in a residential district.

a. The City may grant a conditional use permit to allow the parking or storage of otherwise prohibited vehicles if the vehicle is owned or operated by a resident of the property, such vehicles are not parked or stored within 350 feet of a neighboring dwelling unit, and such use will not unreasonably impact surrounding property owners.

b. Commercially licensed tax-exempt passenger buses are not subject to the provisions of this Subdivision, and there is no more than one such vehicle per lot.

**Sec. 46-597                      Parking of Recreational Vehicles & Placement**

A. Definition. Major recreational equipment shall include, but not be limited to: travel trailers, converted buses, coaches, pickup campers, motorized dwellings, race-cars, and all terrain vehicles. It shall not include vehicles, which are used predominantly for domestic or employment-related transportation and recreation.

B. Standards. Major recreational equipment in a residential district shall conform to the following standards:

1. No major recreational vehicle shall be used for living, sleeping or housekeeping purposes on the premises.

2. No major recreational equipment shall be stored on a public street right-of-way, front driveway or front yard.

**Sec. 46-598 Maintenance**

It shall be the joint responsibility of the lessee and/or the owner of the principal use or building to maintain in a neat and adequate manner, the parking area, striping, landscaping and screening.

All required residential off-street parking and driveways shall be improved with an all-weather surface and maintained in good condition.

**Sec. 46-599 Use of Parking Area**

Required off-street parking space in any District shall not be utilized for open storage of goods or for the storage of vehicles, which are inoperable, for sale, or for rent.

**Sec. 46-600 Control of Off-Street Parking Facilities**

When required accessory off-street parking facilities are provided elsewhere than on the lot in which the principal use served is located, they shall be in the same ownership or control, either by deed or long-term lease, as the property occupied by such principal use, and the owner of the principal use shall file a recordable document with the City requiring the owner and his/her heirs and assigns to maintain the required number of off-street spaces during the existence of said principal use.

**Sec. 46-601 Parking Space, Aisle and Driveway Design**

A. Each parking space shall contain a minimum of not less than three hundred (300) square feet including access drives, a width of not less than ten (10) feet, and a depth of not less than twenty (20) feet.

B. Except in the case of single family or two family dwellings, parking areas shall comply with the following standards:

Angle of Parking	Stall Width	Stall Depth	Minimum Driveway Width
0 degrees (Along Curb)	10'	10'*	12'
30 degrees	10'	19'	11'
45 degrees	10'	21'	13'
60 degrees	10'	22'	18'
90 degrees	10'	19'	24'

**\*Parallel Parking: 22 feet in length.**

- C. Except in the case of single family and two-family dwellings, parking areas shall be designed so that circulation between parking aisles or driveways occurs within the designated parking lot and does not depend upon a public street or alley, and such design does not require backing into the public street.
- D. No curb cut access shall be located less than forty (40) feet from the intersection of two (2) or more street right-of-ways for residential uses, and sixty (60) feet for commercial and industrial areas. This distance shall be measured from the intersection of lot lines.
- E. Parking areas shall be designed so as to provide adequate means of access to a public alley or street. Such driveway access shall be a minimum of sixteen (16) feet in width and shall not exceed twenty-three (23) feet in width when servicing a two (2) stall garage, shall not exceed thirty (30) feet in width when servicing a three (3) stall garage, and shall be so located as to cause the least interference with traffic movement.
- F. Curb cut openings shall be a minimum of two (2) feet from the side property line.
- G. All property shall be entitled to at least one (1) curb cut. Single-family uses shall be limited to one (1) curb cut per access per property.
- H. All parking spaces shall be served by access aisle or driveway connecting to a public right-of-way.
- I. No signs shall be located in any parking area except as necessary for orderly operation of traffic movement and such signs shall not be a part of the permitted advertising space.

**The following minimum number of off-street parking and loading spaces shall be**

<b>USE</b>	<b>NUMBER OF PARKING SPACES TO BE REQUIRED</b>	<b>OFF-STREET LOADING &amp; UNLOADING &amp; SPACES TO BE REQUIRED</b>
<b><u>RESIDENTIAL USES</u></b>		
Single Family	2 Spaces per dwelling	N/A
Two - Family	2 Spaces per dwelling	N/A
Elderly Housing	½ Space per dwelling	N/A
Multiple Housing	2 Spaces per dwelling	N/A
<b><u>INSTITUTIONAL USES</u></b>		
Auditorium, stadium, gymnasium, community centers and religious institution (private or public)	1 space for each 4 permanent seats in the largest place of assembly plus 1 space for each 250 sq. ft. of gross office area.	1 for each structure over 100,000 sq. ft. of gross floor area.
Hospitals, rest homes, nursing homes, etc. major shift.	1 for each 4 beds plus one space per 2 employees	1 space for 100,000 sq. ft. of gross floor area.
Schools	2 spaces per 1,000 sq. room plus 1 space for every 200 students.	
<b><u>COMMERCIAL USES</u></b>		
Commercial Uses (except as below)	5 spaces per 1,000 sq. ft. of retail or sales of gross floor area and 1 space for each additional 50,000 sq. ft. of gross floor area.	1 space for the first 10,000 sq. ft.
Automobile car wash	5 spaces plus 5 for each wash land.	N/A
Animal hospitals and kennels	6 spaces plus 1 space for each 200 sq. ft. of gross floor area over 10,000 sq. ft.	N/A
Automobile service stations	3 for each service stall plus 1 for each attendant on the major shift.	N/A
Bowling alleys	5 spaces for each lane or alley.	1 space for each structure over 20,000 sq. ft. in gross floor area.
Commercial uses with 50% or more of floor area devoted to storage, warehouse and/or industry	1 space per 200 sq. ft. of gross floor area devoted to sales or service plus 1 space per 500 sq. ft. of storage area.	Same as commercial use requirements for that portion used for commercial purposes. Additional space for storage as required.

**provided and maintained:**

<b>USE</b>	<b>NUMBER OF PARKING SPACES TO BE REQUIRED</b>	<b>OFF-STREET LOADING &amp; UNLOADING &amp; SPACES TO BE REQUIRED</b>
<b><u>COMMERICAL USES</u></b> <b><u>(continued)</u></b>		
Drive-In restaurants	5 spaces for each 100 sq. ft. of business area.	N/A
Furniture, automobile, marine and appliance sales.	1 space for each 400 sq. ft. of floor area the first 25,000 sq. ft. and 1 space for each 600 sq. ft. thereafter.	1 space plus 1 additional space for 25,000 sq. ft. of gross floor area.
Miniature golf course, archery range, golf, driving range.	10 spaces respectively.	N/A
Motel, Hotel	1 space per dwelling unit	N/A
Office building, professional offices, banks.	1 space for each 250 sq. ft. of gross floor area.	1 space for buildings between 30,000 sq. ft. and 100,000 sq. ft. of gross floor area and 1 space for each additional 100,000 sq. ft. of gross floor area.
Restaurants and other food dispensing establishments except drive-in restaurants.	1 space for each 4 seats plus 1 for each 2 employees.	1 space for each structure over 10,000 sq. ft. of gross floor area.
Skating rink or dance hall.	1 space for each 200 sq. ft. of gross floor area.	N/A
Theater	1 space for four seats.	N/A
Undertaking establishments	1 space per 50 sq. ft. of gross floor area.	N/A
<b><u>INDUSTRIAL USES</u></b>		
Manufacturing, assembler, processing, research, experimental or testing stations.	1 space for each employee on the major shift or 1 space for each 400 sq. ft. whichever is greater.	1 space for each structure over 10,000 sq. ft. of gross floor area & 2 spaces for each structure over 100,000 sq. ft. of gross floor area.
Warehousing, and wholesale business establishments.	1 space for each employee on the major shift plus 1 space for each company vehicle.	1 space for each structure over 10,000 sq. ft. of gross floor area and 2 spaces for each structure over 100,000 sq. ft. of gross floor area.

**Sec. 46-602                      Joint Facilities**

Provision of joint parking areas for several uses within the same block or same vicinity is permissible providing that the number of stalls required shall be the sum of the individual requirements for those uses, upon application and approval by the Zoning Administrator.

A. The Zoning Administrator may, approve a permit for one (1) or more businesses to provide the required off-street parking facilities by joint use of one (1) or more sites where the total number of spaces provided are less than the sum of the total required for each business, if the following conditions are satisfactorily met:

1. The building or use for which the application is being made to utilize the off-street parking facilities provided by another building or use shall be located within three hundred (300) feet of such parking facilities.
2. The applicant shall show that there is no substantial conflict in the operating hours of the two (2) buildings or uses for which joint uses of off-street parking facilities are proposed.
3. The provisions of this Section of this Ordinance are considered and satisfactorily met.

**Sec. 46-603                      Off-Street Loading Facilities**

Loading space required under this Section shall be at least fifty (50) feet long and ten (10) feet wide. Every lot used for commercial or industrial purposes and having a building or buildings with a total floor area of at least thirty thousand (30,000) square feet, shall be provided with an off-street loading space. An additional off-street loading space shall be required for lots used for commercial or industrial purposes where the floor area of all buildings exceeds one hundred thousand (100,000) square feet.

**Sec. 46-604                      Central Loading**

Central loading facilities may be substituted for loading berths on the individual zoning lots provided the following conditions are fulfilled:

- A. Each lot served shall have direct access to the central loading area without crossing streets or alleys at grade.
- B. Total berths provided shall meet the requirements based on the sum of the several types of uses served. (Area of types of uses may be totaled before computing number of loading berths.)
- C. No lot served shall be more than 500 feet removed from the central loading zone area.

**Sec. 46-605 – Sec. 46-619.    Reserved**



**Article Sixteen:**

**Administration and Enforcement**

**Sec. 46-620                    Administrating Officer**

This Ordinance shall be administered and enforced by the Zoning Administrator who shall be appointed by the City Council.

**Sec. 46-621                    Duties of the Zoning Administrator**

The zoning administrator shall enforce the provisions of this Ordinance and shall perform the following duties:

- A. To directly administer the Zoning Ordinance and the Subdivision Ordinance, and other ordinances relating to planning and/or zoning.
- B. To work with the Building Inspector in the issuance of building permits, certificate of occupancy and any other permits as required by the terms of this Ordinance.
- C. To receive and forward to the City Council, City Planning and Zoning Commission, Board of Adjustment and Appeals, and other appropriate agencies all applications, documents, and proposed actions.
- D. Conduct inspections of land, buildings or structures at reasonable times, to determine compliance with and enforce the provisions of this Ordinance.
- E. Maintain all records necessary for the enforcement of this Ordinance; including, but not limited to all maps, amendments, and conditional use permits, variances, appeal notices, and applications thereof.
- F. Institute in the name of the City, any appropriate actions or proceedings to enforce this Ordinance.
- G. To act as an adviser to the appropriate Councils and committees as determined by the City Council.
- H. Any other duties relating to the purposes of this or related ordinances which may be delegated to the position by the City Council.

**Sec. 46-622 Request for Information, Materials**

The Zoning Administrator may request, or produce any information and materials necessary to carry out the duties of the position. Such information may include requiring a land survey in order to establish property lines in those cases where lines are not clearly established.

**Sec. 46-623 Zoning, Building and Construction Permits Required**

A. Scope

1. From and after the effective date of this Ordinance, it shall be unlawful to proceed with the construction, alteration, repair, or enlargement of any building or structure, or part thereof; or alteration of any site or use without first obtaining the appropriate permits.

B. Application

1. Requests for permits shall be filed with the Zoning Administrator only on official application forms. Each application for a permit shall be accompanied by such information deemed necessary for the proper review and enforcement of this Ordinance and any other applicable building codes or City Ordinances.

C. Issuance of Permits

1. The Building Inspector shall issue building permits upon approval of the Zoning Administrator only when the plans comply with this Ordinance and other applicable City Ordinances.

**Sec. 46-624 Permits, Applications, Licenses and Administrative Services**

A. Building/Construction Permits

1. Building Permit

a. Building permits are issued to cover all proposed structures regulated by the Building Code.

2. Site Permit

a. Site permits are issued for agricultural buildings to insure proper setbacks.

3. Grading and Filling Permit

a. Grading or filling permits are issued to regulate the grading, placing of fill, or any alterations of the natural topography.

4. Sewer Permit

5. Driveway Permit

- a. Driveway permits are issued to regulate the installation of new driveways accessing City roads.

6. Sign Permits

- a. Sign permits are issued to regulate signs as set forth in the Zoning Ordinance.

B. Zoning and Planning Applications

1. Appeal Application

An appeal application allows for the appealing of a zoning decision of the Zoning Administrator to the Board of Adjustment and Appeals for their review on some provisions of this ordinance.

2. Conditional Use Permit

A conditional use permit application requests a use permitted in a particular zoning district, but regulated and controlled through conditions placed upon it by the City Council after review by the Planning and Zoning Commission.

3. Variance Application

A variance application allows for a request to vary from the terms of the Ordinance and is heard by the Planning and Zoning Commission who will make a recommendation to the City Council. The City Council will make the final decision.

4. Sketch Plan

The Sketch Plan is an application and general concept plan to subdivide property. It includes a drawing, which is not necessarily to scale, nor is exact accuracy required. It allows the developer and Planning and Zoning Commission to discuss and identify issues of concern prior to Preliminary Plat application.

5. Preliminary Plat

The preliminary plat is an application and plan to subdivide property in accordance with the Subdivision Ordinance.

6. Zoning Amendment

A zoning amendment requests a change in the zoning district boundaries or provisions of the Zoning Ordinance.

7. Parkland Fee

A fee which is requested when there is no land designated in a plat as “park” land.

C. License Fees

D. Administrative Services.

1. Gas Pressure Test.

Inspections are made on natural gas lines when they are air tested.

2. On-Site Inspection of Structures.

Inspections made by building inspectors of structures scheduled to be moved into the City for compliance with codes.

**Sec. 46-625 Certificate of Occupancy**

A certificate of occupancy shall be obtained from the building inspector before any building hereafter erected or structurally altered is occupied, or the use of any such building is altered. No fee shall be charged.

**Sec. 46-626 Administrative Costs**

A. To defray the costs associated with administrative requests and actions, the City of Le Center shall charge fees and administrative costs for applications and other administrative actions as established within this Ordinance. These fees and administrative charges are set forth on the current fee schedule adopted by the City Council.

B. In order to defray the additional cost of processing applications (amendment, conditional use, variance, appeal) for developments, all applicants shall pay the total cost of staff and/or consulting time spent exclusively in producing materials for the applicant’s request, and all materials for said request.

1. “Materials” shall include, but not be limited to maps, graphs, charts, drawings, etc., and all printing or reproduction of same.
2. “Staff and/or Consulting Time” shall include any time spent in either researching for or actual production of materials.
3. The hourly rate for “staff and/or consulting time” shall be established and made available to the applicant by the Zoning Administrator prior to production of any materials and the applicant shall be given a reasonable estimate of project time and/or materials costs.

4. All legal and engineering fees incurred by the City relating to a specific application, administrative acts, etc., will be charged back to the applicant.

C. Fees shall be payable at the time applications are filed with the Zoning Administrator and are not refundable unless application is withdrawn prior to referral to the Planning and Zoning Commission. The refund will be less any expenses incurred prior to withdrawal. An escrow deposit to cover staff or consulting time, engineering fees, legal fees, and special materials will be established and required by the Zoning Administrator at the time the base fee is paid.

**Sec. 46-627 – Sec. 46-639. Reserved**

**Article Seventeen:            Planning and Zoning Commission**

**Sec. 46-640            Membership and Terms**

**Refer to:            City of Le Center Code of Ordinances Chapter 30, Article Two,  
Sec. 30-31 – Sec.30-36.**

**Sec. 46-641 – Sec. 46-649.    Reserved**

## **Article Eighteen:**

## **Conditional Use Permits**

### **Sec. 46-650 Procedure**

Request for a conditional use permit, as provided within this Ordinance, shall be filed with the Zoning Administrator on an official application form. Such application shall also be accompanied by complimentary copies of detailed written and graphic materials fully explaining the proposed change, development, or use. The Zoning Administrator shall refer said application, along with all related information, to the City Planning and Zoning Commission for consideration at its next regular meeting, provided that adequate time exists between the filing date and meeting date to allow for notification of hearing as required by state law. If there is not adequate time between the filing date and meeting date, the requests will be considered at the next following regular meeting of the Planning and Zoning Commission.

### **Sec. 46-651 Application**

The application shall be accompanied by a site plan of the proposed use showing such information as may be necessary or desirable, including, but not limited to Items A through L below. Within two working days of receipt of all of the following items, the Zoning Administrator on behalf of the Planning and Zoning Commission, shall set a date for a public hearing. Notice of such hearing shall be published in the official newspaper of the City. As of the date of publication, the application shall be considered complete.

- A. Site plan drawn at scale showing parcel and building dimensions.
- B. Locations of all proposed and existing buildings and their square footages.
- C. Curb cuts, driveways, access roads, parking spaces and off-street loading areas.
- D. Existing topography.
- E. Finished grading and drainage plan.
- F. Type of business or activity and proposed number of employees.
- G. Proposed floor plan of any building and use indicated.
- H. Sanitary sewer and water plan with estimated use per day.

- I. Soil type and soil limitations for the intended use. If severe soil limitations for the intended use are noted, a plan or statement indicating the soil conservation practice or practices to be used to overcome said limitation or limitations, shall be made part of the permit application.
- J. A location map showing the general location of the proposed use within the City.
- K. A map showing all principal land use within 250 feet of the parcel for which application is being made.
- L. Any other information deemed necessary by the Zoning Administrator or Planning and Zoning Commission.

**Sec. 46-652                      Public Hearing and Disposition**

The Zoning Administrator on behalf of the Planning and Zoning Commission, shall set a date for a public hearing. Notice of such hearing shall be published in the official newspaper of the City at least ten (10) days prior to the date of the hearing. Written notice of public hearings for conditional uses shall be sent to all property owners of record within five hundred (500) feet of the affected property. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be attested to by the Zoning Administrator and made part of the official record. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bonafide attempt to comply with this subdivision has been made.

A. The Planning and Zoning Commission shall consider the request and hold a public hearing at its next regular meeting. The applicant or a representative thereof shall appear before the Planning and Zoning Commission in order to answer questions concerning the proposed conditional use.

B. The Planning and Zoning Commission shall consider the possible affects of the proposed conditional use. Its judgment shall be based upon (but not limited to) the following general factors and any other relevant requirements set forth in any division of this Ordinance.

- 1. The use is in conformity with the Comprehensive Plan and development policies of the City.
- 2. The use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities, which serve or are proposed to serve the area.
- 3. The use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development will not be depreciated in value and there will be no deterrence to development of vacant land.



4. The structure and site will have an appearance that will not have an adverse effect upon adjacent properties.
5. The use in the opinion of the City is reasonably related to the overall needs of the City and to the existing land use.
6. The use will be consistent with the purpose of this and other City Ordinances.
7. The use will be located, designed, maintained, and operated to be compatible with the existing or intended character of the zoning district in which it is to be located.
8. The use will generate only minimal vehicular traffic on local streets and shall not create traffic hazards or unsafe access or parking needs.
9. Existing businesses nearby will not be adversely affected because of the curtailment of customer trade brought about by intrusion of noise, glare, or general unsightliness.
10. The establishment or maintenance of the use shall not be detrimental to the public health, safety or general welfare.
11. The use will not be hazardous, detrimental, or disturbing to present and potential surrounding land use due to water pollution, odor, fumes, general unsightliness or other nuisances.
12. The use will preserve and incorporate the site's important natural and scenic features into the development design.
13. The use will cause minimal adverse environmental effects.

C. The Planning and Zoning Commission and City staff shall have the authority to request additional information from the applicant or to retain expert testimony at the expense of the applicant if said information is declared to be necessary by the City to review the request or to establish performance conditions in relation to this Ordinance.

D. Within thirty-five (35) days from the date of receipt of a complete Conditional Use Permit application, the Planning and Zoning Commission shall make a finding of fact and recommend such actions and/or conditions relating to the request to the City Council. The City may impose such additional restrictions or conditions as deemed necessary to protect the public interest. When appropriate, restrictive covenants may be entered into regarding such matters. These conditions, in addition to those specific requirements set forth in any division of this Ordinance, may include, but are not limited to the following:

1. Matters relating to the architecture or appearance.
2. Establishing hours of operation.
3. Increasing the required lot size or yard dimension.
4. Limiting the height, size or location of buildings.
5. Controlling the location and number of vehicle access points.
6. Increasing the street width.
7. Increasing the number of required off-street parking spaces.
8. Limiting the number, size, location or lighting of signs.
9. Requiring diking, fences, screening, landscaping or other facilities to protect adjacent or nearby property.
10. Designating sites for open space.
11. Limiting the duration of the use by establishing a date or event by which the operation must cease. Where the City Council establishes an event after which operation must cease, the event must be identified with certainty and such event may be the re-zoning of the land or a change in the uses permitted with the district. The City Council may also set forth a period of time after an event by which the operation must cease. Where the City Council or the applicant desires to limit the duration of a conditional use, such use will be deemed an interim use pursuant to Minnesota Statutes #462.3597. Every conditional use permitted in a district may be permitted as an interim use either by request of the applicant at the time of application or by motion of the Planning and Zoning Commission or City Council. Prior to granting a conditional use as an interim use, the City Council shall consider, in addition to all other factors required to obtain a conditional use, the following:
  - a) Whether the use conforms to the zoning regulation;
  - b) Whether a date or event for the termination of the use can be identified with certainty.
  - c) Whether the permission of the use will impose additional costs on the public if it is necessary for the public to take the property in the future; and

- d) Whether the landowner will agree to the conditions that the City Council deems appropriate for permission of the use.

If the landowner requests that the application be considered as an interim use on the initial application, the notice of public hearing shall state the use is proposed as an interim use and state the duration requested by the applicant. If the Planning and Zoning Commission or City Council moves to consider the application as an interim use, a new public hearing shall be held and the notice of such public hearing shall state that the purpose of the hearing is to consider the application as an interim use and to establish the duration of the use.

E. Upon receiving the report and recommendation of the Planning and Zoning Commission, or within thirty-five (35) days of receiving the completed application, the City Council shall place the report and recommendation on the agenda for the next regular meeting. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.

F. Upon receiving the report and recommendation of the Planning and Zoning Commission, the City Council shall either:

1. Approve or disapprove the request as recommended by the Planning and Zoning Commission, based upon whether the application meets the requirements stated in the Ordinance.
2. Approve or disapprove the recommendation of the Planning and Zoning Commission with modifications, alterations, or differing conditions. Such modifications, alterations or differing conditions shall be in writing and made part of the Council's records, or;
3. Refer the recommendation back to the Planning and Zoning Commission for future consideration. This procedure shall be followed only one time on a singular action.

G. The recommendation of the Planning and Zoning Commission shall be advisory to the City Council. Approval of a request shall require passage by majority vote of the full City Council. The Zoning Administrator shall notify the applicant of the City Council's action. The decision of the City Council shall be final, subject to judicial review.

H. Within sixty (60) days of receipt of a complete Conditional Use Permit application, the City Council shall approve or deny the application. If the application is not complete, the Zoning Administrator shall submit a written notice of missing material, and the sixty (60) day time limitation for review will then begin after receipt of the missing materials.

**Sec. 46-653                      Lapse of Conditional Use Permit by Non-Use**

Whenever within one (1) year after granting a conditional use permit, the work as permitted by the permit shall not have been completed, then such permit shall become null and void unless a petition for extension of time in which to complete the work has been granted by the City Council. Such extension shall be requested in writing and filed with the Zoning Administrator at least thirty (30) days before the expiration of the original conditional use permit. There shall be no charge for the filing of such petition. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the conditional use permit. Such petition shall be presented to the Planning and Zoning Commission for a recommendation and to the City Council for a decision and shall be requested only one time on a singular action.

**Sec. 46-654                      Amended Conditional Use Permit**

Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the Conditional Use permit issued shall require an amended conditional use permit and all procedures shall apply as if a new permit were being issued.

**Sec. 46-655                      Revocation of a Conditional Use Permit**

A conditional use permit shall be deemed to authorize only one (1) particular conditional use. Such permit may be revoked by the issuing body if:

- A. The applicant or his agent has not commenced work upon the subject property within one year.
  
- B. An existing conditional use ceases operation for a period of one (1) year.
  
- C. The conditional use is being operated and maintained in a manner contrary to this Ordinance, the approved conditional use permit, or its conditions.
  
- D. An existing conditional use does not complete its bi-annual certification. Bi-annual certification is intended to maintain an updated listing of active conditional uses in the City and to decertify any conditional use permits where the activity has ceased. CUP holders must complete and return certification forms provided by the City. Failure to maintain certification shall cause the CUP to become null and void.

**Sec. 46-656                      Performance Security**

The Planning and Zoning Commission and City Council shall have the authority to require a letter of credit or cash bond when it is deemed necessary and appropriate.

- A. Except in the case of non-income producing residential property, upon approval of a conditional use permit the City may be provided with a cash bond or letter of credit

prior to the issuing of building permits or initiation of work on the proposed improvements or development. Said security shall guarantee conformance and compliance with the conditions of the conditional use permit and the ordinances of the City.

- B. The security may be in the amount of the City Council's estimated costs of labor and materials for the proposed improvements or development. Said project can be handled in stages upon the discretion of the City Council.

**Sec. 46-657 – Sec. 46-669. Reserved**

**Article Nineteen:                      Variances**

**Sec. 46-670                      Procedure**

A. Requests for variances, as provided within this Ordinance, shall be filed with the Zoning Administrator on an official application form. Such application shall also be accompanied by complimentary copies of detailed written and graphic materials fully explaining the proposed change, development and use. The Zoning Administrator shall refer said application, along with all related information, to the Planning and Zoning Commission for consideration at its regular meeting provided that adequate time exists between the filing date and meeting date to allow for notification of the hearing as required by State law. If there is not adequate time between the filing date and meeting date, the request will be considered at the next following regular meeting of the Planning and Zoning Commission.

B. The application shall be accompanied by a site plan of the proposed variance showing such information as may be necessary or desirable, including, but not limited to Items 1 through 7 below. Within two working days of receipt of all of the following items, the Zoning Administrator on behalf of the Planning and Zoning Commission shall set a date for a public hearing. Notice of such hearing shall be published in the official newspaper of the City. As of the date of publication, the application shall be considered complete.

1. The names and addresses of the petitioner or petitioners, and their signatures to the petition.
2. A specific description of the area for which the variance is requested and addresses of all owners of the property lying within five hundred (500) feet of such area, and a description of the property owned by each.
3. Proposed use of land for which the variance is requested.
4. A legal description of the property for which the variance is requested.
5. A detailed map to scale of the property showing the location of proposed buildings, and dimensional variances requested, and existing land uses and buildings of adjacent properties within five hundred (500) feet.
6. A letter to the Planning and Zoning Commission explaining how the requested variance satisfies the ten (10) Items listed.

7. Any other information deemed necessary by the Zoning Administrator or Planning and Zoning Commission.

C. The Zoning Administrator on behalf of the Planning and Zoning Commission, shall set a date for a public hearing. Notice of such hearing shall be published in the official newspaper of the City at least ten (10) days prior to the date of the hearing. Written notice shall be sent to all property owners within five hundred (500) feet of the affected property in incorporated areas and unincorporated areas. A copy of the notice and a list of the property owners and addresses and local governments to which the notices were sent shall be attested to by the Zoning Administrator and made part of the official record. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bonafide attempt to comply with the subdivision has been made.

D. The Planning and Zoning Commission shall consider the request and hold a public hearing at its next regular meeting. The applicant or a representative thereof, shall appear before the Planning and Zoning Commission in order to answer questions concerning the requested variance.

E. A variance to the provisions of the Zoning Ordinance may be issued to provide relief to the landowner in those cases where the application of the strict letter of the ordinance imposes particular hardship or practical difficulties to the property owner in the use of this land. No variance may be granted that would allow any use that is prohibited in the zoning district in which the property is located. A variance may be granted only in the event that the following circumstances exist:

1. The property is question cannot be put to a reasonable use if used under the conditions allowed by this Ordinance.
2. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of this Ordinance have had no control.
3. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
4. The special conditions or circumstances do not result from actions of the applicant.
5. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures, or buildings in the same district.

6. The variance requested is the minimum variance, which would alleviate the hardship.
7. The variance would not be materially detrimental to the purposes of this Ordinance, or to property in the same zone.
8. Economic conditions or circumstances alone shall not be considered in the granting of a variance request if a reasonable use of the property exists under the terms of the ordinance.
9. In the Flood Plain District, no variance shall be granted which permits a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area or permits standards lower than those required by state law.
10. Variances shall be granted for earth sheltered construction by state statutes when in harmony with this Ordinance.

F. In considering all requests for a variance, the Planning and Zoning Commission shall make a finding of fact as appropriate that the proposed action will not:

1. Impair an adequate supply of light and air to adjacent property.
2. Unreasonably increase the congestion in the public right-of-way.
3. Increase the danger of fire or endanger the public safety.
4. Unreasonably diminish or impair established property values within the neighborhood.
5. Cause an unreasonable strain upon existing municipal facilities and services.
6. Be contrary in any way to the spirit and intent of this Ordinance.
7. Have a negative direct or indirect fiscal impact upon the City or school district, unless the proposed use is determined to be in the public interest.

G. The Planning and Zoning Commission and City staff shall have the authority to request additional information from the applicant or to retain expert testimony with the consent and at the expense of the applicant if said information is declared to be necessary by the City to review the request or to establish performance conditions in relation to this Ordinance.



H. Within thirty-five (35) days from the date of receipt of a complete application for a variance, the Planning and Zoning Commission shall make preliminary findings of fact and recommend approval or disapproval or approval with modifications, alterations, or differing conditions. Such preliminary findings and recommendations with modifications, alterations, or differing conditions shall be in writing and made part of the Commission's records. Prior to making its preliminary Findings and recommendations, the Planning and Zoning Commission shall adjourn the public hearing to the next regular meeting of the Planning and Zoning Commission.

I. All decisions of the Planning and Zoning Commission shall be advisory to the City Council.

J. Upon receiving the report and recommendation of the Planning and Zoning Commission or when thirty-five (35) days have elapsed since the receipt of a complete variance application, the City Council shall place the report and recommendation on the agenda at its next regular meeting. Such reports and recommendations shall be entered in and made part of the permanent record of the City Council.

K. Upon receiving the report and recommendation of the Planning and Zoning Commission and after receiving such additional testimony as it may deem appropriate, the City Council shall either:

1. Approve or disapprove the request as recommended by the Planning and Zoning Commission, or
2. Approve or disapprove the recommendation of the Planning and Zoning Commission with modifications, alterations, or differing conditions. Such modifications, alterations, or differing conditions shall be in writing and made part of the records of the City Council; or
3. Refer the recommendation back to the Planning and Zoning Commission for further consideration. This procedure shall be followed only one time on a single action.

M. Within sixty (60) days of receipt of a complete variance application, the City Council shall approve or deny the application. If the application is not complete, the Zoning Administrator shall submit a written notice of missing material, and the sixty (60) day time limitation for review will then begin after receipt of the missing materials.

#### **Sec. 46-671                      Lapse of Variance**

Whenever within one (1) year after granting a variance, the work as permitted by the variance shall not have been completed, then such variance shall become null and void unless a petition for extension of time in which to complete the work has been granted by

the City Council. Such extension shall be requested in writing and filed with the Zoning Administrator at least thirty (30) days before the expiration of the original variance or appeal. There shall be no charge for the filing of such petitions. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the variance or appeal. Such petition shall be presented to the Planning and Zoning Commission for a decision, and shall be requested only one time on a singular action.

**Sec. 46-672 Performance Security**

The Planning and Zoning Commission shall have the authority to recommend to the City Council, a cash bond or letter of credit when it is deemed appropriate. The City Council will make the final determination.

- A. Except in the case of non-income producing residential property, upon approval of a variance the City will be provided with a surety bond, cash escrow certificate of deposit, securities or cash deposit prior to the issuing of building permits or initiation of work on the proposed improvements or development. Said security shall guarantee conformance and compliance with the conditions of the variance and the ordinances of the City.
- B. The security may be in the amount of the City's estimated costs of labor and materials for the proposed improvements or development.
- C. The City may hold the security until completion of the proposed improvements or development and a certificate of occupancy indicating compliance with the variance and ordinances of the City have been issued by the Zoning Administrator.
- D. Failure to comply with the conditions of the variance and ordinances of the City may result in forfeiture of the security.

**Sec. 46-673 – Sec. 46-689. Reserved**

**Article Twenty: Appeals**

**Sec. 46-690 Procedure**

A. An appeal, as provided within this Ordinance, shall be filed with the Zoning Administrator on an official application form. The Zoning Administrator shall refer said application, along with all related information, to the Board of Adjustment and Appeals for consideration at its next meeting provided that adequate time exists between the filing date and meeting date to allow for notification of the hearing as required by State Law. If there is not adequate time between the filing date and meeting date, the request will be considered at the next following meeting of the Board of Adjustment and Appeals.

B. The application shall be accompanied by information which may be necessary or desirable, including, but not limited to the following:

1. The particular order, requirement, decision or determination from which the appeal is taken.
2. The name and address of the appellant.
3. The grounds for the appeal.
4. The relief requested by the appellant.

C. An appeal stops all proceedings in furtherance of the action appealed from unless the Board of Adjustment and Appeals, to whom the appeal is taken certifies that by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property.

D. The Zoning Administrator on behalf of the Board of Adjustment and Appeals, shall set a date for a hearing of the appeal and give due notice thereof to the appellant and the officer from which the appeal is taken and to the public.

E. The Board of Adjustment and Appeals shall consider the appeal and hold such hearing at its next meeting. The appellant and officer from which the appeal is taken shall appear before the Board of Adjustment and Appeals in order to answer questions concerning the appeal.

F. Within thirty-five (35) days from the date receipt of a complete application for an appeal, the Board of Adjustment and Appeals shall make findings of fact and order either to reverse or affirm, wholly or partly, or to modify the order, requirement, decision or determination appealed from. The Board's findings and reasons shall be stated in writing and be made part of the Board's records.

G. All decisions of the Board of Adjustment and Appeals shall be deemed final in terms of exhausting local governmental remedies.

I. Within sixty (60) days of receipt of a complete appeals application the Board shall take action on the application. If the application is not complete, the Zoning Administrator shall submit a written notice of missing material, and the sixty (60) day time limitation for review will then begin after receipt of the missing materials.

**Sec. 46-691                      Lapse of Appeal**

Whenever within one (1) year after granting an appeal the work as permitted by the appeal shall not have been completed, then such appeal shall become null and void unless a petition for extension of time in which to complete the work has been granted by the Board of Adjustment and Appeals. Such extension shall be requested in writing and filed with the Zoning Administrator at least thirty (30) days before the expiration of the original appeal.

There shall be no charge for the filing of such petition. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the appeal. Such petition shall be presented to the Board of Adjustment and Appeals for a decision, and shall be requested only one time on a singular action.

**Sec. 46-692 – Sec. 46-699.    Reserved**

## **Article Twenty One: Amendments**

### **Sec. 46-700 Initiation of Amendments**

The City Council or Planning and Zoning Commission may, upon their own motion, initiate a request to amend the text or the district boundaries of this Ordinance. Any person owning real estate within the City may initiate a request to amend the district boundaries or text of this Ordinance so as to affect the said real estate. All amendment requests must first be reviewed by the Planning and Zoning Commission.

### **Sec. 46-701 Procedure**

A. Requests for amendments as provided within this Ordinance, shall be filed with the Zoning Administrator on an official application form. The Zoning Administrator shall refer said application, along with all related information, to the City Planning and Zoning Commission for consideration at its next regular meeting provided that adequate time exists between the filing date and meeting date to allow for notification of hearing as required by State law. If there is not adequate time between the filing and the meeting date, the request will be considered at the next following regular meeting of the Planning and Zoning Commission. Such application shall be accompanied by written and graphic materials containing Items 1 through 5 below. Within two working days of receipt of all of the following items, the Zoning Administrator on behalf of the Planning and Zoning Commission, shall set a date for a public hearing. Notice of such hearing shall be published in the official newspaper of the City. As of the date of publication, the application shall be considered complete.

1. Stated reason for requested change.
2. Statement of compatibility to the City Comprehensive Plan.
3. Text of the portion of the existing ordinance to be amended.
4. Proposed amended text and statements outlining any other effects that the amendment may have on other areas of this Ordinance.
5. Additional information as may be requested by the Planning and Zoning Commission.

B. The Zoning Administrator on behalf of the Planning and Zoning Commission shall set a date for a public hearing. Notice of such hearing shall be published in the official newspaper of the City at least ten (10) days prior to the date of the hearing. Written notice of public hearings for general ordinance amendments shall be sent to the

governing bodies of all municipalities located adjacent to City of Le Center. Written notice shall also be sent to all property owners within five hundred (500) feet of the affected property. A copy of the notice and a list of the property owners and addresses and local governments to which the notices were sent shall be attested to by the Zoning Administrator and made part of the official record. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bonafide attempt to comply with this subdivision has been made.

C. The Planning and Zoning Commission shall consider the request and hold a public hearing at its next regular meeting. The applicant or a representative thereof, shall appear before the Planning and Zoning Commission in order to answer questions concerning the requested amendment.

D. The Planning and Zoning Commission shall consider the possible affects of the proposed amendment. Its judgment shall be based upon, but not limited to, the following criteria:

1. The City may adopt amendments to the zoning ordinance and zoning map in relation both to land uses within a particular district or to the location of the district lines. Such amendment shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the community as reflected in the Comprehensive Plan or changes in conditions in the City. The following factors shall also be considered:
  - a. Whether the amendment will create an excessive demand on existing parks, schools, streets and other public facilities and utilities, which serve or are proposed to serve the area.
  - b. Whether the amendment is sufficiently compatible so that existing development will not be depreciated in value and there will be no deterrence to development of vacant land.
  - c. The amendment in the opinion of the City is reasonably related to the overall needs of the City.
  - d. The amendment is consistent with the intent and purposes of the zoning ordinance.
  - e. The amendment will not cause traffic hazard or congestion.

E. The Planning and Zoning Commission and City staff shall have the authority to request additional information from the applicant or to retain expert testimony with the consent and at the expense of the applicant if said information is declared to be necessary by the City in reviewing the request.

F. Within thirty-five (35) days from the date of receipt of a complete application for an amendment, the Planning and Zoning Commission shall make a finding of fact and recommend such actions or conditions related to the request to the City Council.

G. Upon receiving the report and recommendation of the Planning and Zoning Commission, or within thirty-five (35) days of receiving the completed application, the City Council shall place the report and recommendation on the agenda for the next regular meeting. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council.

H. Upon receiving the report and recommendation of the Planning and Zoning Commission, the City Council shall either:

1. Approve or disapprove the request as recommended by the Planning and Zoning Commission, based upon whether the application meets the requirements stated in the Ordinance.
2. Approve or disapprove the recommendation of the Planning and Zoning Commission with modifications, alterations, or differing conditions. Such modifications, alterations, or differing conditions shall be in writing and made part of the Council's records, or
3. Refer the recommendation back to the Planning and Zoning Commission for future consideration. This procedure shall be followed only one time on a singular action.
4. Approval of a request shall require passage by a four-fifths majority vote of the full City Council. The Zoning Administrator shall notify the applicant of the City Council's action.

I. The recommendation of the Planning and Zoning Commission shall be advisory to the City Council. The decision of the City Council shall be final, subject to judicial review.

J. Within sixty (60) days of receipt of a complete amendment application the City Council shall approve or deny the application. If the application is not complete, the Zoning Administrator shall submit a written notice of missing material, and the sixty (60) day time limitation for review will then begin after receipt of the missing materials.

**Sec. 46-702 – Sec. 46-709. Reserved**

**Article Twenty Two: Environmental Review**

**Sec. 46-710 Purpose**

The purpose of the Environmental Review Program section is to provide for the preparation and review of Environmental Assessment Worksheets (EAW), Environmental Impact Statements (EIS), and other environmental documents required under Minnesota Rules Parts 4410.0200 - 4410.7800 as amended, to implement the Environmental Review Program in accordance with 6MCAR 3.021 to 3.047.

**Sec. 46-711 – Sec. 46-714. Reserved**



**Article Twenty Three:**

**Penalties and Violations**

**Sec. 46-715                    Maximum Penalties**

Any person who violates any provision of this Ordinance, shall, be guilty of a misdemeanor. Each day that the violation is permitted to exist constitutes a separate offense.

**Sec. 46-716 – Sec. 46-719.    Reserved**

**Article Twenty Four:**

**Repeal of Zoning Ordinance**

**Sec. 46-720**

**Repeal of Previous Zoning Ordinance**

The City of Le Center Zoning Ordinance, approved by the City Council of the City of Le Center on the 11<sup>th</sup> day of April 2000, and all amendments and extensions thereof are hereby repealed.

**Article Twenty Five:            Date of Effect**

This Ordinance shall take effect upon its passage and publication according to law.

Passed and approved by the City Council of the City of Le Center this 12<sup>th</sup> day of November, 2002.

**For the City of Le Center**

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Clarence Mager, Mayor

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Chris Collins, Clerk

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Adopted: \_\_\_\_\_

Published: \_\_\_\_\_