

TITLE XV: LAND USAGE

CHAPTER 155: ZONING CODE

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GENERAL PROVISIONS

§ 155.01 ESTABLISHMENT OF DISTRICTS; OFFICIAL ZONING MAP.

(A) *Official Zoning Map.* The city is divided into Use Districts as shown on the Official Zoning Map(s), which with all explanatory matter thereon, is adopted by reference and declared to be part of this chapter. The Official Zoning Map(s) shall be identified by the signature of the Planning Director under the following certification: “I certify that this is the Official Zoning Map referred to in Section 1 of City Zoning Ordinance of the City of Hastings, Minnesota, passed (month, date, year).” An index shall be affixed to and become a part of the Official Zoning Map(s). Amendments as approved by the Council shall be tabulated on the index, with an entry as follows:

Date (Date of Council Mayor Resolution)	Page (Page of Maps)	Amendment (Brief Description of Amendment)	Signature (Signature of and City Clerk)
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No changes of any nature shall be made in the Official Zoning Map(s) or matter shown thereon except in conformity with the procedures set forth in this chapter. Any unauthorized change of whatever kind by any person shall be considered a violation of this chapter. Despite the existence of purported copies of the Official Zoning Map(s) which may, from time to time, be made or published, the Official Zoning Map(s) which shall be located in the office of the Planning Department shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the city.

(B) *Replacement of Official Zoning Map.* In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Council may, by resolution, adopt the new Official Zoning Map that shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no correction shall have the effect of amending the original Zoning Map or any subsequent amendments thereof. The new Official Zoning Map shall be identified by the Signature of the Mayor, attested by the City Clerk, and bearing the seal of the city under the following words: “This is to certify that this official zoning map supersedes and replaces the official zoning map adopted (date of adoption of map being replaced) as part of City Zoning Ordinance of the City of Hastings, Minnesota.” Unless the prior Official Zoning Map has been lost, or has been destroyed, the prior map or any significant part of it remaining shall be preserved, with all available records about its adoption or amendment. (Prior Code, § 10.01)

§ 155.02 DEFINITIONS.

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

ACCESSORY USE OR STRUCTURE. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

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

BED AND BREAKFAST. An owner or manager occupied dwelling in which a room or rooms are rented on a nightly basis for periods of less than a week. Meals may or may not be provided.

BED AND BREAKFAST UNIT. A room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

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

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

CONVERSION. The converting of any 1-family dwelling to a multiple-family dwelling.

DOWNTOWN OVERLAY DISTRICT. The area zoned C-3 bounded by the Mississippi River to the north, 4th Street to the south, Bailly Street to the east, and Eddy Street to the west.

DRIVE-IN RESTAURANT OR REFRESHMENT STAND. Any place or premises used for sale, dispensing, or servicing of food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on site.

DWELLING, 2-FAMILY. A detached residential dwelling building containing 2 dwelling units.

DWELLING, MULTIPLE-FAMILY. A residential building designed for 2 or more families, with the number of families in residence not exceeding the number of dwelling units provided.

DWELLING, SINGLE-FAMILY. A detached residential dwelling unit other than a manufactured home, designed for and occupied by 1 family only.

DWELLING UNIT. A building or portion thereof, constituting a independent housekeeping establishment for owner occupancy, rental, or lease and separate from any other dwelling units that may be in the same structure and containing independent cooking and sleeping facilities.

ESTABLISHED STRUCTURE SETBACK. The setback established by an existing structure. The Established Structure Setback may be less than the minimum zoning provision provided that the structure is legally nonconforming.

FAMILY. A group of individuals living under 1 roof.

HOME OCCUPATION. An occupation conducted in a dwelling unit.

LOADING SPACE, OFF-STREET. Space logically and conveniently located for bulk pickups and deliveries.

LOT. A separate parcel, tract, or area of land undivided by any public street or approved private road, established by plat, metes and bounds subdivision, or as otherwise permitted by law, and occupied by or intended to be developed for and occupied by a principal building or group of the buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, including the open spaces and yards as are designed and arranged or required by this chapter for the building, use, or development.

LOT-CORNER (CORNER LOT). A lot at the intersection of 2 or more streets.

LOT FRONTAGE. The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sizes of a lot next to streets shall be considered frontage, and yards shall be provided as indicated under yards in this section.

LOT-INTERIOR (INTERIOR LOT). A lot other than a corner lot with only 1 frontage on a street.

LOT MEASUREMENT. The depth of a lot shall be considered the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear. Width of a lot shall be considered the distance between straight lines connecting the front lot width at setback.

LOT OF RECORD. A lot that is part of a plat recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of that has been so recorded.

LOT-THROUGH (THROUGH LOT). A lot other than a corner lot with frontage on more than 1 street.

MANUFACTURED HOME (MOBILE HOME). A single-family detached housing built to the National Manufactured Housing Construction and Safety Standards Act of 1974 or as may be amended.

MEASURED DISTANCES. That all distances expressed in feet shall be to the nearest tenth of a foot.

MOTOR VEHICLE IMPOUND LOT. A facility for the temporary storage of motor vehicles, as defined by M.S. Chapter 169, as it may be amended from time to time. This definition does not include the storage of motor vehicles for salvaging, repairing, stripping, dismantling, sales or storage beyond time limits provided by ordinance.

PRINCIPAL STRUCTURE. A structure in which is conducted the primary use of the lot.

PUBLIC SAFETY TELECOMMUNICATIONS SERVICES. Licensed telecommunications systems used by local governments and all other public and private entities eligible under Part 90 of the FCC rules for public safety purposes including police, fire, emergency medical, highway maintenance, and forestry conservation radio service.

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

RESIDENTIAL CARE FACILITY, DEPENDENT. A residential facility licensed in accordance with Minn. Rules, Chapter 4655.0100, subpart 8, as it may be amended from time to time, now in effect, or as may be amended in the future, and used to provide full dependent care for aged or infirm persons who require nursing care and related services.

RESIDENTIAL CARE FACILITY, SEMI-INDEPENDENT. A state licensed residential facility for aged and/or disabled persons within which provides only personal or custodial care.

RESIDENTIAL SENIOR FACILITY, INDEPENDENT. A residential facility in which at least 1 resident per dwelling unit is 55 or older. The dwelling units must be self-contained and physically accessible to aged persons.

ROOF LINE. The line in which an exterior wall surface of a building structure departs from a vertical plane.

SENIOR/DISABLED CITIZEN DWELLING UNIT. Is defined pursuant to § 155.22.

SERVICE STATION. A retail station for servicing motor vehicles especially with gasoline, oil, and other accessories.

SHOPPING CENTER. A group of commercial retail establishments with multiple tenants that share parking and have a visual appearance as a contiguous structure that may or may not be planned, constructed, or managed as a total entity.

SIGN. Any letter work, symbol, model, printed, projected or affixed device, poster, picture, reading matter, or other representation in the nature of an advertisement, announcement, direction or informative device including structural and compound parts that is located outdoors and is larger than 1 square foot in area.

(1) **BANNERS.** A sign, flag, banner, pennant, or valence constructed of cloth, canvas, light fabric, cardboard, wallboard, plastic or other light materials with or without frames, which is not permanently secured and is intended to be displayed for a limited time.

(2) **CONSTRUCTION SIGN.** Any sign that displays information regarding the construction or development of the site in which it is displayed.

(3) **DIRECTIONAL SIGN.** A sign that serves primarily to direct traffic to the location of a place, area, or activity.

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

(5) ***FLAG.*** A rectangular piece of fabric of distinctive design mounted on a pole used as a symbol (as a nation), signaling device (nautical), or attention getting device (advertising).

(6) ***FREESTANDING SIGN.*** A sign that is self supporting and affixed to a frame structure, not attached to a building.

(7) ***GRADE OF SIGN.*** The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the sign and a line 10 feet from the sign.

(8) ***IDENTIFICATION SIGN.*** A sign that displays only the name, address and title of an occupant or the name and address of a building or development.

(9) ***MONUMENT SIGN.*** Any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign.

(10) ***NONCONFORMING SIGN.*** Any sign that does not conform to the regulations of this chapter.

(11) ***OFF-PREMISES SIGN.*** Any sign that advertises anything other than the business located on the same lot.

(12) ***PERMANENT SIGN.*** Any sign other than a temporary sign.

(13) ***PORTABLE SIGN.*** Sandwich boards and other types of durable signage which are placed in front of a business during operating hours and are removed at the end of the business day. Vehicle Signs shall not be considered Portable Signs.

(14) ***PROJECTING SIGN.*** Any sign affixed to an outside exterior wall or soffit of any building and is not parallel to the plane of the wall or soffit.

(15) **PUBLIC SIGN.** Any sign display intended primarily to promote items of general interest to the community such as time, temperature, date, atmospheric conditions, news, and the like. This does not include any information that would be related to the products or services at the display site.

(16) **REAL ESTATE SIGN.** Any sign about the sale, lease, or rental of land or buildings.

(17) **ROOF LINE.** The line at which an exterior wall surface of a building structure departs from a vertical plane.

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

(19) **SHOPPING CENTER AREA IDENTIFICATION SIGN.** A freestanding sign used to identify single tenant or multi-tenant buildings.

(20) **SIGN AREA.** The area within the marginal lines or extreme outside edge of the surface that bears the advertisement, or in the case of messages, figures, or symbols attached directly to any part of a building, that area included in the smallest rectangle that can be made to circumscribe any message, figure, or symbol displayed thereon. For a sign with not more than 2 back-to-back faces, only the area of 1 side is computed in determining the sign area.

(21) **SIGN HEIGHT.** The height of a sign shall be measured from the grade of the sign.

(22) **SIGN ILLUMINATION.** A light source within or directed at the sign.

(23) **TEMPORARY SIGN.** Any sign used only temporarily and is not permanently mounted including ribbons, banners, pennants, and other similar attention getting devices

(24) **TRAFFIC SIGN.** A sign erected by a governmental agency for guiding vehicular traffic and providing information to motorists.

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

(26) **VEHICLE SIGN** (a) Flat, one-dimensional signs painted or placed magnetically or otherwise attached (i.e. glue) to a vehicle.

(b) Signs under 10 square feet attached to a vehicle via a structural support.

(c) Temporary Signs and Banners affixed to vehicles shall not be considered Vehicle Signage. (Ord. 2016-06, 3rd Series, Adopted 4-07-14)

WALL SIGN. A sign affixed to the exterior wall, mansard roof, or soffit of a building that is parallel to the building wall. A wall sign does not project more than 12 inches from the surface to which it is attached, or extend beyond the top of the parapet wall.

SPECIAL USE. A use that would not be appropriate generally or without restriction throughout the zoning district but, if controlled as to number, area, location, or relation to the neighborhood, would not detract from the public health, safety, and welfare. Special uses may be permitted in a zoning district if specific provision for the special uses is made in this Zoning Ordinance.

STREET RIGHT-OF-WAY. The line dividing privately owned property from property dedicated or conveyed for public use.

STRUCTURE. Anything constructed or erected with a fixed location on the ground. Among other things, structures include buildings, manufactured homes, and fences.

TOWER. Any ground mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

TOWER, MULTI-USER. A tower designed for the antennas of more than 1 commercial wireless telecommunications service provider or governmental agency.

TOWER, SINGLE-USER. A tower designed for only the antennas of a single user.

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

VARIANCE. A modification from the literal requirements of this chapter.

YARD. A required open space on a lot adjoining a lot line, containing only landscaping or other uses and structures provided by this zoning ordinance.

YARD, FRONT. A yard extending along the full width of a front line between side lot lines and from the front lot line to the front building line in depth.

YARD, REAR. A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of the building. Rear-yard depth shall be measured at right angles to the rear line of the lot.

YARD, SIDE. A yard lying between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard, or without either a front or rear yards, to the front or rear lot lines. Side-yard width shall be measured at right angles to side lines of the lot.

YARD, SPECIAL. A yard behind any required yard next to a public street, required to perform the same functions as a side or rear yard, but next to a lot line so placed or oriented that neither the term side nor rear yard clearly applies. In such cases, the administrative official shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures areas thereon.

ZERO LOT LINE. The location of a building on a lot in such a manner that 1 or more of the building's sides rest directly on a lot line. (Prior Code, § 10.02) (Am. Ord. 558, 2nd Series, passed 12-4-2006)

§ 155.03 GENERALLY.

(A) *Application.* Except as herein provided, no buildings or land within the city shall hereafter be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with applicable regulations herein specified.

(B) *Geographic jurisdiction.* The geographic jurisdiction of this chapter shall be the entire area within the present or future corporate limits of the city and any area outside the city, which by state law is or may hereafter be governed by this chapter.

(C) *Annexed territory.* Annexed territory shall be designated by an ordinance of the Council to a proper use zoning district after annexation, after referral to and recommendation by the Planning Commission. No permit shall be issued for construction or use in annexed territory until the area is clarified by the Council.

(D) *Essential services.* Essential services shall include governmentally and privately owned and operated. Governmentally owned and operated essential services are exempt from the application of this chapter. Privately owned and operated essential services are subject to the provisions of this chapter unless specifically exempted by a provision hereof or by Council. (Prior Code, § 10.03)

§ 155.04 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.

(A) *Generally.* Where uncertainty exists as to the boundaries as shown on the Official Zoning Map, the following rules shall apply.

(B) *Rules.*

(1) Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow the center lines.

(2) Boundaries indicated as approximately following platted lot lines shall be construed as following the lot lines.

(3) Boundaries indicated as approximately following city limits shall be construed as following the city limits.

(4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

(5) Boundaries indicated as following shore lines shall be construed to follow the shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, river canals, lakes, or other bodies of water shall be construed to follow the center lines.

(6) Boundaries indicated as parallel to or extensions of features indicated in divisions (B)(1) through (B)(5) above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

(7) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by divisions (B)(1) through (B)(6) above, the Board of Adjustment shall interpret the district boundaries.

(8) Where a district boundary line divides a lot that was in single ownership at the time of the effective date of this chapter, the Board of Adjustment may permit the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot. (Prior Code, § 10.04)

§ 155.05 APPLICATION OF DISTRICT REGULATIONS.

(A) *Generally.* The regulations set by this chapter within each district shall be minimum regulations and shall apply uniformly to each class of structure or land, except as hereinafter provided.

(B) *Intent.* No structure or land shall hereafter be used or occupied, and no structure or part thereof shall be hereafter erected, constructed, reconstructed, moved, or altered except in conformity with all of the regulations herein specified for the district in which it is located.

(C) *Building regulations.* No structure shall hereafter be erected or altered to exceed the height or bulk; to accommodate a greater number of families; to occupy a greater percentage of lot area; to have narrower or smaller rear yards, front yards, side yards, or other open space than herein allowed; or in any other manner contrary to the provisions of this chapter.

(D) *Accessory building and structure requirements.* Accessory buildings and structures shall meet the following requirements.

(1) No accessory building shall be erected in any required front or side yard fronting a public street or right-of-way.

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

(3) Accessory structures, except fences meeting the requirements of division (F) below, shall not be placed in any easements.

(4) All accessory structures, except fences, shall meet the setbacks listed in the table in division (D)(11) below.

(5) All accessory structures shall be setback at least 6 feet from all other structures.

(6) At grade accessory structures such as basketball courts, patios, dog kennels shall meet the accessory structures setbacks listed in the table in division (D)(11) below. These accessory structures are not included in the total allowable square footage allowed, as long as the total impervious surface of the lot does not exceed 35% for the rear yard. The rear yard shall be measured from the rear building line to the rear lot line.

(7) Accessory structures shall have weather resistive exterior finishes that are durable and architecturally compatible with and similar in design, color, and material to the principal structure.

(8) Accessory structures shall not exceed 1 story in height and shall not exceed 16 feet in height as measured to the mean of the roofline, or the height of the principal structure, whichever is more restrictive. The roofline mean height shall be measured from the mean height of the ground grade surrounding the accessory structure. Sidewalls shall not exceed 10 feet in height as measured from the mean height of the floor of the structure.

(9) The height of any accessory structure shall not be taller than the primary structure.

(10) Accessory structures 120 square feet or less require a zoning permit. Structures over 120 square feet require a building permit.

(11) The following table shall determine the number, size, and setbacks of accessory structures. In addition to the accessory structures listed in the table below, swimming pools meeting the requirements of § 150.09 and 155.05 are permitted.

<i>Accessory Building/Structure Number, Size, and Setback Standards</i>			<i>Setbacks</i>		
<i>Property Zoning</i>	<i>Number of Structures</i>	<i>Maximum Floor Area Size</i>	<i>Side</i>	<i>Corner Side (a)</i>	<i>Rear</i>
A					
R-1, R-1L, R-2, R-3, R-4, R-5 with attached garage (b)	1	1,000 square feet	5	10	5
R-1, R-1L, R-2, R-3, R-4, R-5 without attached garage	2	Combined total 1,000 square feet	5	10	5
R-6	1	1,000 square feet	5	10	5
Multi-Family 4 or more units	Site Plan Review	Site Plan Review	Site Plan Review	Site Plan Review	Site Plan Review
Commercial/Office Districts	Site Plan Review	Site Plan Review	Site Plan Review	Site Plan Review	Site Plan Review
Industrial Districts	Site Plan Review	Site Plan Review	Site Plan Review	Site Plan Review	Site Plan Review
NOTES TO TABLE: (a) Garages shall be setback 20 feet from the right-of-way. (b) Residential properties with an attached garage are also permitted an accessory storage structure 120 square feet in size or less.					

(E) *Yard area regulations.* No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.

(F) *Fences and walls or hedges.*

(1) *Location.* Fences are permitted, but shall not extend into public right-of-way. Notwithstanding other provisions of this chapter, fences, walls, and hedges are permitted in any yard, including a required yard, or along the edge of any yard, provided that no fence, wall, or hedge shall extend into public right-of-way.

(2) *Materials.* All fences built or maintained on a residential property shall be constructed of materials capable of providing a finished appearance on the outward side visible to the public. All materials used to construct the fence shall be sound materials, resistant to rot, and capable of accepting and maintaining a visually attractive appearance. The fence shall be constructed in such a manner as to be capable of resisting the design wind loads for structures as defined by the state building code.

(3) *Hazardous fences and walls.* Hazardous fences and walls such as barbed wire, electric, chain link with barbs exposed, and walls with protruding sharp edges thereof, and other fences and walls designed for or likely to cause harm to persons are declared hazardous and are prohibited in the city, except as follows: conventional barbed wire fences with barbs exposed are allowed with permission of the Council by simple resolution in commercially zoned areas, and are allowed without permission of the Council in industrial and agriculturally zoned area. Any fence constructed in violation of this section after the effective date shall be brought into compliance or removed as determined by the Planning Director.

(4) *Height restrictions.* The maximum height of any residential fence installed within the City of Hastings is 6 feet. Fences installed around swimming pools from ground up must be a minimum of 4 feet high and non-climbable with a self-closing, self-latching gate. Maximum height of all fences shall be in compliance with the city zoning code or as approved by the Planning Commission.

(5) *Special consideration/corner lots.* Fences that extend into front yards of corner lots must not impair traffic visibility. No fence or hedge shall be over 30 inches in height located within 25 feet each direction from a property corner fronting a street right of way.

(6) *Covenants.* The City of Hastings does not enforce the private covenants of subdivisions. Homeowner's association covenants may restrict the ability to construct fences. Homeowners should review any covenants prior to submittal of a permit.

(7) *Permits.* A zoning permit is required for all fences installed in Hastings.

(8) *Setbacks.* All fences may be installed up to, but not on the property line.

(9) *Establishing Property Lines.* The City of Hastings does not provide surveying service. It is up to the homeowner to establish the location of the lines and make these available at time of application or upon request of the inspector.

(G) *Erection or more than 1 principal structure on a lot.* In any district, more than 1 structure housing a permitted principal use may be erected on a single lot provided that yard and other requirements of this chapter shall be met for each structure as if it were on an individual lot.

(H) *Exceptions to height regulations.* The height limitations contained in § 155.20, do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except as otherwise allowed by the City Council.

(I) *Structure to have access.* Every building hereafter erected or moved shall be on a lot next to a public street, or with access to a city allowed private street or driveway and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off street parking.

(J) *Yard maintenance.* In all districts, landscaping and fences shall be constructed and maintained so as not to be unsightly or present harmful health or safety conditions.

AND

(K) *Portable carport.* A nonpermanent structure designed as a shelter for motor vehicles, boats, and the like. Such structure shall not be permanently affixed to a foundation. Temporary tarps, tents and the like erected for periods not to exceed 1 week are not considered portable carports.

(1) Portable carports must remain open on 4 sides, with no sidewalls.

(2) Portable carports must be anchored in such a manner as to prevent wind uplift.

(3) Portable carports may not be permanently anchored to concrete slabs or footings or otherwise anchored in a manner that would impede easy removal and portability.

(4) All anchoring systems must be inspected and approved by the City Building Inspector.

(5) Portable carports are allowed in the rear and side yards, not the front yard.

(6) Portable carports must be setback 6 feet from the home and 3 feet from the garage.

(7) The sidewall height of a carport shall be limited to 10 feet.

(8) Carports shall not be considered as an approved shelter, cover or screening for miscellaneous materials and equipment.

(9) A zoning permit will be required before installation of a portable carport.

(10) *Pre-existing portable carports.* All structures used solely as a carport prior to February 19, 2007, shall be allowed to continue as a nonconforming structure as allowed by this chapter and state statute; however, pre-existing carports must adhere to all provisions of this chapter including but not limited to materials and appearance standards.

(Prior Code, § 10.05) (Am. Ord. 497, passed 7-7-2003; Am. Ord. 521, passed 9-7-2004; Am. Ord. 547, passed 3-20-2006; Am. Ord. 2007-05, 3rd Series, passed 9-4-2007)
Penalty, see § 10.99 (Ord. 2011-5, 3rd Series, passed 4-18-11)

§ 155.06 NONCONFORMING LOTS, USES OF LAND, STRUCTURES, USES OF STRUCTURES AND PREMISES, CHARACTERISTICS OF USE.

(A) *Intent.* Within the districts established by this chapter or amendments that may later be adopted there exist: lots, structures, uses of land and structures, and characteristics of use that were lawful before this chapter was passed or amended, which would be prohibited, regulated, or restricted under the terms of this chapter or future amendment. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, not to be used as grounds for adding other structures or uses prohibited elsewhere with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this chapter by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature that would be prohibited generally in the district involved. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun before the effective date of adoption or amendment of this chapter and upon which actual construction was lawfully begun before the effective date of adoption or amendment of this chapter and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, the excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently and continues to completion within 1 year.

(B) *Nonconforming lots of record.* In any district in which single-family dwellings are permitted, a single-family dwelling and accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter notwithstanding limitations imposed by other provisions of this chapter. The lots must be in separate ownership, and not of continuous frontage with lots in the same ownership. This provision shall apply though the lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which the lot is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustments. If 2 or more lots or combinations of lots and portions of lots with continuous frontage in single ownership under 1 tax parcel are of record at the time of passage or amendment of this chapter, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered an undivided parcel for the purposes of this chapter, and no portion of the parcel shall be used or sold in a way that diminishes compliance with lot width and area requirements established by this chapter, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this chapter. Any lots so divided to lesser requirements than those of this chapter shall not be built upon.

(C) *Nonconforming uses of land.* Where at that time of passage of this chapter lawful use of land exists that would not be permitted by the regulations imposed by this chapter the use may be continued while it remains otherwise lawful, provided:

(1) No nonconforming use shall not be enlarged, increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter;

(2) No nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by the use at the effective date of adoption or amendment of this chapter;

(3) If any nonconforming use of land ceases for any reason for a period more than 30 days, any subsequent use of the land shall conform to the regulations specified by this chapter for the district in which the land is located; and

(4) No additional structure not conforming to the requirements of this chapter shall be erected in connection with the nonconforming use of land.

(D) *Nonconforming structures.* Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter because of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, the structure may be continued while it remains otherwise lawful, subject to the following provisions.

(1) No nonconforming structure may be enlarged or altered except as follows:

(a) A structure or portion thereof may be altered to decrease its nonconformity.

(b) A nonconforming structure may be expanded provided it does not exceed beyond the Established Structure Setback. (Ord. 2010-20, 3rd Series, passed 12-20-2010)

(2) Should the nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than 50% of its replacement cost at the time of destruction, and no building permit has been applied for within 180 days of when the properties damaged, it shall not be reconstructed except in conformity with the provisions of this chapter. In this case, the City may impose reasonable conditions upon a building permit to mitigate any newly created impact on adjacent properties. Nothing in this subsection shall allow a nonconforming use to be continued or expanded if another provision of this chapter prohibits continuation or expansion of the nonconformity.

(Ord. #2011-19, 3rd Series, Adopted 8-15-11)

(3) Should the structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(E) *Nonconforming uses of structures or of structures and premises in combination.* If lawful use involving individual structures or of structure and premises in combination, exists at the effective date of adoption or amendment of this chapter, which would not be allowed in the district that it is located under the terms of this chapter, the use may be continued while it remains otherwise lawful, subject to the following provisions.

(1) No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered, except in changing the use of the structure to a use permitted in the district in which it is located.

(2) Any nonconforming use may be extended throughout any parts of a building that were manifestly arranged or designed for the use at the time of adoption or amendment of this chapter, but no use shall be extended to occupy any land outside any building.

(3) If no structural alterations are made, any nonconforming use of a structure or structure and premises may be changed to another non conforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting the change, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this

chapter.

(4) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

(5) When a nonconforming use of a structure, or structures and premises in combination, is discontinued or abandoned for 6 consecutive months (unless government action impedes access to the premises), the structure, or structures and premises in combination shall not thereafter be used except in conforming with the regulations of the district in which it is located.

(6) Where nonconforming use status applied to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land except that in the case of destruction, application for a building permit to replace the damaged structure within 180 days of when the property is damaged shall prevent elimination of the nonconforming status of the land. In the case where a building permit is not applied for within 180 days of when the property is damaged, the City may impose reasonable conditions upon a building permit to mitigate any newly created impact on adjacent properties. Nothing in this subsection shall allow a nonconforming use to be continued or expanded if another provision of this chapter prohibits continuation or expansion of the nonconformity. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50% of the replacement cost at the time of destruction.

| (Ord. #2011-19, 3rd Series, Adopted 8-15-11)

(F) *Repairs and maintenance.* On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 10% of the current replacement cost of the nonconforming structure or nonconforming portion of the structure, provided that the cubic content existing when it becomes nonconforming shall not be increased. If a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful because of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of the official. (Prior Code, § 10.06) Penalty, see § 10.99

§ 155.07 SPECIAL PROVISIONS.

(A) *Temporary outdoor merchandising events.* Temporary outdoor merchandising

events may be allowed as an accessory use within the C-1, C-2, C-3, and C-4, zoning districts, subject to the requirements of this section. For the purposes of this section, **MERCHANDISING EVENT** or **EVENT** is defined to include the promotion and sale of goods and/or services, including, but not limited to, inventory reduction or liquidation sales, distressed merchandise sales, seasonal sales, and special event sales. The following standards shall apply to all temporary outdoor merchandising events in private parking lots.

(1) A proposed event and any temporary structures to be used in that event must meet all applicable building, fire, and electrical codes and adopted appendices and city ordinances.

(2) One event shall not exceed 60 consecutive calendar days. Any combination of events shall not exceed 60 calendar days per site per calendar year. For purposes of this section, shopping centers shall be considered 1 site and 1 event shall not exceed 60 consecutive calendar days and any combination of events held at a shopping center shall not exceed 75 calendar days per calendar year.

(3) No merchandise shall be sold which would violate the city's zoning ordinances.

(4) Temporary structures may be used, provided they will not impair the parking capacity, emergency access or the safe movement of pedestrian and vehicular traffic on or off the site. All temporary structures shall be constructed with materials approved for weather-exposure durability and appearance. All temporary structures shall be removed within 24 hours after the end of the event.

(5) The site shall have adequate off-street parking will exist for the proposed event and adjoining buildings. In multi-tenant buildings, consideration will be given to the parking needs of the other tenants. In no event, can designated handicapped parking spaces or handicapped access be impaired by an event.

(6) All signs related to the event shall comply with the standards of the zoning district.

(7) Applicant must submit a completed application form to the Planning Department for review and approval.

(B) *Seasonal outdoor garden centers.* Seasonal outdoor garden centers may be allowed as an accessory use within the C-1, C-2, C-3, C-4, and C-5 zoning districts, subject to the requirements of this section. For purposes of this section, **GARDEN CENTER** is defined to include the promotion and sale of goods and/or services,

including but not limited to plants, vegetation, landscaping materials, and lawn care items. Garden centers will be permitted for a maximum period of 180 days. Garden centers are permitted upon application to the Planning Department for review and approval subject to the following.

(1) Applicant must submit a completed application form to the Planning Department for review and approval.

(2) Applicant must submit a site plan with the application, indicating the following:

(a) Location on the property;

(b) Size of the area;

(c) Method of containment area. Indicate materials and design of the proposed garden center structure, any fencing on the site, and trash containment systems;

(d) Pedestrian and traffic control safety measures. The sales area may not impeded pedestrian and vehicular circulation patterns on the site;

(e) Utility plan; indicate how water and electricity will be provided to the site; and

(f) An inspection by the Fire Marshal of the garden center and surrounding site will be required prior to the garden center opening for business. (Ord. 2010-17, 3rd Series, passed 08-02-2010) (Prior Code, § 10.07)

(C) *Towers and antennas.*

(1) *Purpose and intent.* The purpose of this division (C) is to accommodate and provide a reasonable opportunity for the establishment of wireless telecommunications in the city. The city finds it necessary to adopt standards and regulations that promote the public health, safety, and general welfare, while minimizing the possible adverse effects of towers and antennas on nearby property. The Council finds that these regulations are necessary to:

(a) Ensure standards which permit a reasonable and equitable opportunities for the establishment of wireless telecommunications services in the city;

(b) Ensure that towers and antennas are designed, constructed, installed, and maintained in a manner that does not adversely impact public safety;

(c) Maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunications antennas in order to reduce the number

of towers needed to serve the community; and

(d) Minimize adverse visual affects from towers through careful design and siting standards which attempt to screen and/ or camouflage towers and antennas from adjacent public and private property.

(2) *Findings.* The City of Hastings finds it necessary for the promotion and preservation of the public health, safety, welfare, and aesthetics of the community that the construction, location, size, and maintenance of wireless telecommunication facilities be controlled. Further, the city finds:

(a) Towers and antennas have a direct impact on, and relationship to, the image of the community;

(b) The manner of installation, location, and maintenance of towers and antennas affects the public health, safety, welfare, and aesthetics of the community;

(c) A reasonable opportunity for the establishment of wireless telecommunications must be provided to serve residential, business, public utility and public safety needs; and

(d) Uncontrolled and unlimited towers and antennas adversely impact the image and aesthetics of the community and, thereby, undermine economic value and growth.

(3) *Building permits.*

(a) It shall be unlawful for any person, firm, or corporation to erect, construct, replace, re-erect, or repair any tower without first making application for and securing a building permit as provided in this ordinance. This also includes adding antennas to existing towers.

(b) The applicant shall provide at the time of application for a building permit sufficient information to indicate that construction, installation, and maintenance of the antenna and tower will be in compliance with applicable Building Code requirements.

(c) Permits are not required for:

1. Adjustment or replacement of the elements of an antenna array affixed to a tower or antenna, provided that the replacement does not reduce the safety factor; and

2. Antennas and /or towers erected temporarily for test purposes, for emergency communication, or for broadcast remote pick-up operations, provided that the antennas or towers are not located on a public right-of-way, and towers are protected against unauthorized climbing. Temporary antennas used for test purposes or broadcast

remote pick-up operations shall be removed within 72 hours following installation.

(4) *Height restrictions.*

(a) The height of towers shall be determined by measuring the vertical distance from the tower's point of contact with the ground to the highest point of the tower, including all antennas or other attachments.

(b) Except as provided in the following subdivision of this section, maximum heights for towers are as follows.

1. In all residential zoned property, the maximum height of any tower, including all antennas and other attachments, shall be 80 feet.

2. In all non-residential zoning districts, the maximum height of any tower, including all antennas and other attachments, shall not exceed a height of 125 feet. The City Council may allow towers up to 150 feet high if the applicant can demonstrate that based upon the topography of the site and surrounding areas, antenna design, surrounding tree cover and structures and/or through the use of screening, that off-site views of the tower will be minimized.

(5) *Exceptions to height restrictions.* The following are exceptions to the maximum height restrictions for towers.

(a) Multi-use towers made to accommodate more than 1 user may exceed the height limit by 25 feet.

(b) Antennas located on existing buildings or water towers are limited to rise 15 feet above the structure. The City Council may permit the antenna to rise 25 feet above the structure if the applicant can demonstrate that by a combination of antenna design, positioning of the structure and/or by screening erected or already in place on the property, that off-site views of the antenna are minimized to acceptable levels.

(6) *Setbacks.* Towers shall conform with each of the minimum setback requirements.

(a) Towers shall meet the setbacks of the underlying zoning district with the exception of industrial and commercially zoned districts, where the tower may encroach into the rear setback area, provided that the rear property line abuts another industrial or commercially zoned district and the tower does not encroach upon any easements.

(b) Towers located on property in or abutting residential districts shall be setback the height of the tower from residential property lines.

(c) Towers located in industrial districts shall have a minimum setback equal to the engineered fall zone, as determined in writing by a qualified engineer, and agreed upon by the City Council.

(d) Towers shall be set back from all platted or planned public rights-of-way by a minimum distance equal to 1/2 of the height of the tower including all antennas and attachments.

(e) Towers shall not be located between a principal structure and a public street.

(f) A tower's setback may be reduced or its location in relation to a public street varied, at the sole discretion of the City Council, to allow the integration of a tower into an existing or proposed structure, such as a church steeple, light pole, power line support device, or similar structure.

(g) No tower shall be located in a wetland or a wetland setback.

(h) In a residential district, the required setback from property lines for antennas and towers not rigidly attached to a building or structure shall be equal to the height of the antenna and tower. Those antennas and towers rigidly attached to a building or structure, and whose base is on the ground, may reduce the required setback by the amount equal to the distance from the point of attachment to the ground.

(7) *Towers in residentially zoned districts.* Towers located in residentially zoned areas are subject to the following restrictions.

(a) Towers supporting amateur radio antennas shall conform to all applicable provisions of this code and shall be allowed only in the rear yard of residential property.

(b) Towers supporting commercial antennas and conforming to all applicable provisions of this Code shall be allowed in residential zoned districts in the following locations:

1. Church sites, when camouflaged as an architectural feature such as steeples or bell towers;

2. Park sites, when compatible with the nature of the park as determined by the Natural Resource Commission; and

3. Government, school, utility, and institutional sites.

(c) Only 1 tower shall exist at any 1 time on any 1 residential parcel with the exception of towers designed to replicate an existing structure, such as a tree or light.

(8) *Multiple principal uses and structure on a single lot.* For the purposes of this division (C), 1 tower and multiple antennas shall be permitted on the same lot as another principal use or structure subject to the requirements of this chapter.

(9) *Construction requirements.* All antennas and towers erected, constructed, or located within the city shall comply with the following requirements:

(a) All applicable provisions of this code;

(b) Towers and their antennas shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the Building Code and the Electronics Industry Association and all other applicable reviewing agencies;

(c) With the exception of necessary electric and telephone service and connection lines approved by the city, no part of any antenna or tower nor any lines, cable, equipment, or wires or braces in connection with either shall at any time extend across or over any part of the right-of-way, public street, highway, sidewalk, or property line;

(d) Towers and their antennas shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electric Code;

(e) All towers shall be constructed to conform with the requirements of the Occupational Safety and Health Administration;

(f) All towers shall be protected against unauthorized climbing.

(g) Metal towers shall be constructed of, or treated with, corrosive resistant material.

(h) The applicant is responsible for receiving approvals from the Federal Aviation Administration, Federal Communications Commission, and any appropriate state review authority stating that the proposed tower complies with regulations administered by that agency or that the tower is exempt from those regulations.

(10) *Tower and antenna design.* Proposed or modified towers and antennas shall meet the following design requirements.

(a) Towers and antennas (including supporting cables and structures) shall be designed to blend into the surrounding environment through the use of color, camouflaging and architectural treatments. Communication towers not requiring FAA or FCC painting/markings shall be painted an appropriate color, such as, blue, gray, brown,

white, or black finish.

(b) Commercial wireless telecommunications service towers shall be of a monopole design unless the City Council determines that an alternative design would better blend in the surrounding environment.

(c) Radio and television antennas may be of a design related to their function, provided that no part of any antenna or tower nor any lines, cable, equipment, or wires or braces in connection with either shall at any time extend across or over any part of the right-of-way, public street, highway, sidewalk, or property line.

(d) Personal television and radio antennas on top of residential structures shall be exempt.

(11) *Co-location requirements.* All communication towers erected, constructed, or located within the city shall comply with the following requirements.

(a) A proposal for a new telecommunications service tower shall not be approved unless the City Council finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a 1-mile search radius (1/2-mile search radius for towers under 120 feet in height, towers under 80 feet are exempt from this requirement) of the proposed tower due to 1 or more of the following reasons.

1. The planned equipment would exceed the structural capacity of the existing or approved tower or commercial building, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building and interference cannot be prevented at a reasonable cost.

3. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to reasonable function.

4. The applicant must demonstrate that a good faith effort to co-locate on existing towers and structures within a 1-mile radius was made, but an agreement could not be reached.

(b) Any proposed telecommunication service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least one additional user. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept

antennas mounted at varying heights.

(12) *Lighting.* Towers shall not be illuminated by artificial means and shall not display strobe lights unless the lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower for camouflage purposes, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.

(13) *Signs and advertising.* No signage, advertising, or identification of any kind intended to be visible from the ground or other structures is permitted, except applicable warning and equipment information signage required by the manufacturer or by federal, state, or local authorities.

(14) *Accessory utility buildings.* All utility buildings and structures accessory to a tower may not exceed 1 story in height and 400 square feet in size and shall be architecturally designed to blend in with the surrounding environment and meet the minimum setback requirements of the underlying zoning district. The use of compatible materials such as wood, brick, or stucco is required for associated support buildings. Equipment located on the roof of an existing building shall be screened from the public view with building materials identical to or compatible to existing materials. In no case shall wooden fencing be used as a rooftop equipment screen. Site plan review and approval is required for these accessory utility buildings.

(15) *Landscaping.* Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and compliments the architectural character of the surrounding area. Removal of existing shrubs and trees shall be minimized through careful site selection and design. Landscaping requirements shall be determined through site plan review.

(16) *Antennas mounted on roofs, walls, and existing towers.* The placement of wireless communication antennas on roofs, walls, and existing towers may be administratively approved by the city, provided that the antenna meets the requirements of this code and the following.

(a) The maximum height of an antenna shall not exceed 15 feet above the roof and shall be setback at least 10 feet from the roof edge.

(b) Wall or facade mounted antennas may not extend 5 feet above the cornice line and must be constructed of a material or color which matches the exterior of the buildings or structure.

(17) *Application.* In addition to the submittal requirements required elsewhere in this code, an application for a building permit for antennas to be mounted on an existing

structure shall be accompanied by the following information:

(a) A site plan showing the location of the proposed antennas on the structure, accessory structures and wiring, and documentation that the request meets the requirement of this code;

(b) A building plan showing the construction of the antennas, the proposed method of attaching them to the existing structure, and documenting that the request meets the requirements of this code;

(c) A report prepared by a qualified and licensed professional engineer indicating the existing structure or tower's ability to support the antennas; and

(d) Compliance with FCC regulations is required to ensure there will be no interference with existing tenants or public safety telecommunication providers.

(18) *Appeals.* An applicant may appeal an administrative decision under this division (C) to the City Council. Following review and recommendation by the Planning Commission, the City Council shall make a final determination on the application.

(19) *Existing antennas and towers.* Antennas and towers in residential districts and in existence as of the effective date of this division (C) which do not conform to or comply with this division (C) are subject to the following provisions.

(a) Towers may continue in use for the purpose now used and as now existing but may not be replaced or structurally altered without complying in all respects with this chapter.

(b) If the towers are hereafter damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired and restored to its former use, location and physical dimensions upon obtaining a building permit therefore, but without otherwise complying with this chapter, provided, however, that if the cost of repairing the tower to the former use, physical dimensions, and location would be 50% or more of the cost of a new tower of like kind and quality, then the tower may not be repaired or restored except in full compliance with this chapter.

(20) *Time limit on tower completion.* Once a tower is approved by the city, the tower must be substantially completed within one year, including any structures accompanying the tower, following the date of permit.

(21) *Abandoned or unused towers or portions of towers.* Abandoned or unused towers or portions of towers and accompanying facilities shall be removed as follows.

(a) All abandoned or unused towers and associate facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the City Council. In the event that a tower is not removed

within 12 months of the cessation of operations at a site, the tower and associated facilities may be removed by the city and the costs of removal assessed against the property.

(b) Unused portions of towers above a manufactured connection shall be removed within 2 years 6 months of the time of antenna relocation, if the unused portion exceeds 25% of the height of the tower or 30 feet, whichever is greater. The replacement of portions of a tower previously removed requires the issuance of a new special use permit.

(22) *Interference with public safety telecommunications.* No new or existing telecommunications service shall interfere with public safety telecommunications. All applicants for new service shall be in compliance with FCC regulations.

(23) *Additional submittal requirements.* In addition to the information required elsewhere in this code, applications for a building permit towers and antennas, applications for towers shall include the following supplemental information:

- (a) A report from a qualified and licensed professional engineer;
- (b) Describing the tower height and design including a cross-section and elevation;
- (c) Documenting the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;
- (d) Describing the tower's capacity, including the number and type of antennas that it can accommodate;
- (e) Demonstrating the tower's compliance with all applicable structural and electrical standards and including an engineer's stamp and registration number; and
- (f) For all commercial wireless telecommunications service towers, a letter of intent committing the tower owner and successor owners to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use and so long as there is no negative structural impact upon the tower, and there is no disruption to the service provided. (Prior Code, § 10.05) (Am. Ord. 497, passed 7-7-2003; Am. Ord. 521, passed 9-7-2004; Am. Ord. 547, passed 3-20-2006)

(D) *Home occupations.*

(1) *Purpose.* The purpose of this division (D) is to provide a means, through the establishment of specific standards and procedures, by which home occupations can

be conducted in residential neighborhoods. This division (D) recognizes that home occupations that are clearly incidental and subordinate to the primary residential use of a structure may be conducted so long as they do not negatively affect the residential character, health, safety, or general welfare of the surrounding neighborhood. In addition, this section is intended to provide a mechanism enabling a distinction between permitted home occupations and conditional or customarily more sensitive home occupations, so that permitted home occupations may be allowed through an administrative process rather than a quasi-judicial hearing process.

(2) *General regulations.*

(a) Exterior alterations or modifications that change the residential character or appearance of the dwelling, any accessory buildings, or the property itself for the purpose of a home occupation shall be prohibited.

(b) Exterior display or storage of equipment or materials related to the home occupation is prohibited. No article for sale shall be visible from the street.

(c) There shall be no indication of offensive noise, vibration, smoke dust, odors, heat, or glare at or beyond the property line.

(d) The home occupation shall be conducted indoors and shall be clearly incidental and subordinate to its use for residential purposes by its occupants.

(e) The use shall not generate sewage of a nature or rate greater than normally associated with a residential occupancy nor shall it generate hazardous waste or solid wastes at a rate greater than that normally associated with residential occupancy.

(f) No home occupation shall be allowed which jeopardizes the health and safety of city residents.

(g) Shipment and delivery of products, merchandise, or supplies shall be limited to between 8:00 am and 6:00 pm.

(h) No home occupation causing additional parking or traffic than would be normally expected in a residential neighborhood shall be conducted between the hours of 8:00 p.m. and 7:00 a.m.

(i) Only articles or services made or originating on the premises shall be sold to customers on-site, unless the articles are incidental to a permitted home occupation.

(j) Only 1 vehicle and 1 trailer specifically used for a home occupation are permitted to be parked at the residence licensed for a home occupation. The parking of these vehicles must be off-street and in compliance with the parking regulations of the

City Code.

(k) Signage may consist of not more than 1 single faced unlighted wall sign per home with a maximum area of 2 square feet.

(3) *Type I.* Non-licensed home occupations may be allowed without a license if in compliance with the following regulations:

(a) Compliance with division (D);

(b) Persons engaged in operation of the home occupation are limited to only those members of the family residing on the premises.

(c) Traffic generated by such a permitted home occupation shall not exceed 1 vehicle at a time. The Type I non-licensed home occupation shall remain in effect provided it meets the requirements of this division (D). It shall be a misdemeanor to operate a Type I home occupation in violation of this division (D). Each day a violation occurs is a separate offense and may be punished as a separate misdemeanor.

(4) *Type II.* Licensed home occupations require a license to be reviewed by the Planning Commission and granted by the City Council. Type II licensed home occupations must comply with the following conditions.

(a) The Type II licensed home occupation application fee shall be set by resolution of the City Council.

(b) The resident of the home must be chiefly involved in conducting the home occupation. Persons not residing in the home may be employed in the home occupation upon approval by the City Council.

(c) No traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of the home occupation shall be met off of the street in accordance with parking regulations of the City Code.

(d) Accessory structures and garages may be used in the operation of a home occupation upon approval by the City Council and determination that its use will not negatively affect the ability to store equipment and vehicles.

(e) The process for review of Type II home occupations requires the following:

1. Notification of all property owners within 350 feet of a proposed

home occupation at least 10 days prior to the Planning Commission meeting where the home occupation is to be reviewed. The notice must provide the date of consideration before the Planning Commission and indicate that parties may be heard to consider the application. Failure of a property owner to receive the notice shall not invalidate any such proceedings as set forth within this code.

2. A fire safety inspection shall be required prior to issuance of any home occupation license in any case where the City Council allows the home occupation to employ outside employees. The fire safety inspection shall occur prior to any license renewal.

3. Licenses shall be issued for a one year probationary period from the date of City Council approval. The City Council shall consider issuance of a full license at the end of the probationary period. The term of a license shall be 5 years.

(f) Licenses shall not run with the land and shall not be transferable.

(g) Whenever an application for a Type II home occupation license has been considered and denied by the City Council, a similar application for a license affecting substantially the same property and use shall not be considered again by the Planning Commission or City Council for at least 6 months from the date of its denial unless a decision to reconsider the matter is made by not less than 6/7 vote of the full City Council.

(h) An applicant shall not have a vested right to a permit renewal by reason of having obtained a previous permit. The previous granting or renewal of a permit shall not constitute a precedent or basis for the renewal of a license.

(i) The city hereby reserves the right upon issuing any home occupation license to inspect the premises in which the occupation is being conducted to ensure compliance with the provisions of this chapter or any conditions additionally imposed. The city shall only have the right of inspection in cases which the resolution of the potential violation cannot be determined from outside the bounds of the property.

(j) It shall be a misdemeanor to operate a Type II home occupation in violation of this division. Each day a violation occurs is a separate offense and may be punished as a separate misdemeanor. The Type II licensed home occupation shall remain in effect during the license year so long as it is operated in compliance with the provisions of this division (B)(4). The City Council may revoke the Type II license of any individual that violated the provisions of this division (B)(4). Before any Type II license is revoked the holder of the license will be given a hearing before the City Council, which hearing will be preceded by 10-days' mailed notice outlining the basis for the revocation of the license. At the hearing, the holder of the license will be given an opportunity to address the Council regarding the alleged violations.

(k) The City Council shall consider renewing a Type II home occupation every five years under the following circumstances:

1. The home occupation has not intensified since being granted its license.

2. The home occupation has not generated unresolved complaints.

3. Payment of the application fee that shall be established by resolution of the City Council.

4. Notification of all property owners within 350 feet of the home occupation at least 10 days prior to the City Council meeting where the renewal will be reviewed. The notice must provide the date of consideration. Failure of a property owner to receive the notice shall not invalidate any such proceedings as set forth within this code. (Ord. 2011-11, 3rd Series, passed 01-03-2011)

(5) *Home day care centers.* Home day care centers are permitted without a license, per the requirements of Dakota/Washington County.

(6) *Effective date.* All home occupations in existence on the effective date of this division (B)(4) shall comply with all provisions of this division (D) within 180 days from this division's effective date. The City Council reserves all rights to modify this division (D) in the future as it may deem appropriate. No home occupation operator, whether Type I or Type II, shall acquire any vested rights to continue operation under any ordinance provision that has been subsequently amended.

(7) *Violations.* It shall be a misdemeanor for anyone to violate a provision of this division. Each day a violation occurs is a separate offense and may be punished as a separate misdemeanor. (Prior Code, § 10.12) (Am. Ord. 514, passed 8-16-2004)

(E) *Residential care facilities, dependent and semi-dependent.*

(1) *Senior/disabled citizen dwelling unit, dependent.* A dwelling unit specifically designed for occupancy by no more than 2 individuals, 1 of whom is 62 years of age or disabled. A dependent dwelling unit shall be part of a residential facility that is licensed in accordance with Minn. Rules, Chapter 4655, now in effect, as it may be amended from time to time, and used to provide full dependent care for aged, infirm, or disabled persons who require nursing care and related services.

(2) *Senior/disabled citizen dwelling unit, semi-independent.* A dwelling unit containing a kitchen, bathroom, living and storage space, of not less than 350 square feet and specifically designed for occupancy by no more than 2 individuals, 1 of whom is at least 62 years of age or disabled.

(3) *Accessory uses.* Barber/beauty shops and other services intended exclusively for the use and convenience of residents of the principal use, provided that

the accessory uses are accessible only from the interior of the principal building, and have no signs or display relative thereto visible from the outside of the principal building. Not more than 10% of the gross floor area of a principal building shall be devoted to these accessory uses.

(4) *Density*. The maximum density shall be 3,000 square feet for each dwelling unit.

(5) *Requirements for setbacks and height*. Except when adjacent to R-1 or R-1L property, minimum setbacks are as follows:

<i>R.O.W.</i>	<i>Interior Side Yard</i>	<i>Rear Yard</i>
35 feet*	25 feet*	35 feet*
NOTES TO TABLE: * Minimum distance to adjacent R-1 and R-1L property shall equal building height minus 30 feet plus 80 feet.		

(6) *Required roof pitch*. The roof shall have an angle of at least 15%.

(7) *Screening*. Adequate screening shall be provided adjacent to residential care facilities, accessory structures, parking lots, loading and unloading areas.

(8) *Lighting*. Parking lot lighting and all other outside lighting shall be designed so as not to be obtrusive to adjacent residential areas nor to passing motorists on public rights-of-way.

(9) *Community facilities*. Principal buildings shall provide recreational, service, and meeting facilities for the use and enjoyment of residents and guests. The facilities shall comprise not less than 1,250 square feet, or 15 square feet of floor area per senior/disabled resident citizen dwelling unit. The facilities shall be indoor space and shall be conditioned for year round occupancy. Outdoor areas, laundry facilities, storage areas, mechanical rooms, hallways, foyers, offices, circulation space, and other similar areas shall not be included to satisfy this requirement.

(10) *Grandfather provisions*. The lawful use of any residential care facility at the time of the enactment of this section may be continued. Any addition, alteration, or change of any use or structure which increases the floor square footage or intensity of use, shall comply with the requirements of this section and any other city codes including, but not limited to, setbacks. Structures existing at the time of passage of this ordinance, and which have nonconforming setbacks under the prior zoning code, shall be deemed as under the prior zoning code, shall be deemed as having an approved setback for the existing nonconforming structure or portion of a nonconforming structure. Should the nonconforming structure or nonconforming portion of a structure be destroyed, it may be reconstructed provided the structure is reconstructed at the same or greater setback prior to destruction. When a nonconforming structure or portion of a nonconforming structure is destroyed, reconstruction must be completed within 1 year of destruction, otherwise, the structure must be reconstructed in conformance with the

provisions of this section and the property development standards of the applicable zone. Once a grandfathered use, structure, or land is altered to become more in compliance with this section, the grandfathered use, structure, or land shall not thereafter be altered so as to become or revert into less compliance.

(11) *Development agreement.* At the discretion of the city, the applicant/owner shall execute a development agreement with the city which shall include, but is not limited to, the requirements of division (E) above and any other conditions deemed necessary to protect the health, safety, and general welfare of the public. (Prior Code, § 10.12)

(F) *Neighborhood commercial.*

(1) Any business related activity occurring on the premises shall not cause any adverse changes to the residential character of the neighborhood;

(2) Adherence to the minimum parking standards of § 155.09;

(3) The operation of any retail business, unless it is conducted entirely by mail, is prohibited. On-site sales shall be limited to those clearly incidental to services provided in the dwelling;

(4) Operation of any business shall be in conformance to the residential character of the neighborhood;

(5) Location of the property shall be considered. Properties not fronting on a major roadway or adjacent to a commercial zoning district may be unsuitable for operation of a neighborhood commercial uses;

(6) Any exterior changes necessary to conduct the business shall be sufficiently screened, properly designed, or separated by distance so as to be consistent with existing adjacent residential uses and compatible with the residential nature of the neighborhood;

(7) Shipment and delivery of products, merchandise, or supplies shall be limited to between 7:00 a.m. and 6:00 p.m. and shall occur only in single rear axle straight trucks or smaller vehicles normally used to serve residential neighborhoods;

(8) Any interior changes necessary to conduct the business shall comply with all building, electrical, mechanical, and fire codes governing the use in a residential occupancy;

(9) Signage may consist of not more than 1 single faced unlighted wall sign per home with a maximum area of 2 square feet;

(10) The conduct of the business shall not generate noise, glare, vibrations, fumes, odors, or electrical interference detectable to normal senses outside of the

dwelling unit. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television;

(11) No traffic shall be generated by the business in greater volumes than would normally be expected in a residential neighborhood. The home occupation shall not increase parking requirements by more than 4 additional parking spaces at any given time in addition to the parking spaces required by the occupants. Any need for parking generated by the conduct of the home occupation shall be met off of the street;

(12) No business shall be allowed which jeopardizes the health and safety of city residents; and

(13) The Fire Marshal may conduct a fire safety inspection of the space proposed to be used for the home occupation. Occupancy shall meet all applicable fire codes prior to opening for business as well as thereafter. (Prior Code, § 10.13) (Am. Ord. 501, passed 8-18-2003)

(G) *Transient Merchant - Extended Stay.*

(1) *Definition.* Transient Merchant – Extended Stay. Transient Merchants – Extended Stay are subject to the definition of TRANSIENT MERCHANT as defined in Chapter 115.01 - Peddlers.

(2) *General Regulations.*

(a) Allowed on vacant lots within the C-1, C-2, C-3 and C-4 zoning districts.

(b) Applicant must submit a completed application form to the Zoning Administrator for review and approval. Intensive uses and high traffic will require the applicant to apply for a Special Use Permit which requires City Council and Planning Commission approval.

(c) Permit shall be valid for 90 days with one 90-day renewal period in one calendar year.

(d) Transient Merchants who are in operation longer than one year shall file for an extension of the permit. The extension requires approval by the City Council. Approval is contingent on meeting site plan improvements such as, but not limited to, parking and landscaping. An annual inspection is required.

(e) No merchandise shall be sold which would violate the city's zoning ordinances. Any changes in merchandise sold from the original application will require a new permit.

(f) Temporary structures may be used, provided they will not impair the parking capacity, emergency access or the safe movement of pedestrian and vehicular

traffic on or off the site. All temporary structures shall be constructed with materials approved for weather-exposure durability and appearance.

(g) The site shall have adequate off-street parking.

(h) All signs related to the Transient Merchants shall comply with the standards of the zoning district.

(i) Transient Merchant must meet all applicable building, fire, and electrical codes and adopted appendices and city ordinances.

(H) *Planned residential developments.* Planned residential developments that include all developments having 2 or more principal uses or structures on a single parcel of land; and may include, but is not limited to, multiple-family dwellings, manufactured homes, single-family homes, multi-use structures such as apartments with commercial at the ground floor level, mixed residential and commercial developments, and similar projects. Planned residential developments are subject to the requirements of this chapter, including, but not limited to, § 155.51 and Chapter 154 as well as any other requirements of the city. A planned residential development is intended to provide a process which will encourage the following:

(1) *Variety.* Within a comprehensive site design concept a mixture of land uses, housing types, and densities;

(2) *Sensitivity.* Through the departure from the strict application of minimum lot requirements and other performance standards associated with traditional zoning, planned residential developments can maximize the development potential of land while remaining sensitive to its unique and valuable natural characteristics;

(3) *Efficiency.* The consolidation of areas for recreation and reductions in street lengths and widths and other utility related expenses; and

(4) *Density transfer.* The project density may be clustered, basing density on number of units per acre versus specific lot dimensions.

(I) *Keeping of chickens.*

(1) *Purpose.* The purpose of this division is to provide a means, through the establishment of specific standards and procedures, by which chickens can be kept in areas that are principally not used for agricultural. It is recognized that the keeping of chickens is clearly incidental and subordinate to the primary use and will not be allowed

to negatively affect the character, health, safety or general welfare of the surrounding area.

(2) *Regulations.* The keeping of chickens requires a license to be granted by the City Council. The following conditions are requirements of the license:

(a) Allowed in specified zoning districts as an accessory use to a school or museum;

(b) No roosters permitted;

(c) Four chickens are allowed per acre. Chickens are prohibited on properties less than 1 acre; and

(d) Confinement restrictions. Chickens must be kept and confined as follows:

1. Fenced area to keep the chickens contained on the property at all times;

2. Food containers and feeders must not be accessible to rodents and wild birds;

3. Sanitary conditions must be maintained;

4. Fecal matter shall not accumulate in a manner that causes odor;

5. Injury or annoyance to others. No chicken may be kept or raised in a manner as to cause injury or annoyance to persons or other animals on other property in the vicinity by reason of noise, odor or filth;

6. Impounding chicken. Any chicken at large or in violation of this section may be impounded by the city, and after being impounded for 5 business days or more without being reclaimed by the owner, may be humanely euthanized or sold without notice. Failure to claim an impounded chicken may result in the revocation of the license. A person reclaiming any impounded chicken shall pay the cost of impounding and keeping the same; and

7. Covered enclosure (coop) must be provided to protect chickens from the elements and predators. The required enclosure must meet the following requirements:

a. All accessory building regulations under § 155.05(D);

b. Completely covered, secured and with a solid floor; and

c. Setback 25 feet from homes on adjoining lots.

(3) *License.* Keeping chickens requires a license to be granted by the City Council.

(a) Staff shall notify property owners within 350 feet of the Planning Commission meeting, at which a recommendation will be made to the City Council for granting of a license. Failure of a property owner to receive the notice shall not invalidate any such proceedings as set forth within this code.

(b) The license shall not run with the land and shall not be transferable.

(c) If the license is approved by the City Council, staff shall inspect the property to determine if all of the provisions of this section are met prior to issuing the license.

(d) Licenses shall be issued for a 1 year probationary period from the date of City Council approval. The City Council shall consider issuance of a full license at the end of the probationary period.

(e) The City Council may revoke the license if the conditions of this section is not followed or if unresolved nuisances arise.

(f) An annual license fee shall be paid to the city prior to issuance of the license. The annual license fee shall be established by ordinance. (Prior Code, § 10.14) (Am. Ord. 2007-05, 3rd Series, passed 9-4-2007; Am. Ord. 2008-6, 3rd Series, passed 3-17-2008; Am. Ord. 2009-08, 3rd Series, passed 9-21-2009; Am. Ord. 2010-08, 3rd Series, Passed 6-21-2010) Penalty, see § 10.99

§ 155.08 SIGNS.

(A) *General provisions.*

(1) *Purpose. Findings, Purpose and Effect.*

(a) Findings. The City Council hereby finds as follows:

1. Exterior signs have a substantial impact on the character and quality of the environment.

2. Signs provide an important medium through which individuals may convey a variety of messages.

3. Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.

4. The city's zoning regulations have, historically included the regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the city and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact upon the aesthetics of the community and threaten the health, safety and welfare of the community. The regulation of the physical characteristics of signs within the city has had a positive impact on traffic safety and the appearance of the community.

(b) Purpose and intent. It is not the purpose or intent of this section to regulate the message displayed on any sign; nor is it the purpose or intent of this section to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this section is to:

1. Regulate the number, location, size, type, illumination and other physical characteristics of signs within the city in order to promote the public health, safety and welfare.

2. Maintain, enhance and improve the aesthetic environment of the city by preventing visual clutter that is harmful to the appearance of the community.

3. Improve the visual appearance of the city while providing for effective means of communication, consistent with constitutional guarantees and the city's goals of public safety and aesthetics.

4. Provide for fair and consistent enforcement of the sign regulations set for herein under the zoning authority of the city.

(c) *Effect.* A sign may be erected, mounted, displayed or maintained in the city if it is in conformance with the provisions of these regulations. The effect of this section, as more specifically set forth herein, is to:

1. Allow a wide variety of sign types in commercial zones, and a more limited variety of signs in other zones, subject to the standards set forth in this section.

2. Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this section.

3. Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare.

4. Provide for the enforcement of the provisions of this section.

(2) *Definitions.* See § 155.02.

(3) *Generally.* The following are minimum requirements.

(a) All signs shall be erected or installed according to state building and electrical codes. Furthermore, all electrical signs shall require underground wiring.

(b) All signs/sign structures shall be maintained in safe and orderly condition with the areas around them kept free from debris, bushes, high grass/weeds, or anything else that would be a nuisance.

(c) Address signs that are clearly legible from the street which access is gained shall be required for each principal structure, except in non-sewered areas where addresses shall be affixed and visible from both sides of the mailbox and/or a separate structure visible from the access or street.

(d) Illuminated signs shall be designed so as not to be obtrusive to adjacent property or to passing motorists on private or public rights-of-way.

(e) Except as otherwise regulated herein, the minimum setback from property lines for all signs may be zero feet provided that no portion of the sign extends into public right-of-way. At no time shall a sign be permitted to extend into a Minnesota Department of Transportation right-of-way. Signs above 30 inches in height may not be placed within the vision triangle, which is measured by 25 feet in either direction of an intersection at the edge of the street, or within any easement.

(f) Signs permitted by this section shall be designed and constructed to resist wind and seismic forces as specified in the 1982 Uniform Sign Code.

(g) *Roof signs.* To provide reasonable flexibility in respect to the sign regulations set forth in this section, the City Council may approve an application for a roof sign where an exception would be consistent with the intent of these regulations, in cases where the applicant demonstrates practical difficulties in using a wall sign or freestanding sign. However, no roof sign shall exceed in size the district requirements for freestanding signs. If the City Council approves a roof sign, the area of the roof sign may be subtracted from the allowable freestanding and/or wall signage allowed for the property and/or building.

(h) Portable signs are allowed in all commercial districts as follows:

1. Properties zoned DC (Downtown Core) or within the East 2nd

Street Historic District are allowed to have one portable sign per business. The sign shall be no greater than eight (8) square feet in size, six (6) feet in height, and shall not substantially impede pedestrian traffic along the sidewalk. Signs may not be left outdoors overnight. Signage shall complement the historic nature of downtown.

2. Commercial Districts, excluding the DC (Downtown Core) and East 2nd Street Historic District, are allowed to have one portable sign per business. A sign permit is not allowed if:

- a. The sign is less than sixteen (16) square feet in size and six (6) feet in height, and
- b. The sign is not left outdoors overnight.

4. Additional Regulations. Portable signage may not be situated within any public street right-of-way or easement, unless the building has a zero front yard setback. Portable signs over thirty-two (32) square feet and six (6) feet in height are prohibited.

(B) Prohibited signs and sign structures.

(1) No sign shall be located within or over a public right-of-way unless otherwise specifically permitted by this section or the City Council.

(2) No illuminated flashing or revolving signs shall be permitted with the exception of electronic graphic display signs and movie theaters, time and temperature provided the signs are designed so as not to be obtrusive to adjacent property or to passing motorists on private or public rights-of-way. Furthermore, movie theaters with illuminated flashing or revolving signs shall use light bulbs that are 25 watts or less and shall not be operated between 12:00 a.m. and 6:00 a.m.

(3) No sign shall be erected or maintained in a way that obstructs, obscures, or otherwise physically interferes with an official traffic sign, signal/device, or driver's view of approaching, merging, or intersecting traffic.

(4) No sign shall be erected or maintained which imitates or resembles any official traffic sign, signal, or device. Furthermore, no sign shall contain the wording including, but not limited to, “stop,” “warning,” or “caution” which may be confused with traffic signing or controls unless the signs are approved by the city.

(5) No sign shall be painted or placed on a utility pole, tree, or other like structure except those signs that provide public information concerning a school, city, county, state, or federal event.

(6) No sign shall be made of any nondurable material and attached directly to a building.

(7) No sign/structure shall be placed that will obstruct safe access to doors, windows, or fire escapes.

(8) No sign shall be supported by guy wires.

(9) No sign shall be placed on a rooftop or project above the roof line when attached to a structure except as may be permitted by the City Council under division (A) above.

(10) Any sign not expressly permitted by the provisions of this section.

(11) Video display signs.

(12) Signs affixed to vehicles, except Vehicle Signs. (Ord. No. 2014-05, 3rd Series,

Adopted 4-07-14)

(C) *Signs permitted without a permit.*

(1) Traffic signs as approved by the **Public Works Director**;

(2) Public signs as approved by the City of Hastings;

(3) One temporary, on-site construction sign for a residential development provided a final plat has been filed. The sign shall not exceed 100 square feet in size, 10 feet in height and must be located on a vacant lot or lot with a model home within the subdivision at least 10 feet from the nearest property line. Furthermore, the sign shall be removed when 90% of single-family or 75% of multiple-family lots are sold. Construction trailers may be placed in close proximity to support construction of the site. Placement and/or use of the trailers solely for advertising shall be prohibited;

(4) One temporary, on-site construction sign in a commercial, industrial, or public institution development, provided a building permit has been issued. The sign shall not exceed 100 square feet in size, 10 feet in height and shall be removed before any building in the project is occupied. Where a building permit or certificate of occupancy is not required for a construction project including, but not limited to, landscaping projects, 1 on-site sign not to exceed 25 square feet in size and 10 feet in height may be

allowed up to 7 days. Construction trailers may be placed in close proximity to support construction of the site. Placement and/or use of the trailers solely for advertising shall be prohibited;

(5) Temporary signs are allowed in commercial, industrial, and public institution districts upon submittal of a sign notification form to the City. The devices shall be removed if they become torn, discolored, or in any way damaged to modify their original appearance. Businesses and/or property owners utilizing these temporary devices that include advertising and/or a message shall be allowed only a total of 90 days during any 12-month period. Only 1 device shall be used at a time, and the maximum size of the device shall be equal to or less than the monument sign standards for the district in which the site is located, or in the case of the East 2nd Street Historic District or Downtown Core District, equal or less than the wall sign standard. Signage placed on public property as part of a City designated "Special Event" shall be exempt from temporary sign regulations;

(6) Signs 6 square feet or less in size per visible side on residential properties provided that signs identifying home occupations must comply with the signage restrictions set forth in § 155.07(D); and

(7) Notwithstanding any other provisions of this section, all signs of any size containing noncommercial speech may be posted from August 1 in any general election year until 10 days following the general election and 13 weeks prior to any special election until 10 days following the special election.

(8) Vehicle Signs.
(D) *Signs requiring a permit.*

(1) *Permit required.* Except for signs specifically allowed by this section without a permit, no signs shall be erected, altered, reconstructed, maintained or moved in the city without first securing a permit from the city. The content of the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit. Sign applications are available from the Planning Department. The applicant shall include sign dimensions, height, colors, construction materials, method of anchoring and location. A sketch or photograph of the proposed sign and a site plan that adequately illustrates the location of the sign is required. In addition, the application shall include the location and size of all other signs at the subject property/development. Once a completed sign application is filed with the Planning Department, City Staff shall review the plans and specifications for the proposed sign(s). If the proposed sign meets section requirements, the Building Code and all other city ordinances, a signed permit will be approved. The required fee as established by resolution of City Council shall be paid to the city before issuance of a signed permit. Unless otherwise noted, the following regulations apply to all zoning districts.

(a) One monument sign for each principal structure, unified development, or legal parcel, whichever is more restrictive. Lots adjacent to more than 1 street may have 1 sign per street frontage. In no case shall secondary signs exceed 50 square feet in

size or 6 feet in height.

(b) *Wall canopy, projecting or marquee*; except as otherwise noted, the amount of signage permitted is based on the wall to which the sign will be attached. Sign heights shall not exceed the top of the parapet wall or, if there is no parapet wall, sign height shall not exceed height of eaves.

(c) *On-site directional signs*. To direct vehicular and pedestrian traffic in a safe and convenient manner, directional signs are permitted, provided the sign does not exceed the sizes indicated in the table in division (D)(1)(e) below. The number and location of directional signs will be determined through sign permit review.

(d) Electronic graphic display signs must meet the following requirements:

1. *Allowable zoning districts*. Electronic graphic display signs may only be located in the C-1, C-2, C-3, C-4, P-I, and O-1 Zoning Districts. Electronic graphic display signs shall be prohibited in all other zoning districts and the East 2nd Street Historic District.

2. *Setback from residential*. The leading edge of the sign must be a minimum distance of 60 feet from an abutting residential district.

3. *Dimmer control*. Electronic graphic display signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the period between 1 half-hour before sunset and 1 half-hour after sunrise.

4. *Use*. Electronic graphic display signs may only be used in combination with freestanding signage and may not constitute more than 25% of the monument sign face size as regulated in the table in division (D)(1)(e) below. If a sign is being refaced, no more than the existing size of signage may be replaced with an electronic sign.

5. *Flashing*. The messages on an electronic graphic display sign may change at a rate of no less than 6 seconds. No flashing shall be allowed.

(e) The table below illustrates the allowed amounts of signage permitted in the various districts.

		<i>Zoning Districts</i>				
		<i>A, R, PI</i>	<i>C-1, O-1</i>	<i>C-2</i>	<i>I-1, I-2</i>	<i>DC</i>
Monument	Maximum Height	5 feet	6 feet	6 feet	6 feet	N/A
	Sign Face Size	50 square feet	50 square feet	50 square feet	50 square feet	N/A
	Cap Height (max.)	8 inches	8 inches	8 inches	8 inches	N/A
Wall	Maximum Size	Greater of 40 square feet or 5% of wall area				See division (D)(8) below
Projecting	Clearance	N/A	8 feet	8 feet	N/A	8 feet
	Maximum Distance from Building	N/A	4 feet	4 feet	N/A	2.5 feet
Directionals	Maximum Height	4 feet	4 feet	4 feet	4 feet	N/A
	Maximum Size	-	2 square feet	2 square feet	2 square feet	N/A

		<i>Zoning Districts</i>				
		<i>C-3</i>		<i>I-1, I-2, C-4</i>		
		<i>Single Occupant</i>	<i>Multiple Occupants</i>	<i>Single - under 100,000 square feet</i>	<i>Single - over 100,000 square feet</i>	<i>Multiple Occupant Building</i>
Monument	Maximum Height	6 feet	10 feet	6 feet	15 feet	20 feet
	Sign Face Size	50 square feet	100 square feet	50 square feet	75 square feet	100 square feet
	Cap Height (max.)	8 inches	12 inches	8 inches	18 inches	24 inches
Wall	Maximum Size	Greater of 40 square feet or 5% of wall area				
Projecting	Clearance	8 feet	8 feet	8 feet	8 feet	8 feet
	Maximum Distance from Building	4 feet	4 feet	4 feet	4 feet	4 feet
Directionals	Maximum Height	4 feet	4 feet	4 feet	4 feet	4 feet
	Maximum Size	2 square feet	2 square feet	2 square feet	2 square feet	2 square feet

NOTES TO TABLE:

- a. 5,6 and 10 foot tall monument signs may be taller than noted if equal height bases are used, up to 3 feet
 - b. 15 and 20 foot tall monument signs may be taller than noted if equal height bases are used, up to 5 feet
- (Ord. 2010-15, 3rd Series, passed 07-19-2010)

(2) *A, R, and PI Districts.*

(a) Residential developments with 6 or more single-family or multiple-family dwelling units may have 1 monument identification sign per the size indicated in the table in division (D)(1)(e) above.

(b) Churches, public or private schools, hospitals, and residential care facilities are permitted 1 monument identification for the purpose of displaying the name of the institution and its activities or services.

(c) On-site directional signs are permitted for churches, public or private schools, hospitals, residential care facilities, or government/public institutions.

(d) One monument identification sign not to exceed 50 square feet in size or 5 feet in height for any commercial or institutional use within the PI Zoning District. Lots adjacent to more than 1 street may have 1 sign per street frontage. (Am. Ord. 553, 2nd Series, passed 5-15-2006; Am. Ord. 2008-1, 2nd Series, passed 1-7-2008; Am. Ord. 2009-06, 3rd Series, passed 5-4-2009; Am. Ord. 2009-11, 3rd Series, passed 11-16-2009)

(3) *C-1 and O-1 Districts.*

(a) Signs as permitted per division (D)(1) above.

(b) Lots adjacent to more than 1 street may have 1 sign per street frontage. In no case shall secondary signs exceed 50 square feet in size or 6 feet in height.

(4) *C-2 District.*

(a) Signs as permitted per division (D)(1) above.

(b) Lots adjacent to more than 1 street may have 1 sign per street frontage. In no case shall secondary signs exceed 50 square feet in size or 6 feet in height.

(c) Additional monument signs permitted for automobile dealerships:

1. One monument sign not to exceed 50 square feet or 6 feet in height for advertisement of sale of pre-owned automobiles; and

2. One monument sign not to exceed 50 square feet or 6 feet in height for each additional new automobile product line (automobile make) sold on the premises.

(5) *C-3 District.*

(a) Signs as permitted per division (D)(1) above.

(b) Lots adjacent to more than 1 street may have 1 sign per street frontage. In no case shall secondary signs exceed 50 square feet in size or 6 feet in height.

(c) Those properties located within the East 2nd Street Historic District are subject to the regulations of division (D)(8) below.

(6) *C-4 Districts.*

(a) Signs as permitted per division (D)(1) above.

(b) Lots adjacent to more than 1 street may have 1 sign per street frontage. In no case shall secondary signs exceed 50 square feet in size or 6 feet in height.

(c) For movie theatres, the primary wall sign may not exceed 10% of the building facade on which the sign is erected. Secondary signs on the other building facades may not exceed 5% of the building facade on which the sign is erected, or 40 square feet, whichever is greater.

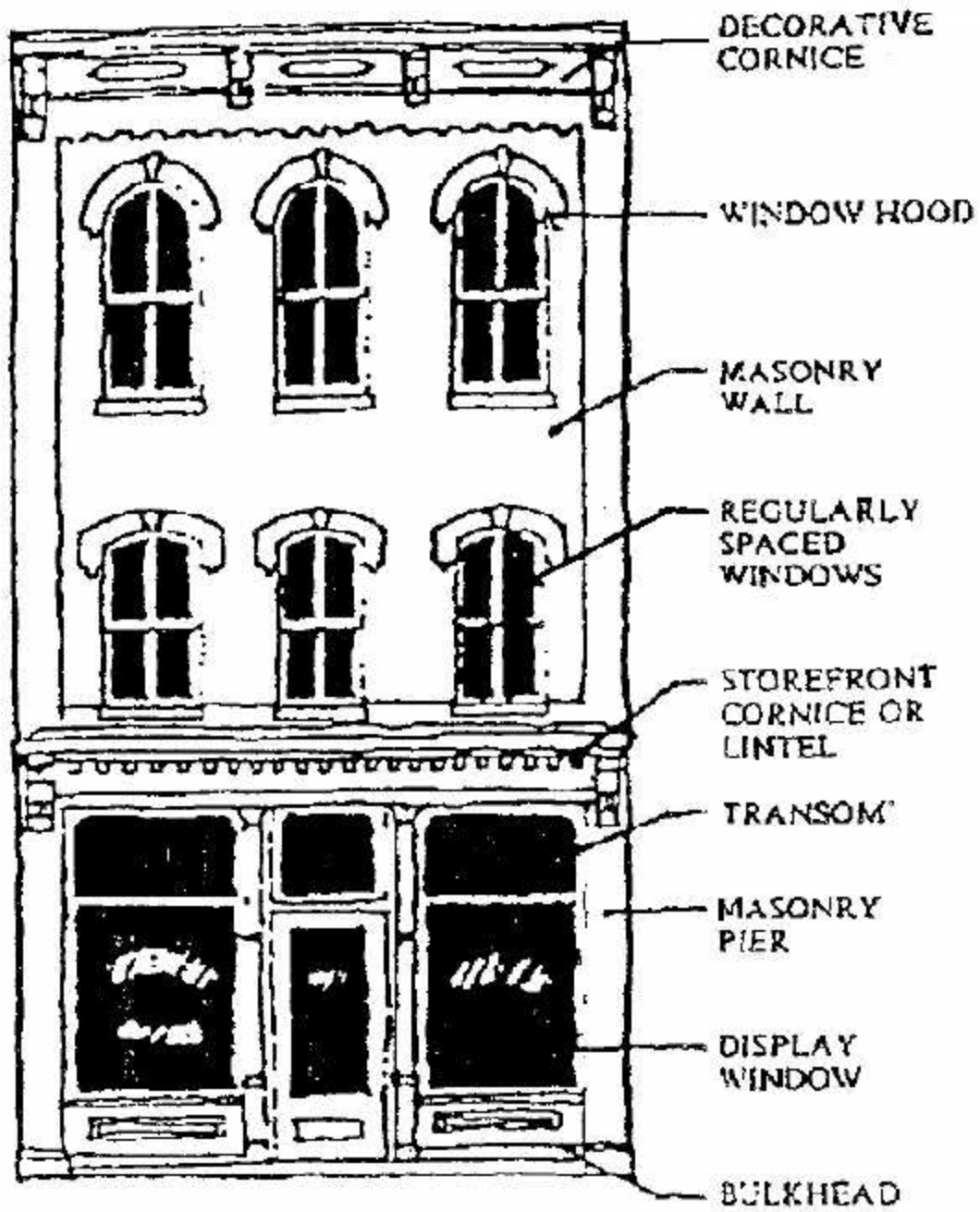
(7) *I-1 and I-2 Districts.* Signs as permitted per division (D)(1) above.

(8) *DC Downtown Core and East 2nd Street Historic District.*

(a) Downtown Hastings is a remarkably intact and compact example of commercial architecture from the 1860's to the 1920's. This historic character is considered an important asset of Downtown and, therefore, it is the intent of this section that this character be preserved. To accomplish this objective, all permanent signage within the East 2nd Street Historic District or on property zoned DC Downtown Core shall comply with the following requirements and guidelines.

1. Wall signs not to exceed 2 square feet per linear foot of building frontage. The size of a sign should be appropriate to the building.

2. Signs should not cover up the traditional design elements of a building as identified in the following sketch. When feasible, signage shall be at traditional locations, including: painted inside the windows, door pane or transom pane; flush on the storefront cornice or lintel; letters painted or attached directly on the cornice or lintel; mounted flush between the lintel and second floor windows.



3. The style, colors, lettering, and materials of the sign should reflect the age of the building. Examples may be found in old photographs and surviving signs.

4. Contrast between a dark background and light lettering, or vice versa, is more important than size. The lettering style should be chosen for its legibility.

5. Plastic, aluminum, and back lit signs are not usually appropriate on older buildings because of their materials, colors, size, and style of lettering. The content and logo of corporate and product signs can be transferred to more traditional materials and styles of sign.

6. Signage shall be permitted on canvas or treated cloth awnings where they are compatible with the age of the building and character of Downtown.

7. Projecting signs must conform to the following.

a. Minimum height above grade is 8 feet. Maximum height above grade is 11 feet for the sign, and 12 feet for the bracket.

b. Sign may not project more than 2 and 1/2 feet from the face of the building.

c. Total sign face may not exceed 6 square feet.

d. Materials must be wood and/or metal. Plastic signs are not permitted.

e. Projecting signs may not be lit, internally or externally.

f. Plans must be submitted to show how the sign will be anchored to the building and masonry.

g. Only 1 projecting sign permitted per business.

h. Signs must be advertising a specific business name, not a generic product.

i. The sign area of the projecting sign comes off the total signage allowed for the building under these requirements.

(b) All signs proposed to be constructed on properties that are designated as Heritage Preservation Sites or are in a Historic District are subject to approval by the Heritage Preservation Commission.

(c) Freestanding signs are prohibited in the East 2nd Street Historic District or on properties zoned DC Downtown Core.

(E) *Permit requirements.*

(1) Except as otherwise provided in this section, no sign or structure shall be erected, constructed, altered, rebuilt, or relocated until a permit has been issued by the city.

(2) Sign applications are available from the Planning Department. The applicant shall include sign dimensions, height, colors, construction materials and method of anchoring. A site plan that adequately illustrates the location of the sign is required. In addition, the application shall include the location and size of all other signs at the subject property/development.

(3) Once a completed sign application is filed with the Planning Department, staff shall review the plans and specifications for the proposed sign(s). If the proposed sign(s) meets ordinance requirements, the building code and all other laws and ordinances of the city, a sign permit will be approved.

(4) The required fee as established by resolution of the City Council shall be paid to the city before issuance of a sign permit.

(5) Signs erected without a permit are subject to payment of twice the established sign permit fee.

(F) *Nonconforming and illegal signs.*

(1) Any sign legally existing on the effective date of this section that does not conform to the requirements set forth in this section shall become a nonconforming use and/or structure. Except as otherwise provided in this section, nonconforming signs shall be allowed to continue, but shall not be rebuilt, relocated, replaced, or altered without being brought into compliance with all the requirements of this section. Furthermore, nonconforming signs are subject to the provisions contained at § 155.06.

(2) Any sign that is in violation of this section shall be removed or altered to comply with this section.

(3) Maintenance of existing signs, including the replacement of faceplates of the same size, or smaller shall be permitted on nonconforming signs.

(4) Temporary ribbons, banners, pennants, and similar devices that are in use as of the adoption of this section must comply with the provisions of division (C)(11) above.

(5) *Repairs.* Any sign located in the city which may be or hereafter become out of order, rotten or unsafe, and every sign which shall hereafter be erected, altered, resurfaced, reconstructed or moved contrary to the provisions of this section shall be removed or otherwise properly secured in accordance with the terms of this section by the owners thereof or by the owners of the grounds on which said sign shall stand, upon receipt of proper notice so to do, given by the issuing authority. No rotten or other unsafe sign shall be repaired or rebuilt except in accordance with the provisions of this section and upon a permit issued by the issuing authority.

(6) *Removal.* In the event of the failure of the owner or person, company or corporation having control of any sign, or the owner of the ground on which the sign is located, to remove or repair said sign within 60 days after the use is terminated, a notice shall be given to the owner of the sign and the sign may be removed by the city at the expense of the owner or manager of the sign, or the owner of the ground upon which the sign stands.

(G) *Substitution clause.* The owner of any sign which is otherwise allowed by this section may substitute noncommercial copy in lieu of any commercial or noncommercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any noncommercial message over any other noncommercial message. This provision prevails over any more specific provision to the contrary. (Prior Code, § 10.08) (Am. Ord. 485, passed 2-3-2003; Am. Ord. 541, passed 10-17-2005; Am. Ord. 558, 2nd Series, 12-4-2006; Am. Ord. 2007-01, 3rd Series, passed 7-16-2007; Am. Ord. 2008-01, 2nd series, passed 1-7-2008) Penalty, see § 10.99

155.09 PARKING AND LOADING REQUIREMENTS.

(A) *General provisions.*

(1) No change of use, tenancy, or occupancy of a parcel of land or building, including construction of new building or an addition to a building, which requires additional parking or loading spaces shall be allowed until the additional parking or loading spaces are approved and furnished. Review may be required under the site plan review procedures of § 155.51.

(2) Required parking shall be available for the parking of operable vehicles of residents, customers, and employees. A required loading space shall not be used for any other purpose than the immediate loading or unloading of goods or passengers.

(3) Parking and loading spaces shall meet all requirements of this chapter before the building for which they serve is occupied, except as otherwise permitted in this chapter.

(4) Required parking and loading spaces shall be located on the same development site as the use served. Except residential uses in the R-1, R-1L and R-2 zoning districts, the city may approve off-site parking if the City Council finds the following.

(a) Reasonable access shall be provided from the off-site parking facilities to the use being served.

(b) The parking shall be within 400 feet of a building or lot for the use being served.

(c) The parking area shall be under the same ownership as the site served, under public ownership or the use of the parking facilities shall be protected by a recorded instrument, acceptable to the city.

(d) Failure to provide on-site parking shall not encourage parking on the public streets, other private property or in private driveways or other areas not expressly set aside for the purposes.

(e) The off-site parking shall be maintained until on-site parking is provided or an alternate off-site parking facility is approved by the city as meeting ordinance requirements.

(5) Notwithstanding any other provision of this section to the contrary, a land use may provide the required off-street parking area for additional land uses on the same development site if the following conditions are met.

(a) Because of the hours of operation of the respective uses, their sizes and their modes of operation there will be available to each use during its primary hours of operation an amount of parking sufficient to meet the needs of the use.

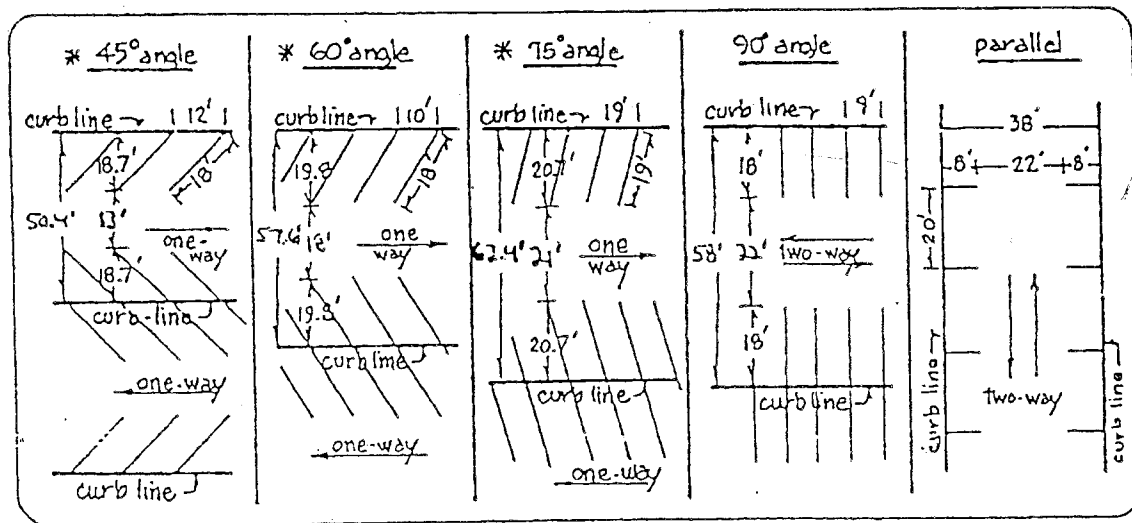
(b) The joint use of the parking facilities shall be protected by a recorded instrument, acceptable to the city.

(B) *Design requirements.*

(1) *Standard dimensions.* Except as permitted in division (B)(2) below, a parking space shall have a minimum width of 9 feet and a minimum length of 18 feet not including access driveways and turnarounds sufficient to permit a standard automobile to be parked in and removed from the space without the necessity of moving other vehicles. The minimum dimensions of stall and aisles are as follows.

<i>Curb Angle</i>	<i>Stall Length</i>	<i>Length</i>	<i>Aisle</i>
45 degrees	12.0 feet	18.0 feet	13 feet*
60 degrees	10.0 feet	18.0 feet	18 feet*
75 degrees	9.0 feet	19.0 feet	21 feet*
90 degrees	9.0 feet	18.0 feet	22 feet**
Parallel	20.0 feet	8.0 feet	22 feet

NOTES TO TABLE:
 * One-way aisles only.
 ** Aisles that are not between 2 rows of 90 angle parking spaces may be 18 feet wide.



(2) *Compact car dimensions.* A compact car space shall have a minimum width of 8 feet and a minimum length of 16 feet not including access driveways and turnarounds sufficient to permit a compact automobile to be parked in and removed from the space without the necessity of moving other vehicles. The minimum dimensions of compact stalls shall be as follows.

<i>Angle</i>	<i>Curb Length</i>	<i>Stall Length</i>
45 degrees	10.0 feet	16.0 feet
60 degrees	8.5 feet	17.5 feet
75 degrees	8.0 feet	16.5 feet
90 degrees	8.0 feet	16.0 feet
Parallel	16.0 feet	8.0 feet

(3) *Compact car parking conditions.* Compact car parking may be provided if the following conditions are met.

(a) A maximum of 25% of the total number of required parking spaces may be used for compact cars, provided the total parking area has at least 20 stalls.

(b) Compact car stalls shall be clearly marked with directional signs as approved by the city.

(c) Compact car stalls shall be distributed throughout the parking area to have reasonable proximity to the structure(s) served by and shall not have generally preferential locations such that their use by non-compact cars will be discouraged.

(d) Compact car stalls shall be designed to discourage their use by non-compact cars.

(4) *Access and location.*

(a) Parking areas shall be designed to provide an adequate means of access to a public alley or street. The driveway access shall not exceed 30 feet in width for residential uses and 32 feet in width for commercial, office, or industrial uses at the property line and driveways shall be so located as to cause the least interference with traffic movement. All driveway widths shall be measured from the property line, not the roadway. Driveways must be located at least 3 feet from the extension of the side lot line from the property line to the curb to accommodate the driveway apron. Driveways abutting a public street must have a minimum 3-foot landscaped separation between any adjacent driveway. (Am. Ord. 549, passed 4-17-2006; Am. Ord. 2007-05, 3rd Series, passed 9-4-2007)

(b) Driveway widths up to 50 feet will be permitted only by special permission of the Planning and Public Works Directors. All off-street parking spaces shall access off driveways and not directly off a public street unless otherwise approved by the Planning and Public Works Directors.

(C) *Surfacing.*

(1) *Generally.*

(a) Except as otherwise provided in this chapter, all parking spaces, access, maneuvering areas, and driveways shall be engineered according to city specifications and constructed with an asphalt or another impervious surface, and concrete curb and gutter. Single- and 2-family homes shall be graded and paved with asphalt or another impervious surface, but are exempt from curb and gutter requirements. All parking areas shall be maintained in good condition, in accordance with city specifications.

(b) If access is gained from an improved street, that portion of the access in the public right-of-way also shall be paved.

(c) Any improvement that expands or modifies the surface of an existing parking lot or drive aisle by more than 25% within a 5-year period shall trigger full compliance with city specifications for the entire parking lot.

(2) *Exemptions.* Exemptions from surfacing requirements shall meet the following requirements:

(a) Provide gravel, oil mat, and/or durable dustless surface to control dust;

(b) Pave driveways and aprons to prevent debris from entering the street right-of-way or sidewalk;

(c) Install gates at the access to catch gravel and dirt;

(d) Direct traffic through other paved portions of the parking area; and

(e) Provide adequate drainage to dispose of runoff. (Am. Ord. 479, passed 12-2-2002)

(D) *Setbacks/buffers.*

(1) Access drives, driveways, and aisles shall not be allowed to intrude into a required parking setback except at the access point or where a joint drive serving more than 1 property will provide better/safer traffic circulation.

(2) For residential structures, no parking space shall be within 5 feet of any building.

(3) Parking structures/ramps shall be subject to site plan review, including the following criteria for establishing setbacks.

(a) A parking structure shall be deemed an underground garage for the level(s) of parking which are below grade and are unexposed except entrance and exit points. Where the roof or any portion of the roof of such a qualifying structure is used as surface parking, the parking shall meet the applicable zoning district and other ordinance requirements regarding surface parking location, setbacks, and screening.

(b) A parking structure with 1 or more parking levels that is completely or partially below grade and does not qualify as an underground garage shall meet the applicable zoning district and other ordinance requirements regarding surface parking location, setbacks, and screening.

(c) Any parking structure or portion thereof which is partially or completely above grade shall be deemed a structure for meeting the applicable zoning district and other ordinance requirements regarding building setbacks/screening. (Am. Ord. 551, 2nd Series, passed 5-1-2006)

(E) *Drainage, lighting, signs, and curb and gutter.*

(1) *Drainage.* Adequate drainage shall be provided to prevent ponding and to dispose of the runoff from the impervious surface of the parking area. Provisions shall be made for the on-site collection of drainage waters to eliminate sheet flow of water onto sidewalks, public right-of-way, and abutting private property, subject to the approval of the Public Works Director.

(2) *Lighting.* Lighting used to illuminate parking areas shall be directed in a downward vertical direction and away from adjacent properties and rights-of-way so as not to cause a nuisance either to traffic or abutting properties.

(3) *Signs.* Except as permitted in § 155.08, no signs shall be located in any parking area except as necessary for orderly operational movement, including, but not limited to:

(a) Parking stalls shall be clearly marked with painted stripes showing the full 18 or, for compact cars, 16-foot length and access lanes with directional arrows to guide internal movements;

(b) Areas used for compact cars shall be clearly marked;

(c) Handicapped parking spaces shall be designated according to state standards; and

(d) Additional signs and markings shall be required if determined by the Public Works Director to be necessary for traffic circulation of safety.

(4) *Curb and gutter.* Curb and gutter is required for all parking lots with 6 or more parking spaces.

(F) *Minimum and maximum off-street parking requirements.*

(1) Floor area for calculating the number of parking spaces shall be the total gross floor area for each story of the building/structure.

(2) The amount of parking shall be computed according to the standards of this section and the formulas listed in Appendix B at the end of this chapter. The maximum number of parking stalls shall not exceed 20% of the minimum required unless the City Council grants an exception.

(3) Parking requirements for a use not specifically mentioned shall be computed at the requirement for the use it most closely resembles at the discretion of the Planning Director.

(4) For mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately.

(5) The minimum number of parking spaces shall be based on the maximum number of employees and/or seating capacity/occupancy at peak hours of operation.

(6) Existing structures and uses within the DC and RMU Zoning Districts prior to the adoption of the Downtown Master Plan (5-5-2003) shall be considered in conformance with the minimum parking and loading requirements of this section, provided the use and intensity is unchanged. Parking and loading requirements for any intensification of an existing building or use, or construction of a new building shall be determined by a proof of parking study. When a study is required, the Urban Land Institute's 1983 publication, *Shard Parking Standards*, the Institute of Transportation Engineers *Shared Parking Standards Planning Guidelines* (1995), or equivalent study shall be used to determine the number of spaces needed for a single or shared use. (Am. Ord. 497, passed 7-7-2003)

(G) *Loading requirements.*

(1) Off-street loading shall be required of uses or buildings that receive or distribute merchandise by truck and shall be adequate to handle the needs of the particular use or building and as designated by Appendix A at the end of this chapter.

(2) All schools having a capacity of 25 or more students shall have a driveway designed for a continuous flow of passenger vehicles for loading and unloading students. (Prior Code, § 10.09) (Am. Ord. 551, 2nd Series, passed 5-1-2006) Penalty, see § 10.99

DISTRICTS

§ 155.20 GENERALLY.

(A) *Zoning districts.* The city is hereby divided into the following use districts:

- (1) A Agriculture;
- (2) R-1 Low Density Residence;
- (3) R-2 Medium Density Residence;
- (4) R-3 Medium-High Density Residence;
- (5) R-4 High Density Residence;
- (6) RMU Residential Mixed Use;
- (7) R-6 Manufactured Home Park Residence;
- (8) C-1 General Commerce;
- (9) C-2 Highway Auto-Specialized Commerce;
- (10) C-3 Community Regional Commerce;
- (11) DC Downtown Core;
- (12) C-4 Regional Shopping Center;
- (13) O-1 General Office;
- (14) I-1 Industrial Park;
- (15) I-2 Industrial Park Storage/Service;
- (16) PI Public Institution; and
- (17) VSO Vermillion Street Overlay. (Am. Ord. 497, passed 7-7-2003)

(B) *Zoning Map.* The location and boundaries of the above use districts are as shown on the Zoning Map, and the Map is hereby made a part of this chapter. The Map and all notations, references, and data shown thereon are hereby incorporated by reference into this chapter and shall be as much a part of it as if all were fully described herein. All amendments to the Zoning Map are generally described in Table II of the Table of Special Ordinances. It is unlawful to use or permit the use of any building or premises within the city for any purpose other than as listed. (Prior Code, § 10.10)

§ 155.21 A AGRICULTURE.

(A) *Generally.* Any land that may be annexed to the city shall be placed in the A Agricultural District until action by the Council that assigns the land to another district.

(B) *Intent.* The intent of this chapter in establishing an Agricultural District is to allow maximum freedom of operation for agricultural purposes and to protect the uses from untimely encroachment by potential conflicting urban uses. It is also the intent to protect the natural amenities of the Hastings area from harmful exploitation.

(C) *Uses permitted.*

- (1) Farmsteads and agricultural operations;
- (2) Single-family detached dwellings;
- (3) Public parks and non-commercial recreational uses;
- (4) Cemeteries;
- (5) Home occupations subject to the standards listed at § 155.07;
- (6) Accessory uses incidental to the foregoing principal uses such as private garages and sheds;
- (7) Recreation facilities, including, but not limited to, golf courses, pistol and rifle ranges, sportsmen clubs and camping areas subject to site plan review;
- (8) Nurseries and greenhouses subject to site plan review;
- (9) Kennels and veterinary establishments subject to site plan review;
- (10) Storage rental facilities subject to site plan review;
- (11) Agricultural service operations, heavy equipment contractors, tree service contractors, or other uses subject to site plan review;

(12) Other uses similar in nature to the above uses and which, in the opinion of the Council, will not be detrimental to the integrity of the Agriculture District;

(13) Cluster developments so as to provide an alternative to rural subdivisions. Home locations may be placed closer together as long as the overall subdivision density still meets the 1 home per 10 acres density. Cluster developments are intended to preserve and enhance open space and natural amenities. Cluster developments are subject to the requirements of this chapter, including, but not limited to, § 155.51 and Chapter 154. Variation in lot sizes and yards are permitted while maintaining the overall density required by the underlying zoning district.

(D) *Uses by special permit.*

(1) Temporary asphalt hot mix plants accessory to mineral extraction subject to site plan review.

(2) Land reclamation, mining, soil processing, and general land grading subject to the following.

(a) *Land reclamation.* Under this chapter, land reclamation is the reclaiming of land by the depositing of material so as to elevate the grade. Any lot upon which 400 cubic yards or more of fill is to be deposited shall be land reclamation. The application for land reclamation permit shall include a finished grade plan which will not adversely affect adjacent lands, the type of fill to be used, program for fire and rodent control, and general maintenance of the site, controls of vehicular ingress and egress, and for control of material disbursed from wind or hauling of material to or from the site. The plan shall also include necessary drainage structures to divert or convey storm water runoff.

(b) *Mining.* The extraction of sand, gravel, or other material from the land, in the amount of 400 cubic yards or more and removal thereof from the site without processing shall be mining. The application for a mining permit shall include a plan for a finished grade which will not adversely affect adjacent lands or the development of the site on which the mining is being conducted, and the route of trucks moving to and from the site.

(c) *Soil processing.* The operation of processing of sand, gravel, or other material mined from the land shall be permitted. The application for soil processing permit shall include a site plan where the processing is to be done, showing the route of the trucks moving to and from the site, and the condition in which the site is intended to be left upon completion. The Council may restrict the duration of the permit for operation after which the permit will have to be renewed.

(d) *General land grading.* This section restricts all excavations, pits, holes, or earthly deposits of any kind to more than 3 feet depth upon any property within the city.

1. It is unlawful for any person to dig and leave open, unfenced, unbarricaded, or uncovered, any pit, quarry, hole, or excavation, including basements, wells, septic tanks, or cesspools; and for any person to deposit earthly material including rock, sand, gravel, organic or other fill material to a depth of over three feet without a permit as required under the grading chapter of the International Building Code or as may be amended.

2. No grading permit shall be required by any person making any excavation or earthly deposit as part of contractual work for construction of utilities for which appropriate permits have been secured or under any contract with the city.

(e) *Application for land reclamation, mining, and soil processing.* Application for the permit shall be made in writing to the Council which shall set forth the location and plan for removal from or deposits upon property in accordance with this chapter. The application shall include:

1. A legal description of the lands upon which grading operations shall be performed;

2. Copies of any agreements contemplated or entered into between the owner of the property and any other person charged with performance of the grading;

3. If requested by the city a plat and topographical map of the proposed area to be graded, and the other pertinent information as deemed necessary;

4. The full name and address of the person applying for permit hereunder;

5. A permit fee is required in accordance with the city fee schedule;

6. In all cases, each application for permits for the above must be approved by the Public Works Director before the permit is granted. Also, in all cases of the above, the Public Works Director has the right to review procedures, processes, and results in view of the operations to determine whether they are in accordance with general public welfare and safety through regular on-site inspections. The Public Works Director upon determining the permittee's operation creates a serious and immediate safety hazard may order the operation ceased for a period of 72 hours. Upon so ordering the Public Works Director shall immediately notify the Mayor and the permittee in writing of the hazard and the Mayor shall call a special meeting of the Council. The permittee shall be requested to attend this meeting. If the Council determines that an immediate safety hazard exists, the permit shall be withdrawn until the permittee complies with Council directives to eliminate the hazard;

7. Within 10 days after City Council approval of the permit and before work begins, the applicant shall submit to the city an irrevocable bond or other forms of security acceptable to the city. This bond or other form of security shall be in an amount determined by the City Council, upon recommendation by the Public Works Director, to be sufficient to guarantee the applicant's full compliance with the provisions of this chapter and all other conditions of the permit issued by the city, including, but not limited to, any restoration required by the city or the extraordinary cost and expense of repairing, from time to time, any highways, streets, or other public ways where the repair work is made necessary by the special burden resulting from the hauling and removal of material from any operation. The bond or other approved security shall remain in effect for at least 1 year after the expiration of the permit issued under this chapter. The Council may review and modify the amount of terms of the bond or other approved security as a condition of any permit renewal; and

8. Prior to commencing work under a mining or soil processing permit, the applicant shall secure insurance as provided herein. At the time the Council issues land reclamation, the Council shall determine if the applicant must comply with the following insurance requirements. All applicants required to provide insurance herein shall, prior to commencing work, secure, maintain and file with the City Clerk a liability insurance policy or certificate of insurance from an insurance company authorized to write casualty insurance in the state as will protect the applicant, its agents and the city from claims for bodily injury, death, or property damage which may arise from operations under a permit issued under this chapter. Each insurance policy shall contain a clause providing that it shall not be cancelled by the insurance company without 10-days' written notice to the city of intention to cancel. The amounts of the insurance shall not be less than the following:

- a. Worker's compensation and employer's liability which shall be secured and maintained as required by state law;
- b. Public liability, personal injury, and property damage;
- c. Injury or death of 1 person - \$250,000;
- d. Injury or death to more than 1 person in a single accident - \$500,000; and
- e. Property damage - \$200,000.

(3) Towers as regulated by § 155.07.

(4) Motor vehicle impound lots, subject to the following conditions.

(a) Motor vehicles cannot be kept in an impound lot for more than 14 days unless a police hold has been placed on the motor vehicle.

(b) No sales of motor vehicles, salvaging, repairing, dismantling, or stripping of motor vehicles shall be allowed in the impound lot.

(c) 100% opaque fencing or landscaping at least 6 feet high must be placed around the entire lot and must be adequately maintained.

(d) All motor vehicles impounded shall be kept within the opaque fenced or landscaped area.

(e) All buildings on the lot must be permanent structures with permanent foundations.

(f) The entire impound lot shall be surfaced with a bituminous covering, class 5 gravel, or other surface covering as approved by the city.

(g) A sufficiently sized bituminous area shall be provided for the parking of vehicles which may be leaking fluids or other pollutants.

(h) Any lighting in the impound lot shall not be obtrusive to neighboring property.

(i) Employees of the city or its duly appointed representatives, shall be allowed on the property at any time to inspect the impound lot to verify compliance with the City Code.

(j) Any special use permit issued hereunder shall be reviewed annually and at other times deemed appropriate by the city, to verify compliance with the City Code and any special conditions of the permit. As part of the review procedure, the city may hold a public hearing, preceded by the appropriate mailed and published notice. As part of any review procedure, the city may amend the permit by adding or deleting any conditions it deems necessary to protect the public health, safety, and welfare.

(k) All conditions imposed by § 30.02 must be met. Additionally, the city may impose any other conditions it feels are necessary to protect the public, health, safety, and welfare.

(l) Any violation of this subdivision or any conditions imposed upon the special use permit shall be cause for termination of the permit by the city. (Prior Code, § 10.11) (Am. Ord. 2009-09, 3rd Series, passed 9-8-2009) Penalty, see § 10.99

(E) Interim Use Permit

(1) Businesses may apply for an Interim Use Permit to operate up to 18 months on a temporary basis in areas outside the Metropolitan Urban Service Area (MUSA), subject to the following:

(a) Interim Use Permits shall be issued for a six month probationary period as determined by City Council. The City Council may consider full issuance of an Interim Use Permit at the end of the probationary period. The term of the Interim Use Permit shall be 1 year after probation.

(b) Following the one year Interim Use Permit, the Interim Use Permit is no longer valid and the business must meet permanent business standards.

(c) The site must be returned to its pre-development condition if the business does not convert to a permanent business.

(d) The business must present an acceptable plan for on-site portable restrooms and trash removal.

(e) All temporary and permanent signage will require a separate sign permit.

(f) As a condition of approval, the City will need to review and approve any temporary or mobile structure.

(g) The construction of or movement of any buildings onto the property would require Site Plan Approval.

(h) Interim Use Permits shall be subject to the requirements of Chapter 30.02 (E) (2) – Special Use Permits.

(i) Hours of operations shall be reviewed.

(2) The City Council may issue an Interim Use Permit granting permission for an interim use of property if:

(a) The use conforms to the zoning regulations;

(b) The date or event that will terminate the use can be identified with certainty;

(c) Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and

(d) The user agrees to any conditions that the City Council deems appropriate for permission of the use.

(3) Any interim use may be terminated by a change in zoning regulations. (Ord. 2011-22, 3rd Series, Passed 10-03-11)

§ 155.22 R-1 LOW DENSITY RESIDENCE.

(A) *Intent.* The intent of this chapter in establishing a low density residence district is to provide for the normal outward residential expansion of Hastings according to current standards of development, and to protect the desired quiet living environment from encroachment from potential conflicting uses.

(B) *Uses permitted.*

(1) One-family detached dwellings:

(a) All single-family detached dwellings to be located on a lot in a residential zone shall be installed on perimeter foundations that form complete enclosures under exterior walls;

(b) The width of a 1-family detached dwelling that is located on a lot in a residential zone, shall not be less than 20 feet. The width shall be the narrowest dimension measured to the exterior of the building regardless of how it is oriented on the lot. The width is the installed width and does not include bay windows, roof projections, overhangs or eaves under which there is not interior space. Provided, however, this minimum width regulations shall not apply to seasonal use rooms such as porches and breeze ways, nor to garages or carports, and provided further, that these minimum width requirements shall not apply to additions to existing structures, where the addition is less than 400 square feet in area; and

(c) Sheet metal siding shall not be permitted except that horizontal lap type metal siding with sections overlapping in sections no wider than 12 inches shall be permitted. Other metal sidings may be permitted on review by the Board of Design Control.

(2) Public parks, playgrounds, country clubs, athletic fields, and other recreational uses of a non-commercial nature;

(3) Churches, libraries, and public and parochial schools;

(4) Home occupations, pursuant to § 155.07.

(5) Cluster developments so as to provide an alternative to the conventional lot and block residential design. Cluster developments are intended to preserve and enhance open space and natural amenities. Cluster developments are subject to the requirements of this chapter, including, but not limited to, § 155.51 and Chapter 154. Variation in lot sizes and yards are permitted while maintaining the overall density required by the underlying zoning district;

(6) Accessory uses if incidental to the foregoing principal uses such as private garages and sheds; and

(7) Residential care facility - independent.

(C) *Uses by special permit.*

(1) Fire stations and cemetery;

(2) Residential care facilities, dependent and semi-independent, subject to the conditions listed at § 155.07.

(3) Towers are regulated by § 155.07. (Prior Code, § 10.12) Penalty, see § 10.99

§ 155.22.5 R-1L LOW DENSITY RESIDENCE LARGE LOT.

(A) *Intent.* The intent of this chapter in establishing a very low density residence district is to protect the desired character of the larger lot environment from the possible progression of a more dense nature.

(B) *Uses permitted.*

(1) Same as permitted in the R-1 Low Density Residence District. (Ord. 2007-05, 3rd Series, passed 9-4-2007)

§ 155.23 R-2 MEDIUM DENSITY RESIDENCE.

(A) *Intent.* The intent of this chapter in establishing a medium density residence district is to protect those predominately single-family residential areas within Hastings that were developed in most part prior to World War II, encroachment from potential conflicting uses, and to provide for future residential and related development consistent with proper existing development existing neighborhood character and with minimum maintaining standards for the provision of health, light, air, and visual appeal.

(B) *Uses permitted.*

(1) Same as permitted in the R-1 Low Density Residence District;

(2) Two-family/multiple-family dwellings, including both new construction and conversions of existing single-family dwellings;

(3) Fire stations and library; and

(4) Bed and breakfast lodging facilities subject to the following criteria:

- (a) That the facility shall be part of a formally designated local, state, or national historical structure;
- (b) That a maximum of 10 bed and breakfast units may be established in a structure;
- (c) That the facility shall have a minimum size of 2,500 gross square feet;
- (d) That all bed and breakfast units shall be established within the principal structure;
- (e) That 1 off-street parking space shall be provided for the home plus 1 space for each bed and breakfast unit;
- (f) That not more than 1 identification sign not exceeding 2 square feet in area may be attached to each wall that faces a street; and
- (g) That the lot on which a bed and breakfast facility is proposed shall have a minimum area of 7,000 square feet plus 1,000 square feet for each unit in excess of 5 units.

(C) *Uses by special permit.*

- (1) Residential care facilities, dependent and semi-independent, subject to the conditions listed at § 155.07.
- (2) Neighborhood commercial subject to the site plan requirements of § 155.07.
- (3) Towers as regulated by § 155.07.

(D) *Original Hastings design standards.*

(1) *Intent.* Original Hastings Design Standards (OHDS) preserve and enhance traditional neighborhood design by reflecting the general characteristics of buildings dating from 1845 to 1940, the predominate era for building construction within the OHDS District. OHDS regulations ensure traditional neighborhood design by incorporating design features such as alleys, carriage houses, front porches, period sensitive housing design, sidewalks, and traditional street lighting. Design standards create and enhance the character of older neighborhoods by establishing regulations to guide property development and rehabilitation consistent with the unique historic character of the neighborhood. The OHDS are derived from the Design Guidelines for

Original Hastings, adopted in 2003 by the City Council as part of the Heart of Hastings Master Plan.

(2) *Designated District.* OHDS shall be effective for portions of the R-2 District as indicated in the figure below and shall be further identified on the Official Zoning Map. Areas not zoned R-2 are excluded from the OHDS.



(3) *Applicability.* The OHDS are applicable to all new residential development within the OHDS District. Substantial modifications to existing residential buildings shall also adhere to the design standards. Substantial modifications are defined as building improvements affecting the exterior of a structure, and exceeding 10% of its current building market value as defined by the Dakota County Assessor. This percentage shall be reviewed by the City Council on a regular basis. Substantial Modifications may include the following:

- (a) Projects in corner side yards abutting a right-of-way.
- (b) Accessory structures over 120 square feet.
- (c) Any project that would negatively affect the historic appearance of the streetscape.

(4) *Exemptions.* The following activities shall be exempt from Original Hastings Design Standards:

- (a) Accessory buildings under 120 square feet;

(b) Fences, decks, porches and patios within the rear yard or interior side-yard. Corner side yards abutting a right-of-way shall not be exempt from the design standards;

(c) Areas of a home or structure not directly part of an alteration or improvement;

(d) Alterations or improvements to the interior of a structure not affecting the outward appearance;

(e) Exterior modifications to homes built after 1950; and

(f) Demolition of home

1. The HPC shall have 10 days to visually record a structure after an application is submitted to demolish a structure that is over 50 years old within the OHDS. If a formal designation study has already been completed for the property, the HPC shall have up to 6 weeks to request that the City Council begin a designation process as outlined in § 30.10(D). If the City Council initiates the designation process, the demolition application must be handled in accordance with § 30.10(D).

(5) *Relationship to historic preservation districts and standards.* Original Hastings Design Standards are different from and complimentary to established historic preservation districts and standards. Original Hastings Design Standards focus less on historic re-creation, but on the consistency of new and rehabilitated buildings to the established traditional character, bulk, height and form of the neighborhood. Provisions of § 30.10 still apply to properties within the OHDS that are within a designated Heritage Preservation District or individually designated as a Historic Preservation Site.

(6) *Garages.* New garages directly accessing a public street shall be prohibited if an improved alley way abuts the property.

(7) *Immediate neighborhood.* The immediate neighborhood as used to determine OHDS applicability shall include all properties along street frontages within 150 feet of the subject parcel as indicated in the figure below.

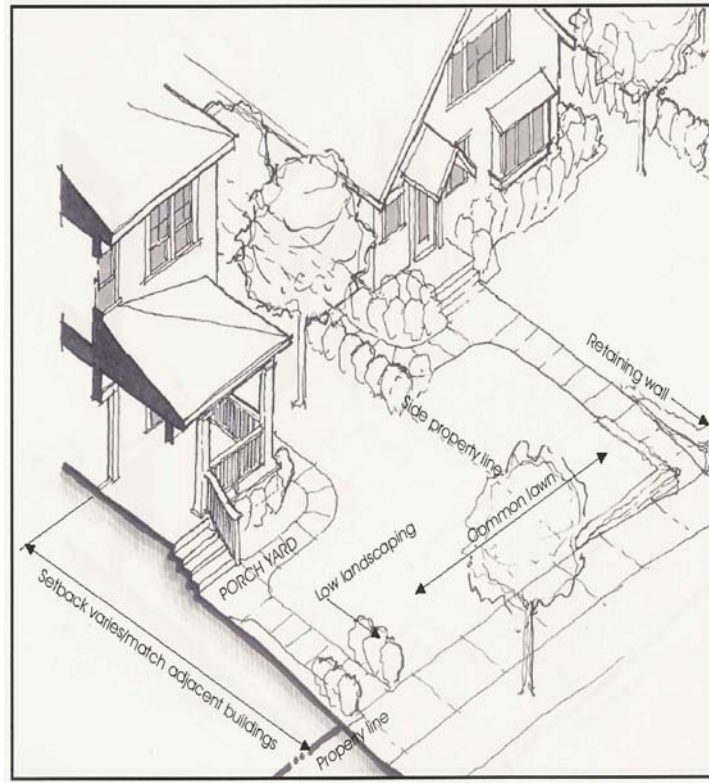


[Text continues on page 177]

(8) *Immediate neighborhood average.* The immediate neighborhood average is defined as a range between 10% above and 10% below the mean for a given design standard within the immediate neighborhood.

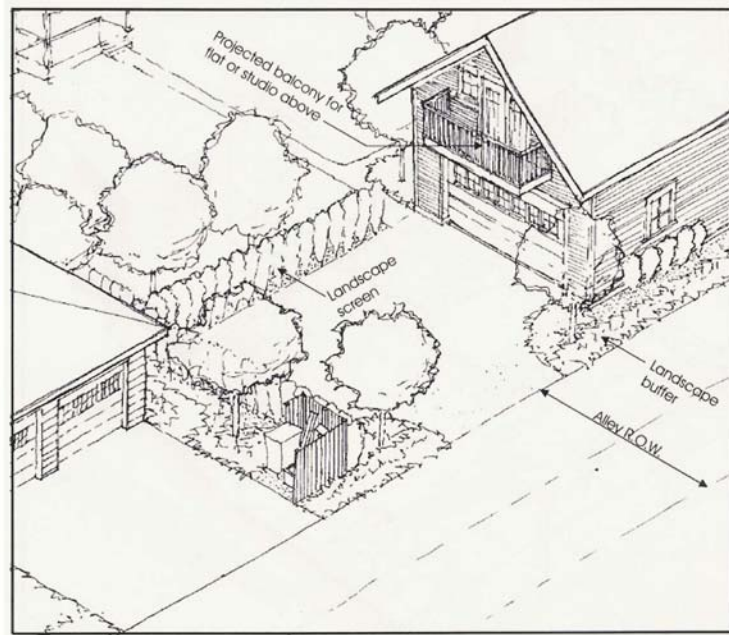
(9) *Frontage types.* Application of OHDS are based upon the following frontage types.

(a) *Front yard.* Front yards contain a landscaped lawn between the street/sidewalk and the residence. Structure setbacks shall be consistent with the immediate neighborhood average. Fences may be constructed in accordance with the § 155.05. Raised porches are encouraged.



(b) *Garage/alley.* Neighborhood alleys provide service and garage access to residential uses in order to preserve the pedestrian character of the primary street frontage. Detached or semi-detached garages can front the alley in 1 of the 2 configurations shown in the sketch below. Lofts in 1.5-story garages may be suitable for residential use. Garages are further regulated under the accessory structure provisions of this chapter.

[Image follows on next page]



(10) Outline of design standards.

	<i>Front Yard</i>	<i>Garage/Alley</i>
<i>Yard Use</i>	Pedestrian only. No vehicle parking or drives in front yard if abutting an improved alley way	Vehicle Parking. Pedestrian path to rear entry. If abutting an improved alley way
<i>Yard and Street Wall Materials</i>	Landscaping predominant. Concrete, brick, or stone paths.	Paved driveway. Landscaped buffer. Screen walls – Brick or painted wood.
<i>Yard and Street Wall Technique</i>	Lawn and Trees predominant. Wall or fence shall match building style. Ground floor shall be raised above grade 24 to 48 inches if containing a porch.	Wall or fence to match building style.

	<i>Front Yard</i>	<i>Garage/Alley</i>
<i>Building Wall</i>	Front Yard setback varies to match immediate neighborhood average. Side yard setback conforms to Residential Lot District Requirements of § 155.50	Side loaded garage must have 5 foot green space between drive and alley. Maximum setback for all garages is 25 feet.
<i>Building Width</i>	Must conform to the immediate neighborhood average	
<i>Entry Level Wall Openings</i>	30% to 50% transparent window and door openings	Size and shape of windows to match main building.
<i>Entry Level Wall Materials</i>	Brick or stone masonry in historic size and pattern. Cement Stucco. Wood lap, vinyl, metal, cementitious, or drop siding with maximum 5 inches exposed.	Same materials as on main building.
<i>Entry Level Wall Technique</i>	Historic window, door, and porch detailing. Main entry from roofed porch. Porch optional with a minimum 8-foot depth, but no less than 5 feet from sidewalk/curb.	Historic window and door detailing to match main building.
<i>Upper Level Wall Openings</i>	Reflect bay pattern and size of immediate neighborhood average. 25% to 50% window openings.	Reflect entry level bay width.
<i>Upper Level Wall Materials</i>	Brick or stone masonry in historic size and pattern. Cement stucco. Wood lap, vinyl, metal, cementitious or drop siding with maximum 5 inches exposed.	
<i>Upper Level Wall Technique</i>	Detailing to be consistent with historic building style of the immediate neighborhood average.	

	<i>Front Yard</i>	<i>Garage/Alley</i>
<i>Entry Shelter Type</i>	Cantilevered roof shelter over entry or covered porch. Relate to entry openings. Door must face the front street.	Residential use of garage shall require a cantilevered roof shelter over entry.
<i>Entry Shelter Materials</i>	Wood or iron-framed structure. Wood, metal, or composition shingle roof consistent with immediate neighborhood average.	
<i>Entry Shelter Technique</i>	Detailing consistent with historic building style and immediate neighborhood average.	
<i>Roof Style and Pitch</i>	Steep pitch (8:12 minimum) gable roof. Lower pitch Italianate hip or porch roof.	Same as main building.
<i>Roof Materials</i>	Low slope membrane roof. Steep pitch metal, wood, slate or composition shingle roof.	Same as main building.
<i>Roof Technique</i>	Cap parapet with integral or projecting cornice. Consistent with historic building style and the immediate neighborhood average.	Same as main building.
<i>Roof Height</i>	Roof height shall be consistent with the immediate neighborhood average.	

(11) *Administration.* The Planning Department shall administer the design standards consistent with § 155.51. New residential development and substantial modifications to existing development shall be reviewed by the Planning Commission and approved by the City Council. Substantial modifications are defined as building improvements changing the exterior of a structure, and exceeding 10% of its current building market value as defined by the Dakota County Assessor. The Planning Director shall have the authority to determine conformance of any project to the Original Hastings Design Standards that do not require Planning Commission review and City Council approval. (Ord. 2011-02, 3rd Series, passed 01-03-2011)

(12) *Appeals.* Any appeal of an administrative decision shall be forwarded to the Board of Zoning Adjustment and Appeals as outlined in § 30.02.

(13) *Effective date.* The provisions of this section shall apply to all properties in the R-2 OHDS Overlay District immediately upon passage and publication. (Prior Code, § 10.13A) (Am. Ord. 546, passed - -; Am. Ord. 561, 2nd Series, passed 2-5-2007; Am. Ord. 2009-2, 3rd Series, passed 1-20-2009) Penalty, see § 10.99

§ 155.24 R-3 MEDIUM HIGH DENSITY RESIDENCE.

(A) *Intent.* The intent of this chapter in establishing a moderate high density residential district is in recognition of the growing demand for rental housing in Hastings and of the desire to provide for multi-family housing upon fairly sizeable tracts of land, thereby allowing increased design flexibility and a more compatible land use development pattern.

(B) *Uses permitted.*

(1) Multiple-family and single-family dwellings when part of a PRD;

(2) Residential care facility, dependent and semi-independent, residential senior facility-independent, dormitories, public and parochial schools and churches, fire stations, professional offices, day care center, library, gift or craft shop and similar uses of a public service nature;

(3) Accessory uses incidental to the foregoing principal uses such as private garages and sheds;

(4) Home occupations in accordance with § 155.07; and

(5) Planned residential developments pursuant to § 155.07

(C) *Uses by special permit.*

(1) Neighborhood commercial subject to the requirements of § 155.07. (Am. Ord. 501, passed 8-18-2003)

(2) Towers as regulated by § 155.07. (Prior Code, § 10.14) Penalty, see § 10.99

§ 155.25 R-4 HIGH DENSITY RESIDENCE.

(A) *Intent.* The intent of this chapter in establishing a medium density residence district is in recognition of the growing demand for multiple-family housing and of the desire to encourage high quality developments less than 3 stories in height in strategic locations within the city.

(B) *Uses permitted.* Same as permitted in the R-3.

(C) *Uses by special permit.* Same as permitted in the R-3 District. (Prior Code, § 10.15) Penalty, see § 10.99

§ 155.26 RMU RESIDENTIAL MIXED USE.

(A) *Intent.* The intent of the RMU zone is to encourage the development of higher density multiple-family dwellings and limited commercial activities adjacent to the downtown area to support the activities in the Downtown Core District, to serve as a transitional district from commercial to lower density residential districts, provide an area for restricted commercial activities and to provide a variety of housing types to satisfy individual preferences and financial capabilities.

(B) *Uses permitted.*

(1) Multiple-family dwellings;

(2) Library, public and private schools, and similar uses of a public service nature;

(3) Accessory uses incidental to the foregoing principal uses including, but not limited to, garages, and recreational facilities;

(4) Home occupations in accordance with § 155.07;

(5) Planned residential developments in accordance with § 155.07; and (Ord. 477, passed 10-21-2002)

(6) Commercial activities are permitted but limited to the first floor of the building, and shall not exceed 50% of the entire structure.

(C) *Uses by special permit.*

(1) Multiple-family dwellings greater than 40 feet in height as measured by the International Building Code; and

(2) Neighborhood commercial subject to the requirements of § 155.07.
(Am. Ord. 501, passed 8-18-2003)

(D) *Building and site design.* Approvals granted through building permit, site plan, special use permit, or planned residential development shall require conformance with the Original Hastings Design Guidelines as adopted by the City Council. (Prior Code, § 10.16) (Am. Ord. 497, passed 7-7-2003; Am. Ord. 2009-09, 3rd Series, passed 9-8-2009) Penalty, see § 10.99

§ 155.27 R-6 MANUFACTURED HOME RESIDENCE.

(A) *Intent.* The intent of this chapter in establishing a manufactured home residence district is to provide for the development of well designed manufactured homes in areas consistent with the Hastings Comprehensive Plan.

(B) *Permitted uses.* Manufactured homes, community centers, storm shelters, subdivisions, parks, office for management of the manufactured home park, accessory uses if incidental to the foregoing principal uses such as private garages, storage sheds, decks, patios, play equipment. All permitted uses are subject to the following requirements:

(1) Manufactured homes in an approved subdivision; and

(2) Manufactured home parks subject to the site plan review pursuant to § 155.51 and the following requirements.

(a) Each manufactured home shall be equipped with skirting around the entire perimeter of the home. The skirting shall be compatible with the principal structure and shall be functional and non-permanent. It shall be unlawful to construct, erect, attach, or cause to be constructed, erected, or attached any foundation, wall, or embankment under, around, or near any manufactured home in any manufactured home park in the city or to otherwise impede the removal of the manufactured home.

(b) It is unlawful for any type vehicle to travel at a rate in excess of 10 mph within the limits of a manufactured home park. The park owner shall adequately post the speed limits within the manufactured home park.

(c) No recreational vehicle shall be used for living, sleeping, or housekeeping purposes while parked in a manufactured home park.

(3) Design and operation standards for manufactured home parks:

(a) *Parking.*

1. Each manufactured home lot shall have an approved hard surfaced off street parking space for 2 automobiles, which shall not be less than 20 feet in width and 20 feet in depth.

2. If street widths do not permit on-street parking as stipulated in Chapter 154, each manufactured home park shall provide an approved hard surfaced off street parking lot for guests of occupants in the amount of one space for each 5 manufactured home lots. All off-street parking shall be located within 400 feet of the unit to be served.

(b) *Utilities.*

1. A central underground fuel distribution system shall be installed to serve all manufactured home lots. No individual fuel tanks shall be allowed for the purpose of providing a source of fuel for cooking, heating or other purposes for a manufactured home or accessory building.

2. All utilities shall be underground. There shall be no overhead wires or supporting poles except those essential for street or other lighting purposes.

3. Water and sewer charges shall be determined from a water meter(s) with the meter(s) to be located on public right-of-way at the entrance(s) to the park.

4. The park owner shall pay to the city any inspection and testing fees for utility service to the park.

(c) *Lighting.* The manufactured home park grounds and streets shall be lighted as approved by the city from sunset to sunrise. Entrances to manufactured home parks shall be clearly defined and well lit.

(d) *Patio and sidewalks.* Each manufactured home site shall contain a concrete patio and a concrete sidewalk leading from the patio to the off-street parking area for the site. The sidewalk shall be constructed of concrete with a minimum of 4-inch thickness.

(e) *Registration.* It shall be the duty of the operator of the manufactured home park to keep a record of all manufactured home owners and occupants located within the park. The park operator shall keep the register available for inspection by authorized city, county, and state and other public officials whose duty necessitates acquisition of the information contained in the register. The register shall contain the following information:

1. The name and address of each manufactured home occupant;

2. The name and address of the owner of each manufactured home;
and

3. The date of arrival and departure of each manufactured home.

(f) *Review procedures.* Upon making application for site plan approval of a manufactured home park plan, all information required by this subdivision shall be submitted to the city for review in accordance with the same procedure and time schedule for platting procedures as outlined in Chapter 154.

(g) *Fees.* The applicant shall reimburse the city for any expenses associated with reviewing the proposal such as, but not limited to, fees for consultants, engineering, legal and environmental studies.

(4) Home occupations in accordance with § 155.07.

(C) *Uses by special permit.*

(1) Neighborhood commercial subject to § 155.07. (Am. Ord. 501, passed 8-18-2003)

(2) Towers as regulated by § 155.07. (Prior Code, § 10.17) Penalty, see § 10.99

§ 155.28 C-1 GENERAL COMMERCE.

(A) *Intent.* The intent of this chapter is to have an area that allows a variety of commercial development similar to the downtown, but has more restrictive setbacks than the downtown.

(B) *Permitted uses.*

(1) All uses permitted in C-3 Community-Regional Commerce District;

(2) Gasoline dispensing and car washes, provided auto repair is not included;
and

(3) Residential dwellings on the first floor level provided the dwelling is accessory to a commercial use.

(C) *Uses by special permit.*

(1) Small animal clinics, excluding establishments with outside runs and non-patient overnight boarding; and

(2) Towers as regulated by § 155.07. (Prior Code, § 10.18) Penalty, see § 10.99

§ 155.29 C-2 HIGHWAY AUTO-SPECIALIZED COMMERCE.

(A) *Intent.* The intent of this chapter in establishing a highway-auto-specialized commerce district is to provide appropriate areas for commercial establishments which are oriented to the motoring public or which require large sites for off-street parking or display of merchandise.

(B) *Uses permitted.*

(1) Commercial establishments which are oriented to the motorist including, but not limited to, eating places, automobile service stations, auto repair shops, car wash, and motel.

(2) Accessory uses incidental to the foregoing principal uses including, but not limited to, off-street parking.

(C) *Uses by special permit.*

(1) Commercial establishments requiring large sites for off-street parking or for outdoor display and sales such as farm implement sale, auto and truck dealers, manufactured home sales, and building material sales. Open sales or rental lots are subject to the site plan review requirements of § 155.51; and

(2) Towers as regulated by § 155.07. (Prior Code, § 10.19) Penalty, see § 10.99

§ 155.30 C-3 COMMUNITY REGIONAL COMMERCE.

(A) *Intent.* The intent of this chapter in establishing a community-regional commerce district is in recognition of the existing downtown commercial development and of the need for its future expansions, rehabilitation and redevelopment.

(B) *Uses permitted.*

(1) Commercial establishments including, but not limited to, the following:

(a) Retail and service establishments excluding automobile repair;

(b) Offices;

(c) Entertainment and amusement services; and

(d) Lodging services including hotel and motel.

(2) Public and semi-public buildings;

(3) Private clubs;

(4) Residential dwellings provided they are located above the first floor level;

(5) Automobile parking lots;

(6) Churches; and

(7) Accessory uses incidental to the foregoing principal uses.

(C) *Uses by special permit.*

(1) Automobile service stations and motor vehicle repair and wash;

(2) Small animal clinics, excluding establishments with outside runs and non-patient overnight boarding;

(3) Towers as regulated by § 155.07; and

(4) Residential dwellings on the first floor level provided the dwelling is accessory to a commercial use, less than 50% of the first level floor area and is located in the rear of the building with a separate outside entrance. (Prior Code, § 10.20A) Penalty, see § 10.99

§ 155.31 DC DOWNTOWN CORE.

(A) *Intent.* The intent of the Downtown Core District is to create a vibrant mixed-use core with an aesthetic character that is distinctly different than other areas of the community and mix of uses arranged in a manner that encourages pedestrian movement and accessibility. The Downtown Core District focuses on the vertical integration of uses requiring certain uses to integrate residential housing above street level businesses. These high density residential developments have historically contributed to the life-cycle housing mix available in and around the downtown. Maintaining historical residential housing densities is also a contributor to downtown commerce and street level activity. The preservation and growth of connected first floor commercial activity is essential in maintaining the viability of downtown. First floor residential units interspersed within areas of predominant commercial activity will diminish the cohesiveness and viability of downtown. Maintaining the historic distribution of business and density of housing is essential to protect municipal and private investment. Planning efforts to secure a transit center in the downtown will further the objectives maintaining and enhancing a pedestrian scale core. Careful design of buildings, public, and private spaces is also a primary focus in the Downtown Core District which shall be guided by the Original Hastings Design Guidelines as adopted by the City Council. The guidelines establish design criteria for building fronts that are based on street types.

(B) *Uses permitted.*

(1) Commercial retail and service establishments that have floor areas of less than 15,000 square feet on any single level including, but not limited to, the following:

- (a) Retail and service establishments excluding automobile repair;
- (b) Offices;
- (c) Entertainment and amusement services; and
- (d) Lodging services including hotel and motel.

(2) Public and semi-public buildings;

(3) Private clubs;

(4) Residential dwellings provided they are located above the first floor level;

(5) Automobile parking lots subject to following conditions:

(a) Parking lots shall not have frontage or driveway access points on streets with an east/west orientation, if an alternate access to the property is available;

(b) Parking lots may front on street with a north \south orientation when a landscape buffer is provided along the perimeter of the parking areas in accordance with § 155.09;

(c) Every attempt shall be made to locate parking lots internally within a block to allow building to front on street corridors; and

(d) Existing alleys should be utilized whenever practical to facilitate orderly access and use of land.

(6) Churches; and

(7) Accessory uses incidental to the foregoing principal uses.

(C) *Uses by special permit.*

(1) Outdoor patio areas for entertainment, dining, and recreational activities;

(2) Small animal clinics, excluding establishments with outside runs and non-patient overnight boarding;

(3) Towers as regulated by § 155.07; and

(4) Residential dwellings on the first floor level of buildings fronting the following streets:

(a) 1st Street between Vermillion Street and the CP Railroad Tracks;

(b) 3rd Street between Eddy Street and the CP Railroad Tracks;

(c) 4th Street between Eddy Street and the CP Railroad Tracks;

(d) Sibley Street between 3rd Street and 4th Street;

(e) Ramsey Street between 1st Street and 4th Street;

(f) Tyler Street between 1st Street and 4th Street; and

(g) Bailey Street between 1st Street and 4th Street.

(D) *Uses prohibited.* First floor residential dwellings fronting the following streets shall be prohibited: 2nd Street between Vermillion Street and Bailey Street.

(E) *Bulk standards.*

(1) Minimum lot width - 22 feet;

- (2) Minimum lot depth - 80 feet;
- (3) Maximum building height - 47 feet or 756.5 feet above sea level; whichever is greater. Maximum of 4 stories in height;
- (4) Minimum residential density - 14 dwelling units per acre; and
- (5) Minimum floor area ratio for non-residential uses (vertically mixed buildings) - 1.5.

(F) *Building and site design.* Approvals granted through building permit, site plan, special use permit, or planned residential development shall require conformance with the Original Hastings Design Guidelines as adopted by the City Council. (Prior Code, § 10.20B) (Am. Ord. 497, passed 7-7-2003; Am. Ord. 530, passed 4-5-2005; Am. Ord. 532, passed 4-18-2005) Penalty, see § 10.99

§ 155.32 C-4 REGIONAL SHOPPING CENTER.

(A) *Intent.* The intent of this chapter in establishing a regional shopping center district is in recognition of future needs for one or more large commercial areas to serve the city and surrounding areas.

(B) *Uses permitted.* All uses permitted in C-3 Community Regional Commerce District.

(C) *Uses by special permit.*

(1) All uses permitted by special use in the C-3 Community Regional Commerce District and the following.

(2) Adult Establishments and Accessory Adult Establishments (as defined in Chapter 114) subject to the following minimum requirements:

(a) Adult Establishments and Accessory Adult Establishments shall be located at least 500 feet away from any residential property;

(b) Adult Establishments and Accessory Adult Establishments shall be located at least 500 feet away from any church, school, library, park and public recreation area;

(c) Adult Establishments and Accessory Adult Establishments shall be located at least 500 feet away from any other Adult Establishment or Accessory Adult Establishments; and

(d) Adult Establishments and Accessory Adult Establishments shall obtain all city licenses required in Chapter 114 before commencing operation.

(3) Towers as regulated by § 155.07.

(4) (a) Temporary auto sales may be allowed to support the activities of a non-profit community organization (such as a fund-raiser for a sports team or school). Each auto dealership may be allowed 1 sale per year, with the sale not to exceed 14 calendar days per year. Each parcel of land in the C-4 District is allowed 1 sale per year. If a business consists of more than 1 parcel, only 1 sale may be allowed.

(b) The following shall be considered in granting a special use permit:

1. The effect on the total number of parking spaces at the business the sale is held.

2. The effect of the ingress and egress at the parking lot.

3. The effect on accessibility of emergency services.

4. The effect on neighboring businesses or residential areas from an increase in traffic. (Prior Code, § 10.21) (Am. Ord. 555, 2nd Series, passed 8-7-2006; Am. Ord. 2007-02, 3rd Series, passed 7-16-2007; Am. Ord. 2008-11, 3rd Series, passed 9-15-2008) Penalty, see § 10.99

§ 155.33 O-1 GENERAL OFFICE.

(A) *Intent.* The intent of this chapter in establishing a general office district is to provide the city and its residents with a zoning designation that permits limited business applications in certain areas of the community as determined by the Hastings Comprehensive Plan. This designation can be used as a buffer zone to insulate residential areas from high movement areas or provide neighborhood convenience establishments.

(B) *Permitted uses.* The following uses are permitted:

(1) Offices excluding uses with drive-through facilities;

(2) Retail and service facilities within an office building but limited to 50% of the gross floor area; and

(3) Accessory uses incidental to the foregoing principle uses.

(C) *Uses by special permit.*

- (1) Office uses with drive-thru facilities;
- (2) Retail and service facilities;
- (3) Towers as regulated by § 155.07; and
- (4) Small animal clinics, excluding establishments with outside runs and non-patient overnight stays. (Prior Code, § 10.22) Penalty, see § 10.99

§ 155.34 I-1 INDUSTRIAL PARK.

(A) *Purpose and intent.* The I-1 Industrial Park District is established to provide land to serve industrial, manufacturing, and warehouse needs that provide vital services and increase the tax base of the city. The nature of I-1 uses prohibits their operation in most other districts in the city. Operations that are incompatible in most commercial zoning districts and require additional separation from residential properties shall be the primary use of land. The predominance of retail and service uses shall be discouraged. Limited retail or service uses may be acceptable, provided it is incidental to the primary use of property, or does not detract from operation of primary uses. Land designated I-1 shall be located to minimize conflict with incompatible uses. The I-1 designation of land is limited to only those areas identified Industrial in the Comprehensive Plan to serve the following objectives:

- (1) Prevent expansion of scattered industrial operations;
- (2) Limit industrial uses to planned industrial parks where uniform performance standards and land use regulations can be applied;
- (3) Protect industrial areas from encroachment by non-industrial uses;
- (4) Preserve industrial areas for the advancement of the city's tax base; and
- (5) Maximizing creation and retention of jobs in conformance with adopted minimum wage criteria.

(B) *Uses permitted.*

- (1) All fabricating, manufacturing, production or processing of materials, goods, and products provided the activity shall be undertaken within completely enclosed buildings, and provided further that any outdoor storage of raw materials or finished products shall be effectively screened by natural or manmade means from adjacent properties and public streets and highways;

(2) Wholesaling, all commodities except live animals;

(3) Building material sales and storage, provided that any outdoor storage of materials or finished products shall be effectively screened by natural or man made means from adjacent properties and public streets and highways; and

(4) Retail and service uses incidental to the primary use of a building.

(C) *Uses by special permit.*

(1) Retail and service establishments as primary uses of a building or property;

(2) Religious institutions; and

(3) Towers as regulated by § 155.07. (Prior Code, § 10.23) (Am. Ord. 498, passed 7-21-2003) Penalty, see § 10.99

§ 155.35 I-2 INDUSTRIAL PARK STORAGE/SERVICE.

(A) *Intent.* The intent of this chapter in establishing an industrial park storage/service district is in recognition of the need to segregate for aesthetic and functional reasons uses that involve exterior storage of products, raw materials, equipment or vehicles and that require a lesser degree of public improvements that is typically provided in the I-1 Industrial Park District. It shall be recognized that the intensity and type of industrial uses that shall be permitted in the I-2 District will be based upon a determination by the city that an adequate level of public services to support the uses can be provided based upon the level of public improvements available to the district. The District serves to regulate existing I-2 uses. Further expansion of the I-2 District geographic limits is not anticipated. Future rezoning of land for industrial storage and services uses shall be designated I-1, subject to the provisions of § 155.34.

(B) *Permitted.* Same as permitted in the I-1 District.

(C) *Uses by special permit.*

(1) Motor vehicle impound lots, subject to the following conditions.

(a) Motor vehicles cannot be kept in an impound lot for more than 14 days unless a police hold has been placed on the motor vehicle.

(b) No sales of motor vehicles, salvaging, repairing, dismantling, or stripping of motor vehicles shall be allowed in the impound lot.

(c) 100% opaque fencing or landscaping at least 6 feet high must be placed around the entire lot and must be adequately maintained.

(d) All motor vehicles impounded shall be kept within the opaque fenced or landscaped area.

(e) All buildings on the lot must be permanent structures with permanent foundations.

(f) The entire impound lot shall be surfaced with a bituminous covering, and concrete curbing to city standards.

(g) A sufficiently sized bituminous area shall be provided for the parking of vehicles that may be leaking fluids or other pollutants.

(h) Any lighting in the impound lot shall not be obtrusive to neighboring property.

(i) Employees of the city or its duly appointed representatives, shall be allowed on the property at any time to inspect the impound lot to verify compliance with the city code.

(2) Any special use permit issued hereunder shall be reviewed annually and at other times deemed appropriate by the city, to verify compliance with the city code and any special conditions of the permit. As part of the review procedure, the city may hold a public hearing, preceded by the appropriate mailed and published notice. As part of any review procedure, the city may amend the permit by adding or deleting any conditions it deems necessary to protect the public health, safety, and welfare.

(3) All conditions imposed by § 30.02 must be met. Additionally, the city may impose any other conditions it feels are necessary to protect the public, health, safety, and welfare.

(4) Any violation of this division (C) or any conditions imposed upon the special use permit shall be cause for termination of the permit by the city.

(5) Towers as regulated by § 155.07. (Prior Code, § 10.24) (Am. Ord. 498, passed 7-21-2003) Penalty, see § 10.99

§ 155.36 PI PUBLIC INSTITUTION.

(A) *Intent.* The intent of this chapter in establishing a public institution district is in recognition of the substantial amount of land within Hastings now devoted to medical care, government service, and community service facilities. The city shall protect the Public Institution District from encroachment by incompatible uses.

(B) *Uses permitted.*

(1) Hospitals, sanitariums, residential care facilities, dependent and semi-independent, residential senior facility - independent, dormitories, and other medical care facilities of a similar nature;

(2) Specialized educational facilities above the secondary level;

(3) Governmental buildings when the use is considered to be an office use or jail;

(4) Accessory uses incidental to the above principal uses including, but not limited to, signs and off-street parking;

(5) Churches;

(6) Community gymnasiums and fitness facilities;

(7) Museums in structures of special historical significance; and

(8) Keeping chickens pursuant to 155.07.

(C) *Uses by special permit.* Towers as regulated by § 155.07. (Prior Code, § 10.25A) (Am. Ord. 542, passed 12-5-2005; Am. Ord. 2009-08, 3rd Series, passed 9-21-2009) Penalty, see § 10.99

§ 155.37 VSO VERMILLION STREET OVERLAY.

(A) *Intent.* The intent of the Vermillion Street Overlay District is to preserve the character of existing residential and religious buildings while allowing conversions of their use to accommodate residential, institutional, and commercial activities. Preservation of building and site character elements are critical to ensure this corridor maintains its vitality, and traditional character. Conversions of structures to uses other than the original are based on performance criteria as defined in this section. This district recognizes that because each building and site has its own unique design characteristics, some structures will have greater conversion potential than others.

(B) *Uses permitted.* All permitted uses identified in the underlying zoning district shall be permitted uses in the VSO District.

(C) *Uses by special permit.*

(1) All uses by special permit identified in the underlying zoning district shall be uses by special permit in the VSO District in addition to the following:

(a) Commercial activities in residential buildings. Use conversion shall meet all requirements of the adopted building code;

(b) Commercial activities in buildings previously used for institutional or religious purposes;

(c) Professional offices in residential districts; and

(d) Mixed residential use of commercial structures.

(2) Limited disruption or change to the inherent character of the building, site, and corridor shall be predominant criteria in determining approval of a special use permit in the VSO District.

(D) *Uses prohibited.* The following uses shall be prohibited in the VSO District:

(1) Assembly, storage, and manufacturing activities; and

(2) Outside sales.

(E) *Site plan review.* Any building site construction or alteration shall be subject to the site plan review procedure as stipulated in § 155.51. In addition to the requirements of § 155.51, review of site plans within the VSO District shall be subject to the following: the existing building and site character shall be maintained consistent with the Original Hastings Design Guidelines, as adopted by the City Council. (Prior Code, § 10.25B) (Am. Ord. 497, passed 7-7-2003) Penalty, see § 10.99

SUPPLEMENTAL REGULATIONS

§ 155.50 RESIDENTIAL LOT REGULATIONS.

It is unlawful to erect or alter any building within the city unless the following minimum lot and yard areas are provided and maintained in connection with the building.

<i>District</i>	<i>A</i>	<i>R-1</i>	<i>R-1L</i>	<i>R-2, NC, and OSR</i>	<i>R-3</i>	<i>R-4</i>	<i>RMU</i>	<i>R-6</i>
Minimum Lot Area	10 acres	9,000 other*	18,000 other*	7,000-one 9,700-two other*	5,000	2,500	12 d.u. per acre	2,500
Width At Setback	150	75	75	50-one 66-two	-	-	-	-
Front	20	20	20	20	20	20	5	15
Interior Side-b	10	10	10	7	7	1/2 building height	1/4 building height-g	5
Corner	10	10	10	10	10	10	5	10
Side-c and d								
Rear-b and d	20	20	20	20	20	20	½ bldg. height	5
Height	25-e	25-e	25-e	25-e	25-e	25-e	40-f	25-e

NOTES TO TABLE:

* Minimum lot area requirements for other uses and all other districts not listed above shall be determined by the city during site plan review. The Planning Director may, at his or her discretion, determine setbacks for accessory structures.

a - Where adjacent structures have front yard setbacks different from those required, the minimum front yard setback shall be the average setback of the structures, but in no case shall the front yard setback be less than 10 feet.

b - In the R-1 and R-1L Districts, an accessory structure (garage, shed, open deck, and the like) shall be no closer than 5 feet to the rear or adjacent interior side lot line.

c - In the R-2 District, an accessory structure (garage, shed, open deck, and the like) shall be no closer than 5 feet to the rear or adjacent interior side lot line.

d - Garages facing the street/alley R.O.W. shall be setback at least 20 feet.

e - Buildings over 25 feet in height shall require 1/2 foot additional setback for each additional 1 foot of building height on the required minimum side yard.

f - Except as allowed by § 155.25.

g - The maximum setback required shall be 15 feet, but in no case less than 5 feet.

(Prior Code, § 10.26) (Am. Ord. 497, passed 7-7-2003; Am. Ord. 2007-05, 3rd Series, passed 9-4-2007) Penalty, see § 10.99

§ 155.51 SITE PLAN REVIEW PROCEDURE.

(A) Every person, before commencing construction or major alterations of a structure, except 1- and 2-family dwellings and buildings accessory thereto, shall submit to the Planning Department the following:

- (1) A detailed drawing drawn to scale showing pertinent existing conditions;
and
- (2) A complete set of scaled preliminary drawings that include at least the following:
 - (a) An accurately scaled and dimensioned site plan indicating parking layout including access provisions, designation and locations of principal and accessory buildings, landscaping, including trees and shrubbery with an indication of species, planting size and location;
 - (b) Fences, walls, or other screening, including height and type of material;
 - (c) Lighting provisions, type and location;
 - (d) Curbs;
 - (e) Building elevations including materials proposed;
 - (f) Existing and proposed land elevations and drainage provisions,
including:
 - 1. Plan showing existing and finish grades and surface drainage including overall final contours at a minimum of 2-foot intervals;
 - 2. Existing conditions surrounding the proposed development to a distance of 100 feet, including existing ground elevations, buildings, utilities, landscaping, trees, and drainage ways;
 - 3. All drainage swales and critical areas shall be clearly identified with grade and spot elevations; and
 - 4. Erosion and sedimentation control plans which specify the control measures to be used before, during, and after construction until the soil and slope are stabilized by permanent cover. Erosion control plans shall be designated per city approved standards.

(g) Location of all existing and proposed utilities including, but not limited to, location and size of water mains, storm and sanitary sewers (including rim and invert elevations), fire hydrants, gas lines, electric and telephone poles, street lights, curbs, gutter, culverts, catch basins, manholes and other facilities. Site plans with significant private street and/or utility improvements shall be required to submit plan and profile construction drawings to the Public Works Department for review and approval;

(h) Location of existing and proposed fire hydrants and a fire protection system plan;

(i) Complete plans for storage of waste and garbage;

(j) Boundary line of property, clearly indicated, along with identifying any adjacent public and private streets, sidewalks, railroad right-of-way and drainage and utility easements and any other easements and their purpose; and

(k) Existing benchmarks used for surveying the site plan.

(B) A declaration of covenants, conditions, and restrictions or the equivalent document shall be submitted for review and approval by the city to ensure maintenance of any common elements including open space, common drives, and common utilities. The declaration shall include, but is not limited to, the following:

(1) A statement requiring the deeds, leases or documents of conveyance affecting buildings, units, parcels, tracts, townhouses, or apartments be subject to the terms of the declaration;

(2) A provision for the formation of a property owners association or corporation and that all owners must be members of the association or corporation which may maintain all properties and common areas in good repair and which may assess individual property owners proportionate shares of joint or common costs. The association or corporation must remain in effect and may not be terminated or disbanded;

(3) Membership in the association shall be mandatory for each owner and any successive buyer;

(4) Any open space restrictions must be permanent and may not be changed or modified without city approval;

(5) The association is responsible for liability insurance, local taxes, and the maintenance of the open space facilities deeded to it;

(6) Property owners are responsible for their pro-rata share of the cost of the association by means of an assessment to be levied by the association which meet the requirements for becoming a lien on the property in accordance with Minnesota Statutes; and

(7) The association may adjust the assessment to meet changing needs.
(Am. Ord. 525, passed 1-3-2005)

(C) The Planning Director shall forward site plans to the Planning Commission for its review and recommendation to the City Council. After receiving the Commission's recommendation, the Council shall approve or reject the site plan. If the Council approves the plan and unless the Council states otherwise, all documents submitted and information contained therein shall constitute a condition of approval by the Council that must be complied with by the applicant. Any proposed variation from the approved plans must receive prior approval from the Planning Director or, where applicable, the Public Works Department. No occupancy permit shall be issued until all conditions of approval imposed by the Council have been satisfied by the applicant, except as provided by this section.

(D) Based upon an approved site plan, the Public Works Department shall make a determination of the cost for site improvements including, but not limited to, earthwork, sewer and water extensions, storm sewer, paving, curbing, lighting, and landscaping. Before any occupancy permit shall be issued, the developer (i.e. applicant) shall provide the city with a performance bond, cash escrow, letter of credit or other form of security, approved by the city, in the amount of 125% of the estimated cost of any uncompleted site improvements.

(E) Upon Council approval as provided in division (C) above of the site plan, the Council shall determine if a developer's agreement shall be required. Any developer's agreement required by this division (E) shall contain all conditions of approval imposed by the Council, shall be signed by the city and all parties having an interest in the subject property and shall be recorded by the city with the Dakota County Recorder's office. All conditions imposed by the City Council shall run with the land and bind all successors in interest in the property. (Prior Code, § 10.27)

§ 155.52 ARCHITECTURAL STANDARDS.

(A) *Purpose.* The purpose of establishing criteria for architectural design and exterior treatment of buildings is to ensure high standards of development that is compatible with neighboring development and contributes to a community image of permanence, stability, and visual aesthetics, while preventing impermanent construction and use of materials that are unsightly, rapidly deteriorate, contribute to depreciation of neighborhood property values, or cause urban blight. The standards are further intended to ensure coordinated design of building facades, additions, and accessory structures in order to prevent visual disharmony, and to reduce visual monotony through variation of building materials, heights, offsets, changes in building plane, and the like.

(B) *Applicability.* Architectural standards in this section shall apply to the exterior construction of new commercial, industrial, institutional buildings, and the like, as well as multiple family buildings exceeding 8 units, and as follows.

(1) *Existing buildings.* Building additions and remodeling of existing commercial, industrial, and institutional buildings shall also be subject to architectural standards, however the effect of the architectural standards on the buildings existing appearance shall be considered, to ensure visual harmony, and consistency with the purpose of the architectural standards section.

(2) *Heritage Preservation Sites and Heritage Preservation District.* Buildings and properties within the Heritage Preservation District, or designated as a Heritage Preservation Site shall also be subject to conformance with § 30.10. In areas of discrepancy between standards, the City Council shall decide on the applicability of the standard.

(3) *Original Hastings Design Guidelines.* Buildings and properties as identified in the Original Hastings Design Guidelines (adopted by the City Council on 5-5-2003) must adhere to the requirements of the adopted guidelines in addition to the provisions of this section. In areas of discrepancy between standards, the City Council shall decide on the applicability of the standard.

(C) *General requirements.*

(1) Building design and construction standards must be used to create a structure with equally attractive sides. Primary emphasis shall be placed on the most visible sides of a building.

(2) Primary building entrances must be clearly defined to promote visual interest and architectural presence.

(3) Large, uninterrupted expanses of a single building material shall not be permitted, unless the use meets the purpose or intent of this section as determined by the Administrative Official.

(4) No wall that faces a public right-of-way, parks, the public view from adjacent properties or a residential use or district may have an uninterrupted length exceeding 100 feet without including at least 2 of the following:

- (a) Change in plane;
- (b) Change in texture or masonry pattern;
- (c) Inclusion of windows; and/or

(d) Equivalent change or incorporation of a building element that subdivides the wall into smaller proportions.

(5) All buildings on a lot, or as part of a unified development, shall be of compatible design and materials. Emphasis shall be given on the position of buildings on the site to give visual interest.

(D) *Specific requirements.*

(1) *Design creativity.* Creativity and innovation in building design is encouraged. Design creativity shall be a determining factor in deviating from the specific materials standards listed in this section

(2) *Classes of material.* For the purposes of this section, acceptable exterior materials are divided into Class 1, Class 2, and Class 3 categories as presented in the table below.

<i>Class 1</i>	<i>Class 2</i>	<i>Class 3</i>
Brick	EIFS or Drivit	Industrial grade concrete precast panels
Natural Stone	Masonry Stucco	Smooth concrete
Glass (including block, windows, or opaque mirrored panels)	Specialty Integral Colored Concrete Block (including textured, burnished block, rock face block)	Ceramic
Seamless metal panels (including copper)	Architecturally textured concrete precast panels	Wood
Other materials not listed elsewhere as approved by the Administrative Official	Tile (masonry, stone, or clay)	Aluminum or Vinyl Siding
	Other materials not listed elsewhere as approved by the Administrative Official	Other materials not listed elsewhere as approved by the Administrative Official

(3) *Required combinations of materials.* Buildings must incorporate classes of materials for each facade in the following manner.

(a) *Office, retail, service, or institutional buildings.*

1. Front facades, and side and rear facades visible from public right(s)-of-way, the public view from adjacent properties, parts, or residential uses or districts must be composed of at least 65% of Class 1 or 2 materials, with Class 1 materials comprising at least 25% of the total facade.

2. Side and rear facades not visible from public right(s)-of-way, parks, public view from adjacent properties or residential uses or districts may use any combination of Class 1, 2, or 3 materials.

(b) *Industrial and warehouse buildings, multi-tenant office/industrial/warehouse, or showroom/warehouse or other combination.*

1. Front facades must be composed of at least 75% of Class 1 or 2 materials, with Class 1 materials comprising at least 25% of the total facade.

2. Side and rear facades visible from public right(s)-of way, parks, public view from adjacent properties, or residential uses or districts must be composed of a least 25% of Class 1 or 2 materials.

3. Side and rear facades not visible from public right(s)-of-way, parks, public view from adjacent properties or residential uses or districts may use any combination of Class 1, 2, or 3 materials.

(c) *Multiple-family residential buildings exceeding 8 units.*

1. Front facades, and side and rear facades visible from public right(s)-of-way, the public view from adjacent properties, parts, or residential uses or districts must be composed of at least 25% of Class 1 materials, and at least 25% of Class 2 materials.

2. Side and rear facades not visible from public right(s)-of-way, parks, public view from adjacent properties or residential uses or districts may use any combination of Class 1, 2, or 3 materials. (Prior Code, § 10.28) (Ord. 506, passed 11-17-2003) Penalty, see § 10.99

§ 155.53 LANDSCAPE STANDARDS.

(A) *Intent and purpose.* The City of Hastings places a high value on landscaping and greenery in both the natural and the built environments. Landscaping and screening provide many aesthetic, ecological, economic, and health safety benefits. The provisions of this section are intended to:

- (1) Enhance the overall aesthetic conditions within the city;
- (2) Provide screening and mitigation of potential conflicts between different land uses;
- (3) Improve air quality and provide a buffer from air and noise pollution;
- (4) Ensure significant tree canopy shading to reduce glare and heat build-up;
- (5) Add visual interest to open spaces and blank facades; and
- (6) Provide definition for public walkways and open space areas.
- (7) Serve the following ecological functions:
 - (a) Interception and filtration of precipitation and stormwater through maximizing multiple-layered vegetative cover, rainwater gardens, and vegetative swells.
 - (b) Reduction of reflectance and urban heat islands through increasing canopy cover.
 - (c) Conservation of energy through strategic shading and the use of windbreaks.
 - (d) Conservation of water through xeriscaping design strategies including using decorative rock as ground cover, limiting turf areas, selecting low-water-use plants and designing efficient irrigation systems.
 - (e) Selection and placement of plant materials to limit required maintenance of landscaped areas.
- (8) Preservation or restoration of natural amenities.

(B) *Applicability.*

(1) A detailed landscape plan must be submitted to the Planning Department in the following cases:

(a) *Application for new development.* With any application for new development requiring site plan review;

(b) *Changes to existing landscape plan.* When changes are made to an existing landscape plan on file with the city; or

(c) *Redevelopment or large addition.* When either substantial redevelopment of a site is proposed or an addition that would increase total floor area on a site by 25% or more, a landscape plan for the entire site, demonstrating compliance with the requirements of this section, must be submitted for approval.

(d) *Small addition.* When an addition is proposed that would increase total floor area of a site by less than 25%, but would physically impact the existing landscape, a modified landscape plan for the portion of the site affected by the addition, demonstrating compliance with the requirements of this section, must be submitted for approval.

(e) *Constrained sites.* The City of Hastings recognizes that highly constrained redevelopment may have difficulty meeting the standards of this section. Given that the city would like to encourage redevelopment rather than interfere with redevelopment, highly constrained redevelopment sites may seek relief from the landscape standards. In considering planned development flexibility to landscape standards, the city shall:

1. Balance the public interest in promoting redevelopment with the public interest in providing landscaping; and

2. Consider whether reduced landscaping levels are balanced by alternative methods of providing visual interest to the site including but not limited to sculpture, public art or higher quality landscaping materials.

(C) *Landscape plan components.*

(1) Landscape plans shall be prepared consistent with the general site plan requirements in § 155.51. The applicant shall submit a landscape plan prepared by a landscape architect, nursery designer, or other qualified person. Landscape plans shall be reviewed and approved by the Planning Department.

(2) When a landscape plan is required, the following information shall be included.

(a) *General information.*

1. Name of project, owner and developer and street address of project; and
 2. Name, address, phone number of plan preparer and, if applicable, Minnesota license/certification number of the Landscape Architect or Certified Nursery and Landscape Professional (CNLP).
- (b) *Landscape plan features.*
1. Scale and north arrow;
 2. Locations of existing and proposed buildings and all other structures;
 3. Location, height, and materials of any existing and proposed screening;
 4. Location, approximate size, and common name of existing trees, shrubs, and other vegetation that are to be retained as part of the new landscaping and description of how they will be protected during construction;
 5. Location and details of irrigation systems;
 6. Location, width, and height of all proposed earth berms and retaining walls;
 7. Planting details illustrating proposed locations of all new plant material;
 8. Planting schedule containing:
 - a. Plant key;
 - b. Common and botanical plant names;
 - c. Quantity of plants for each species;
 - d. Size of plant material at time of planting and at maturity;
 - e. Root condition (balled and burlapped, bare root, container, and the like); and
 - f. Special planting instructions
 9. Any other existing or proposed features that relate to or affect site finish and landscaping.

(D) *Residential building requirements (1 to 8 units per building)*. The developer or builder of any new residence (or substantial modification to an existing residence) between 1 to 8 housing units that is exclusively residential must adhere to the following requirements:

(1) *Boulevard tree requirements*. Boulevard trees shall be planted every 50 feet along public right-of-ways. The tree must be planted within 10 feet of the curb and shall not encroach within the site visibility triangle.

(2) *Front yard tree requirements*. One front yard tree shall be planted for every unit in addition to boulevard tree requirements. The tree shall be planted outside the city right-of-way.

(3) *Vegetative cover requirement*. Vegetative cover including sod, shrubs, trees and related landscaping materials must be established in all front yard areas, and within the first 20 feet from the primary structure of all side yard and rear yard areas. The vegetative cover requirement shall not preclude the construction of the following provided minimum zoning setback requirements are met: decks, patios, and placement of rock and related landscape materials associated with foundation planting adjacent to a structure.

(4) *Landscaping in drainage and utility easements*. Shallow root plantings including sod, turf, grass and shrubs shall be established in drainage and utility areas. The placement of landscaping or structures that significantly changes or impeded the designed drainage pattern shall be prohibited. The city reserves the right to review all landscaping plans subject to the provision of the city's landscape fence and easement policy, April 2005, as amended.

(E) *Commercial, industrial, institutional, and multiple-family (greater than 8 units per building) requirements*. Landscaping for all commercial, industrial, institutional, or multiple-family building greater than 8 units shall consist of a combination of deciduous, coniferous, and ornamental trees, shrubs, hedges, flowers, sod, ground cover and other natural materials. Landscaping shall cover all areas not used for structures, drives, sidewalks, or parking.

(1) *Interior parking lot*.

(a) In any aisle in excess of 30 parking stalls, an interior landscaped island shall be provided.

(b) Landscaped islands shall be provided at each end of all rows of parking in parking lots in excess of 40 parking stalls.

(c) One tree per 4,000 square feet of paved surface is required of which 75% must be deciduous, overstory trees. Trees shall be planted in medians or directly adjacent to the parking lot perimeter.

(d) The following requirements apply to all parking lot islands:

1. Each island shall contain at least 1 deciduous shade tree.
2. Each island shall not contain any shrub over 18 inches in height.
3. Islands shall have a minimum inside width of 10 feet.

(2) *Streetscape and open space.*

(a) One tree per 50 feet of lot perimeter is required. Trees shall be planted every 50 feet along public and private street frontages between the front lot line and back of curb. Remaining trees can be placed somewhere else on the site.

(b) At least one shrub per 40 feet of lot perimeter must be planted.

(c) An opaque landscaping feature a minimum of 30 inches in height is required between any parking lot or driveway and the adjacent street. Said feature shall be one or combination of the following:

1. A 10-foot wide landscaped strip which must screen at least 70% of the length of the lot frontage with an opaque barrier 30 inches high at initial planting.
2. Landscaped berms at least 3 feet in height measured from the top of street curb adjacent to the berm at a slope not greater than 3:1.

(3) *Properties adjacent to residential uses.* All off-street parking, loading facilities, exterior storage areas, mechanical area, and driveway shall be effectively screened from areas zoned or guided residential by 1 or a combination of the following:

(a) A 6-foot high opaque fence or wall. Chain link fences with slats are not acceptable.

(b) Berming or landscaping measuring at least 6 feet in height measured from the top of the parking lot or drive aisle curb. Landscaping must provide year-round screen opacity of 75% at initial planting.

(4) *Landscaping in drainage and utility easements.* Shallow root plantings including sod, turf, grass and shrubs shall be established in drainage and utility easement areas. The placement of landscaping or structures that significantly changes or impeded the designed drainage pattern shall be prohibited. The city reserves the right to review all landscaping plans subject to the provision of the city's landscape fence and easement policy, April 2005, as amended.

(F) *Performance standards.*

(1) *Rainwater gardens.* Rainwater gardens shall be encouraged to accommodate stormwater drainage and to meet landscape vegetation requirements. Rainwater gardens may be eligible for a reduction in the open space tree planting requirements upon approval of the Planning Director as follows:

(a) One square foot of raingarden shall be equal to 1 square foot of tree coverage (based on mature tree growth.)

(b) Tree planting requirements shall not be reduced greater than 50%.

(c) Raingardens cannot be substituted for landscape screening.

(2) *Site triangle/visual clearance.* No fence, wall, dense landscaping, or other visual obstruction above a height of 30 inches from the established street grade shall be permitted within the site triangle as formed by a straight line drawn between points on the property line at a distance of 30 feet in each direction from the intersection of any street, alley, parking lot entrance, or loading area.

(3) *Utility clearance.* Access to utilities (manhole covers, fire hydrants, electrical transformers, etc.) must be maintained.

(4) *Minimum planting sizes.*

(a) Deciduous trees: 1.5 inches trunk diameter, measured 6 inches above ground.

(b) Ornamental trees: 1.5 inches trunk diameter, measured 6 inches above ground.

(c) Coniferous trees: 6 feet tall.

(d) Shrubs: minimum of 18 inches tall at planting.

(5) *Spacing.*

(a) Plant material centers shall not be located closer than 3 feet from the fence line or property line and shall not be planted to conflict with public plantings, sidewalks, trails, fences, parking areas, and driveways based on the judgement of the Planning Department.

(b) Where plant materials are planted in 2 or more rows, plantings shall be staggered in rows unless otherwise approved by the Planning Department.

(c) Where massing of plants or screening is intended, large deciduous shrubs shall be planted 4 feet on center or closer, and/or, evergreen shrubs shall be planted 3 feet on center or closer.

(6) *Permitted deciduous trees.* Deciduous tree plantings shall be reviewed by the City Forester. Please reference the *Hastings Tree Guide* for suggested planting varieties.

(7) *Overhead utility lines.* When trees are to be installed under overhead utility lines, discretion must be used in the selection of the type of species. The trees installed must not interfere with the utility lines as maximum growth.

(8) *Certificate of occupancy.* All required landscaping must be installed prior to issuance of a certificate of occupancy. In cases where occupancy will occur during winter months, a temporary certificate of occupancy will be issued and planting will be required by the next July 1. Prior to issuance of a temporary certificate of occupancy, the developer or builder shall post a cash deposit/bond as established by the Building Department.

(G) *Maintenance.*

(1) *Surety.* To ensure that landscaping and screening is installed as proposed and survives through at least 1 full growing season, a landscape performance surety must be submitted prior to issuance of building permits for new development where a landscape plan is required.

(a) A landscape surety for providing, installing and warranting typical landscaping and screening materials must be submitted in the amount of 125% of the value of the proposed landscaping.

(b) Once the landscaping and screening has been in place for 1 year, Planning Department staff will review the landscaping on site. If site conditions match the approved landscape plan and all material is healthy, the surety will be released. If landscaping or screening is missing or incorrectly placed or some material is not in a healthy condition, the owner will be contacted and given an opportunity to correct these issues. Once the issues are resolved, the landscape surety will be released.

(2) *Material maintenance.* The property owner must maintain all landscaping and screening materials shown on the approved landscape plan in a manner consistent with the intent and purpose of the plan. Approved landscaping and screening materials that die, become diseased or are significantly damaged must be replaced at the next appropriate planting period with new materials in conformance with the approved landscape plan.

(3) *Structure maintenance.* Landscaping and screening structures such as fences and walls must be maintained in good condition, free of graffiti, peeling paint, decay or warping, must be repaired when needed and replaced periodically to maintain a structurally sound condition. (Ord. 539, passed 10-3-2005; Am. Ord. 551, 2nd Series, passed 5-1-2006) Penalty, see § 10.99

§ 155.54 ADMINISTRATION AND ENFORCEMENT.

(A) The Planning Director is hereby designated as the administrative official for purposes of administration and enforcement of the sections of the City Code having to do with zoning matters, in particular § 30.02 and this section.

(B) Duties of the Administrative Official:

- (1) Provide zoning information;
- (2) Determine that all building and other related permits comply with the terms of this chapter and issue or deny the permits;
- (3) Receive, file, and forward all applications for appeals, variances, special uses, or other matters to the designated official bodies or person(s);
- (4) Maintain permanent and current records of this chapter, including, but not limited to, all maps, amendments and special uses, variances, appeals and applications therefore;
- (5) Notify affected property owners of required official and unofficial public hearings, and publish notice of the hearings, all as required by this chapter;
- (6) If the administrative official shall find that any of the provisions of this chapter are being violated, he or she shall notify in writing the person responsible for the violations, indicating the nature of the violation and ordering the action necessary to correct it;
- (7) The administrative official shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions; and
- (8) Institute in the name of the city, with the cooperation of the City Attorney, any appropriate actions or proceedings against a violator as provided by law.

(C) The Building Official shall assist in the enforcing of this chapter and in addition thereto, and in furtherance of the authority he or she shall:

(1) Conduct inspections of building and use of land to determine compliance with provisions of this chapter;

(2) Investigate and report to the administrative official all alleged violations of conformance with the provisions of this chapter; and

(3) Perform other duties prescribed by the Council or Planning Director.
(Prior Code, § 10.30) (Am. Ord. 506, passed 11-17-2003) Penalty, see § 10.99

§ 155.55 CONSTRUCTION AND USE TO BE AS PROVED IN APPLICATIONS, PLANS, AND PERMITS.

Building or other permits issued on the basis of plans and applications approved by the administrative official authorize only the use, arrangement, and construction set forth in the approved plans and applications; and any other use, arrangement, or construction, at variance with that authorized shall be deemed violation of this chapter and punishable under § 10.99. (Prior Code, § 10.31)

§ 155.56 AMENDMENTS.

Amendments to this chapter shall be in accordance with procedures set forth in M.S. § 462.357, as it may be amended from time to time, provided, however, that when a proposed amendment involves change in district boundaries a notice of the time, place, and purpose of a public hearing thereof shall be mailed to all property owners within 350 feet. Published notice or other notice requirements shall be in accordance with state statutes. (Prior Code, § 10.32)

§ 155.57 PROVISIONS DECLARED TO BE MINIMUM REQUIREMENT.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern. (Prior Code, § 10.33)

§ 155.58 COMPLAINTS REGARDING VIOLATIONS.

Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint. The complaints stating fully the causes and basis thereof shall be filed with the administrative official. He or she shall record properly the complaint, immediately investigate, and take action thereon as provided by this chapter. (Prior Code, § 10.34) Penalty, see § 10.99

§ 155.59 FEES.

(A) The city shall prescribe fees sufficient to defray the costs incurred by it in reviewing, investigating, and administering an application for an amendment to an official control established, or an application for a permit or other approval as follows.

<i>Type</i>	<i>Fee</i>
Annexation	\$500 + Legal Expenses
Comprehensive Plan Amendment	\$500
Environmental Assessment Worksheet (EAW)	\$500 + \$1,000 escrow
Garden Center	\$50
House Move	\$500
Rezoning	\$500
Roof Sign Approval	\$100
Signs	Based on Estimated Value: \$1-\$500 = \$30 \$501-\$1,000 = \$50 \$1,001-\$2,500 = \$75 Over \$2,500 = \$100
Site Plan- Residential	\$500 + escrow as follows: \$2,000 (8 units and under) \$3,250 (9 - 40 units) \$4,500 (41 units and greater)
Site Plan- Commercial/Industrial	\$500 + escrow (based on building square footage) as follows: \$2,000 (0 - 5,000 square foot) \$3,000 (5,001 - 10,000 square feet) \$3,750 (10,001 - 50,000 square feet) \$4,500 (50,001 square feet and greater)
Special Use Permit	\$500
Variance	\$250
Vacation of ROW\Easement	\$400

(B) Fees for actions not prescribed above may be levied by the city provided they are fair, reasonable, and proportionate and have a nexus to the actual cost of the service for which the fee is imposed. (Ord. 537, passed 6-20-2005)

§ 155.98 VIOLATIONS.

Every person violates a section, subdivision, paragraph, or provision of this chapter when he or she performs an act thereby prohibited or declared unlawful, or fails to act when the failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof. (Prior Code, § 10.99) Penalty, see § 10.99

APPENDIX A: OFF-STREET LOADING REQUIREMENTS

<i>Square Feet of Floor Area or Outside Storage Area</i>	<i>Loading Space</i>	<i>Special Requirements</i>
1,000 - 5,000	250 square feet	None
5,000 - 20,000	300 square feet	None
20,000 - 50,000	750 square feet	1 space must measure 10 feet by 50 feet
50,000 +	1,000 square feet	1 space must measure 10 feet by 50 feet

(Prior Code, § 10.09)

APPENDIX B: REQUIRED NUMBER OF SPACES

<i>Residential</i>	<i>Required # of Spaces</i>
Single-Family/Duplex	2 per dwelling unit
Multi-Family	2 per dwelling unit
Manufactured (Mobile) Home Park	2 per dwelling unit
Residential Care Facility, Semi-Independent	1 per 2 units
Residential Care Facility, Dependent	1 per 3 units
Residential Senior Facility	1 per dwelling unit

<i>Tourist Lodging</i>	<i>Required # of Spaces</i>
Hotels and Motels:	
1. With no other facilities than guest rooms:	1 per room + 1 per employee on the major shift
2. With other facilities, including restaurants, conference facilities, or meeting rooms:	1 per room + 1 per each 4 persons of capacity in other facilities
Bed and Breakfast	See relevant provisions in Chapter 155

<i>Commercial</i>	<i>Required # of Spaces</i>
General Retail	1 per 200 square feet
Professional/General Office	1 per 300 square feet
Banks/Credit Unions, including stacking spaces	1 per 300 square feet
Self-Service Laundry	1 per 3 washing machines
Bowling Alley	5 per lane
Theater	1 per 6 seats based on design capacity
Furniture and Appliance Store	1 per 500 square feet

<i>Commercial</i>	<i>Required # of Spaces</i>
Restaurant, tavern, or lounge (sit down full service):	
1. Without on-sale intoxicating liquor or dance hall license	1 per 60 square feet or 1 per 3 seats
2. With on-sale intoxicating liquor or dance hall license	1 per 50 square feet or 1 per 2 seats, except that in cases that there is a bar area separate from the food service area, a dance area larger than 100 square feet, or other public areas, additional parking may be required.
Recreation-Participant/Spectator:	
1. Indoor and Outdoor	1 per 4 seats or 8 feet of bench length.
2. Shopping Center*	At least 4 spaces per 1,000 square feet of area.
Automobile Service or Gas Station	2 parking spaces for each service stall plus 1 parking space for each 200 square feet of gross building area and adequate parking for gas pump areas.
Auto, Boat, Trailer/Mobile Home Sales or Service	1 per 500 square feet
NOTES TO TABLE: * - If a center contains substantial interior common space, required parking spaces may be reduced based on an analysis of parking demand and proof of parking to be installed if needed at the request of the city.	

<i>Places of Assembly</i>	<i>Required # of Spaces</i>
Churches, Mortuaries, and the like	1 per 3 seats based on design capacity
Youth-oriented church services (ages 17 and under)	1 per 6 seats based on design capacity

<i>Schools</i>	<i>Required # of Spaces</i>
Preschool, Nursery, Kindergarten	1 per classroom + 1 for each 30 student capacity
Elementary, Jr. High/Middle	1 per classroom + 2 per each 30 student capacity
Senior High and Post Secondary	1 per classroom + 1 per each 6 students based on design capacity

<i>Public/quasi-public</i>	<i>Required # of Spaces</i>
Hospital	3 per 2 beds
Library	1 per 500 square feet, plus 1 per employee
Government	1 per 300 square feet

<i>Industrial</i>	<i>Required # of Spaces</i>
Warehouse and Manufacturing	1 per 1,000 square feet but no less than 1 per employee
Wholesale Establishment	1 per employee plus 1 per 1,000 square feet

(Prior Code, § 10.09