

CITY OF STOCKTON ZONING ORDINANCE

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Amendment: Section 4, Subsection 4, Accessory Buildings, Uses & Equipment – 2/14/2012

Amended: Section 4, Subsection 11, Visibility at Intersections & Driveways – 5/8/2012

Amended: Section 4, Subsection 18, Fences – 5/8/2012

Section 1 – TIME AND APPLICATION

Subsection 1. Title. This Ordinance shall be known as the “Stockton Zoning and Subdivision Ordinance” except as referred to herein, where it shall be known as “Ordinance.”

Subsection 2. Intent and Purpose. This Ordinance is adopted for the purpose of:

- (A) Protecting the public health, safety, morals, comfort, convenience and general welfare.
- (B) Providing orderly development of residential, commercial, agricultural, industrial, recreational and public areas.
- (C) Dividing the City into zones and districts and regulating therein, the location, and use of structures and land. Conserving the natural and scenic beauty and attractiveness of the community.
- (D) Providing for the compatibility of different land uses and the most appropriate use of land throughout the community.
- (E) Providing for the administration of this Ordinance and the amendments thereto.
- (F) Defining the powers and duties of the administrative officers and bodies as provided hereinafter.
- (G) Prescribing penalties for the violation of the provisions of this Ordinance or any amendment thereto.

Subsection 3. Standards. Where the conditions imposed by and provision of this Ordinance are either more or less restrictive than comparable conditions imposed by any other ordinance of the City, the more restrictive condition, standard, or requirement shall prevail.

Subsection 4. No structure shall be erected, converted, enlarged, reconstructed, or altered, and no structure or land shall be used for any purpose, which is not in conformity with the provisions of this Ordinance.

Subsection 5. Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited. However, the City Council may initiate an amendment to the Zoning Ordinance to provide for the particular use under consideration, or may find that the use is not compatible for development in the City.

Subsection 6. Authority. This Ordinance is enacted pursuant to the authority granted by the Municipal Planning Act, Minnesota Statutes, Chapter 462.

Subsection 7. Comprehensive Revision. This Ordinance is a comprehensive revision of the 1975 Zoning Ordinance as adopted by the City of Stockton.

Section 2. DEFINITIONS.

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

Accessory Building or Use – A subordinate building or use that is located on the same lot which the main building or use is situated and is reasonably necessary and incidental to the conduct of the primary or principle use of such building or main use.

Agricultural Uses. – Those uses commonly associated with the growing of product on farms. These include: field crop farming; pasture for hay; fruit growing; tree, plant shrub, or flower nursery without building; truck gardening; roadside stand for sale of fruits, vegetables, or plants in season; but not including fur farms, animal feedlots, kennels, or any raising of dairy cows, slaughter steer or heifers, or swine of any size.

Administrator. – The duly appointed person charged with enforcement of this Ordinance.

Alley. – A public right-of-way, which affords secondary access to abutting property.

Animal feedlot. – A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of farm animals exceeding three (3) animal units and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding

and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots. For purposes of this definition, the following equivalents shall apply:

<u>Farm Animals</u>	<u>Units</u>
One horse	1.0 animal unit
One sheep	1.0 animal unit
One duck	.02 animal unit
One turkey	.018 animal unit
One chicken	.01 animal unit

Apartment – A room or suite of rooms with cooking facilities available, which is occupied as a residence by a single family. Includes buildings with two or more dwelling units and efficiency units.

Basement – A portion of a building located partially underground and with one-half or more of its floor to ceiling height below the average grade of the adjoining ground. In a flood plain, a basement is any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level. Must be a continuous wall to the frost line.

Bed and Breakfast Home – A dwelling, other than a hotel or motel, where a resident family for compensation provides lodging and breakfast to transient guests.

Big Box – A retail establishment that contains more than 50,000 square feet of floor area.

Bluff – A natural topographic feature such as a hill, cliff, or embankment having the following characteristics:

The slope rises at least twenty-five feet above the toe of the bluff; and

The grade of the slope from the toe of the bluff to a point twenty-five feet or more above the toe of the bluff averages eighteen (18) percent or greater.

An area with an average slope of less than eighteen (18) percent over a horizontal distance of fifty feet or more shall not be considered part of the bluff.

Bluff, toe of – The point on a bluff where there is, as visually observed a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent or if there is disagreement in the breaking point, the toe of the bluff shall be the lowest end of a 50-foot segment, measured horizontally, with an average slope of 18-percent or greater.

Bluff, top of – The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent or if there is disagreement in the breaking point, the top of the bluff shall be the highest end of a 50-foot segment, measured horizontally, with an average slope of 18-percent or greater.

Bluff Impact Zone – All land located between the toe and the top of the bluff and the land located within thirty feet measured horizontally beyond the highest point of the top of the bluff and thirty feet measured horizontally beyond the lowest point of the toe of the bluff.

Bluff line – A line along the top and toe of a bluff delineating the limits of the Bluff impact zone.

Buildable Areas – The portion of a lot remaining after required yards have been provided.

Building – Any structure having a roof, which may provide shelter or enclosure for any use or occupancy.

Building Height – The vertical distance to be measured from the grade of a building line to the top of the cornice of a flat roof, to the deck line of a mansard roof, to the uppermost point on all other roof types.

Building Setback – The minimum horizontal distance between the furthest protruding part of the building and a lot line.

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

Carport – A canopy constructed of metal or other materials supported by posts, either ornamental or solid, and completely open on one (1) or more sides.

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

Club or Lodge – An association of persons who are bona fide members paying dues, use of premises being restricted to members and their guests.

Comprehensive Plan – The policies, statements, goals and interrelated plans for private and public land and water use, transportation, and community facilities including recommendations for plan execution, documented in texts, ordinances and maps which constitute the guide for the future development of the City or any portion of the City.

Conditional Use – A land use or development as defined by ordinance that would be inappropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that (1) certain conditions as detailed in the Zoning Ordinance exist; (2) the use or development conforms to the comprehensive land use plan of the City; and (3) is compatible with the existing neighborhood.

Conditional Use Permit – A permit issued by the council in accordance with procedures specified in this Ordinance, as a flexibility device to enable the council to assign dimensions to a proposed use or conditions surrounding it after consideration of adjacent uses and their functions and the special problems which the proposed use presents.

Condominium – A multiple dwelling containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling is subject to the provisions of the Minnesota Condominium Law.

Convenience Food Establishment – An establishment that serves food in or on disposable or edible containers in individual servings for consumption on or off the premises.

Cooperative Housing – A multiple family dwelling owned and maintained by the residents and subject to the provisions of Minnesota Statutes 290.09 and 290.13. The entire structure and real property is under common ownership as contrasted to a condominium dwelling where individual units are under separate individual occupant ownership.

Day Care – The care of children outside of their own homes for a part of the 24-hour day by persons unrelated to them by blood or marriage. Day care includes family day care, group family day care, and care in-group day care centers.

Developer – The owner of the Property, or a person or entity authorized in writing by the owner of the Property to file the applications for PUD and who will become the owner of the Property prior to any development of the Property.

Dog Kennel – A place where three (3) or more dogs, over three (3) months of age, are boarded, bred, and/or offered for sale, except a veterinary clinic.

Drive-In – Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car and where fast service to the auto manufactured occupants is the principal service offered.

Duplex – A structure containing only two dwelling units where one unit sits on top of the other unit.

Dwelling Unit – A residential building or portion thereof intended for occupancy by a single family, but not including hotels, motels, boarding or rooming houses, or tourist homes.

Dwelling, Attached – A dwelling, which is joined to another dwelling at one or more sides by a party wall or walls.

Dwelling, Detached – A dwelling, which is entirely surrounded by open space on the same lot.

Dwelling, Two-Family – A building used exclusively for occupancy by two (2) families living independently of each other.

Dwelling, Multiple – A building having accommodations for and occupied exclusively by more than two (2) families.

Equal Degree of Encroachment – A method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

Essential Services – The erection, construction, alteration, or maintenance of underground or overhead gas, electrical, or water transmission or distribution systems, collection, communication, supply, or disposal systems by public utilities, municipal or other governmental agencies, but not including buildings.

Family – One or more persons each related to the other by blood, marriage, adoption, or foster care, or a group of not more than three (3) persons not so related maintaining a common household and using common cooking and kitchen facilities.

Farm – A tract of land which is principally used for agricultural purposes, all of which is owned and operated by a single family, farm corporation, individual, or corporation.

Fence – Any partition, structure, wall or gate erected within the required yard.

Final Development Plan – A final development plan based upon the Preliminary Development Plan and presented by a PUD application.

Flood – A temporary increase in the flow or stage of a stream, or in the stage of a wetland or lake that results in the inundation of normally dry areas.

Flood Frequency – The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

Flood Fringe – That portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term “floodway fringe” used in the Flood Insurance Study for City of Stockton.

Flood Plain – The beds proper and the areas adjoining a wetland, lake or watercourse that has been or hereafter may be covered by the regional flood.

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

Floodway – The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain, which are reasonably required to carry or store the regional flood discharge.

Floor Area – The net usable floor area of the various floors.

Garage – An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicle of the family or families’ resident upon the premises.

Home Occupation – A lawful occupation carried on in the home when engaged in by person or persons residing in the dwelling (see Section 4, subsection 5 for further requirements).

Junk Yard – An area where waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber products, bottles and used building materials.

Lot – A parcel, piece, or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or registered land survey, for the purpose of sale or lease or separate use thereof.

Lot (of Record) – A parcel of land, whether subdivided or otherwise legally described, as of October 23, 1969, or approved by the City as a lot subsequent to such date, and which is occupied by or intended for occupancy by one (1) principal building or principal use together with any necessary buildings and such open spaces as required by this Ordinance and having its principal frontage upon a street.

Lot Area – The area of a lot in a horizontal plane bounded by the lot lines.

Lot Corner – A lot situated at the junction of and abutting on two (2) or more intersecting street, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed one hundred thirty-five (135) degrees. Both sides of the lot fronting roads are subject to front yard setbacks.

Lot Depth – The mean horizontal distance between the front line and the rear lot line.

Lot Line, Front – The boundary of a lot which abuts an existing or dedicated public street.

Lot Line, Rear – That boundary of a lot, which is opposite, the front lot line. If the rear lot line is less than ten (10) feet in length or of the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

Lot Line, Side – Any boundary of a lot, which is not, a front lot line or a rear lot line.

Lot Substandard – A lot or parcel of land for which a deed has been recorded in the office of the county recorder upon or prior to the effective date of this Ordinance which does not meet the minimum lot area structure setbacks or other dimensional standards of this Ordinance.

Lot, Through – Any lot other than a corner lot, which abuts more than one street.

Lot Width – The maximum horizontal distance between the side lot lines of a lot at the setback line.

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

Manufactured Home – A structure transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, and when erected on site is built on a permanent chassis and designed to be used as a dwelling with or without a permanent continuous foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification

required by the Minnesota Secretary of State and complies with the statutory standards established by M.S. 327.31, Subd. 3. See also City of Stockton Ordinance #105.

Manufactured Home Park – Any contiguous site, lot, filed, or tract of land upon which two or more manufactured homes are located and includes commonly owned property and any building, structure, vehicle, or enclosure intended for use as a part of the equipment of such manufactured home park.

Manufactured Home Stand – The part of an individual manufactured home lot which has been reserved for placement of the manufactured home, appurtenant structures, or additions.

Nonconforming Uses – A use, structure, or parcel of land lawfully in existence, recorded, or authorized before the effective date of this Ordinance and not conforming to the regulations for the district in which it is situated.

Nursing Home – A building having accommodations where care is provided for two or more invalids, infirmed, aged convalescent, or physically disabled persons who are not of the immediate family; but not including hospitals, clinics, sanitariums, or similar institutions.

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

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

Ordinary High Water Mark – A mark delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. In areas where the ordinary high water mark is not evident, setbacks shall be measured from the stream bank of the following bodies that have permanent flow or open water: the main channel, adjoining side channels, backwaters and sloughs.

Outside Storage – The keeping, in an enclosed area (outside a building), of any goods, junk material, merchandise, or vehicles in the same place for more than twenty-four hours.

Parking Space – An area enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one (1) auto manufactured which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an auto manufactured.

Permitted Use – A use which may be lawfully established a particular district or districts, provided it conforms with all requirements, regulations, and performance standards of such districts.

Planned Unit Development (PUD) – A zoning district containing a large lot or tract of land developed as a unit rather than an individual development wherein two or more buildings may be located in relationship to each other rather than to lot lines or zoning district boundaries.

Planned Unit Development (PUD) Agreement – The agreement to be entered into between the Developer and the City to incorporate all terms, requirements and conditions of the PUD approval.

Planning Commission – The Planning Commission of Stockton.

Preliminary Development Plan – A Preliminary Development Plan means a formal development plan in preliminary form presented by a PUD application.

Principal Use – The main use of land or buildings as distinguished from subordinate or accessory uses.

Property (when used in the PUD ordinance) – All land included within a PUD.

Public Uses – Uses owned or operated by municipal, school district, county, state, or other governmental units.

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

Recreation Public – Includes all uses such as tennis courts, ball fields, picnic areas, and the like that are commonly provided for the public at parks, playgrounds, community centers, and other sites owned and operated by a unit of government for the purpose of providing recreation.

Regional Flood – A flood which is representative of large floods known to have occurred generally in Minnesota, and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100 year recurrence interval. Regional flood is synonymous with the term “base flood” used in the Flood Insurance Study.

Regulatory Flood Protection Elevation – A point not less than one (1) foot above the elevation of the flood plain, plus any increases in flood heights attributable to encroachments on the flood plain that result from designation of a floodway. It is the elevation to which uses regulated by this Ordinance are required to be elevated or flood proofed.

Setback – The minimum horizontal distance between a building and street right-of-way or property line. Distances are to be measured perpendicularly from the property line to the most outerly extended portion of the structure at ground level.

Sign – A name, identification, description, display illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public and which directs attention to a product, place, activity, person, institution, or business.

Sign Advertising (Billboard) – A sign, which directs attention to a business, commodity, service, activity, or entertainment not necessarily, conducted, sold or offered upon the premises where such sign is located.

Sketch Plan – A Sketch Plan means an informal development plan presented by a PUD application.

Solar Collector – Any device relying upon direct solar energy that is employed in the collection of solar energy for heating and/or cooling of a structure, building, or water. Windows or skylights maybe construed as a solar collector within the meaning of this definition if they cumulatively comprise thirty (30) or more square feet.

Solar Energy – Radiant energy (direct, diffuse, or reflected) received from the sun.

Solar Energy System – A set of devices whose primary purpose is to collect solar energy and convert and store it for useful purposes, including heating and cooling buildings or other energy using processes, or to produce generated power by means of any combination of collecting, transferring, or converting solar generated energy.

Solar Lot – A lot that has its designated north/south lot lines lie within fifteen (15) degrees east or west of the axis and the lot frontages shall face an east/west directed street (varying up to twenty (20) degrees).

Steep Slope – Land having average slopes over 12 percent, as measured over a horizontal distance of 50 feet that are not bluffs.

Street – A public right-of-way, which affords a primary means of access to abutting property and shall also include avenue, highway, road, or way.

Story – That portion of a building included between the surface of any floor and the surface of the floor next above. A basement shall be counted as a story.

Structure – anything constructed or erected on the ground or attached to the ground on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, travel trailers/vehicles.

Subdivision – The division of a parcel of land into two or more lots, blocks, and/or sites, with or without streets or highways and includes resubdivision.

Townhouses – One of three or more dwelling units that are physically attached on two sides (not the back side), have separate entrances, and has no other dwelling unit above.

Twin Home – A two-family dwelling with a common wall between the two dwelling units.

Use – The purpose of activity, for which the land or building thereon is designated, arranged or intended, or for which it is occupied, utilized or maintained.

Variance – A modification or variation of the provisions of this Ordinance where it is determined that by reason of special and unusual circumstances relating to a specific lot, that strict application of the Ordinance would cause an undue or unnecessary hardship, or that strict conformity with the provisions of this Ordinance would be unreasonable, impractical or unfeasible under the circumstances. Economic considerations alone shall not constitute a hardship. A variance shall normally be limited to height, bulk, density and yard requirements. In a flood plain, variance means a modification of a specific permitted development standard required in an official control including this Ordinance to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular

property for the purpose of alleviating a hardship, practical difficulty or unique circumstance as defined and elaborated upon in a community's respective planning and zoning enabling legislation.

Yard – An open space on a lot, which is occupied, and unobstructed by a structure from its lowest ground level to the sky except as expressly permitted in this Ordinance. The yard shall extend along a lot line and at right angles to such lot line to a depth or width specified in yard regulations for the district in which such lot is located.

Yard, Front – A yard extending across the front of the lot between the interside yard lines and lying between the front line of the lot and the nearest line of the building.

Yard, Rear – A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.

Yard, Side – A yard between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard.

Zoning Districts – An area or areas within the limits of the zoning jurisdiction for which the regulations and requirements governing the use are uniform.

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

Section 3. RESERVED FOR FUTURE USE.

Section 4. GENERAL BUILDING AND PERFORMANCE REQUIREMENTS

Subsection 1. Purpose. The purpose of this section of the Ordinance is to establish general development performance standards. These standards are intended and designed to assure compatibility of uses; to prevent blight, deterioration and decay; and to enhance the health, safety, and welfare of the residents of the community.

Subsection 2. Dwelling Unit Restrictions

- (A) No garage, tent, or accessory building shall, at any time, be used as living quarters, temporarily or permanently.
- (B) No basement or cellar, unless used as a portion of the living space of a dwelling which is affixed to the basement or cellar, or as an earth sheltered home, may be used as a residence or dwelling unity, either temporarily or permanently.
- (C) Except in the case of planned unit developments, no more than one (1) principal building shall be located upon a lot.

Subsection 3. Platted and Unplatted Property.

- (A) Any person desiring to improve property shall submit to the Building Inspector a survey of the premises and information on the location and dimensions of existing and proposed buildings, location of easements crossing the property, encroachments, and any other information as required by this Ordinance.
- (B) All buildings shall be placed so that they will not obstruct future streets, which may be constructed by the City.

Subsection 4. Accessory Buildings, Uses, and Equipment

- (A) An accessory building shall be considered an integral part of the principal building if it is connected directly to the principal building, or connected by a covered passageway.
- (B) Detached garages are limited to one (1) per single family home, and shall not exceed 2000 square feet in area.
- (C) Tool houses, sheds, or similar structures for storage of domestic supplies, or non-commercial recreational equipment are limited to no more than two (2) structures, shall not exceed an aggregate of 400 square feet in area.
- (D) There shall be no more than two accessory buildings on an R-1 or R-2 zoned lot.
- (E) No accessory building shall be taller than the primary building.
- (F) Building materials shall be attractive in appearance, of a durable finish, and be of a quality that is compatible and harmonious with adjacent structures. All buildings shall be of

good aesthetic and architectural quality, to ensure they will maintain and enhance the property values of the neighboring properties.

(G) Satellite dishes, television receiving antennas, and radio receiving antennas shall be a permitted accessory use within all zoning districts, provided that they meet the following conditions:

- (1) Maximum Height: The dish or antenna shall not exceed fifteen feet (15') in height.
- (2) Roof Line: The dish or antenna shall not exceed twenty feet (20') above the roofline.
- (3) Setbacks: No dish or antenna shall be located within the required front yard setback or required side yard setback abutting a street.
- (4) Ground mounted satellite dishes, television antennas, or radio antennas shall be set back from all adjoining lots a distance equivalent to the height of the structure. Such structures shall be located ten feet (10') or more from any other building or structure and shall not be located within a utility easement.
- (5) Roof Mount: When a satellite dish, television antenna, or radio antenna is located on the roof of a building, the applicant shall furnish the City Building Official with building plans and structural components of the satellite dish, television antenna or radio antenna displaying the means of securing the structure to the roof of a building. The Building Official must approve the building plans.
- (6) Lightning Protection: Each satellite dish, television antennas or radio antennas shall be grounded to protect against natural lightning strikes in conformance with the National Electrical Code.
- (7) Conditional Use: Satellite dishes, television antennas or radio antennas, which exceed height limitations specified herein, may be allowed by conditional use permit.

Subsection 5. Home Occupations. The following standards shall apply to this issue:

- (A) No more than 25% of the total floor area of the dwelling shall be used for the home occupation.
- (B) No articles for sale shall be displayed so as to be visible from any street, nor shall any outside storage of materials or equipment be permitted.
- (C) The occupation is to be conducted solely by members of the household residing on the premises.
- (D) No sign shall be allowed other than one (1) non-illuminated nameplate not to exceed four (4) square feet in area.
- (E) The home occupation, if it involves visitation by clients on the premises, shall provide one (1) off street parking space, in addition to the parking spaces required for the residents of the dwelling.

Subsection 6. Drainage Plans. In the case of all developments involving multi-family dwellings, commercial uses, and industrial uses drainage plans shall be prepared and submitted to the City for approval.

Subsection 7. Required Screening. Where any parking lot in any district, business or industrial use (i.e. structure, parking, or storage) abuts or is across the street from property zoned for residential use, that parking lot, business or industry shall provide screening along the boundary of the residential property. This screening may consist of green belt planting strips, earthen berms, or fences that do not exceed six (6) feet in height, and shall be subject to further conditions in this Section.

- (A) Walls or Fences
 - (1) When used, walls or fences must provide for full visual screening of storage areas, as viewed from residential districts.
 - (2) The materials used for constructing the wall or fence shall be specified in the site plan and shall be subject to approval by the City Council.
 - (3) A wall or fence may occupy part of the required yard.

(4) See, also, Subsection 14.3 (10) and Subsection 18 below for additional screening and fencing requirements.

(B) Vegetative Screening

(1) Berms. Berms shall be constructed with a slope not to exceed 3:1 and shall be covered with sod or other landscape material sufficient to prevent erosion of the berm.

(2) Trees, hedges, or other vegetative materials, when used, will be encouraged to provide at least fifty percent (50%) screening capacity throughout the year.

(3) Vegetative screening may occupy part of the required yard; but no hedge, berm, or tree line located in the front yard shall be more than two and one half (2 ½) feet in height.

(C) Maintenance Requirements

(1) The yard area in front of fences and walls shall be trimmed and maintained in a neat and attractive manner.

(2) Repairs to damaged areas of walls or fences shall be made within thirty (30) days of sustaining said damage.

(3) Areas left in a natural state and vegetative screening area shall be properly maintained in a sightly and well-kept condition.

(4) Diseased, dying or dead vegetative screening elements shall be removed and then replaced, at a minimum, with healthy plants of the same size required when first planted.

Subsection 8. Height Regulations. The following building height regulations shall apply in residential, commercial, and industrial districts.

(A) No structure in any district shall exceed three (3) stories or thirty-five (35) feet; whichever is less, unless a conditional use permit is authorized in the district to allow taller buildings.

(B) The building height limits do not apply to chimneys or flues, church spires, belfries, cupolas and domes which do not contain usable space, elevator penthouses, flag poles, poles, cooling towers, towers and other structures for essential services, wind energy conversion system towers, other structures for essential services, radio and television antennas not exceeding twenty (20) feet above the roof, monuments, parapet walls extending not more than three feet (3') above the limiting height of the building, necessary mechanical and electrical appurtenances, and farm buildings.

Subsection 9. Off Street Parking Requirements

(A) All applications for a building permit in all zoning districts shall be accompanied by a site plan drawn to scale indicating the location of off street parking and loading spaces in compliance with the requirements in this subsection. All site plans for single-family homes must provide for location of a two (2)-stall garage, whether or not such construction is intended.

(B) Each parking space shall be no less than nine (9) feet wide and twenty (20) feet in length, exclusive of access aisles. All driveways, parking, and vehicle circulation areas must have an impervious surface of asphalt, concrete, or other equivalent material approved by the City Engineer, and shall be graded to drain.

(C) The following minimum number of off-street parking spaces shall be provided:

(1) Single Family dwelling units: Two (2) spaces per unit.

Elderly Housing: 0.75 spaces per efficiency or one bedroom unit;

1.5 spaces per two-bedroom unit

2 spaces per three-bedroom unit,

(Or) as needed per market study or City staff analysis

Townhouse, condominium, or duplex: two (2) spaces per unit.

Multi-family dwellings: 1.75 spaces per unit

(2) Theaters, churches, or places of assembly: One (1) space per every five (5) seats, or as needed

(3) Restaurants, bars, etc: One (1) space for every three (3) seats or one (1) space for every one hundred (100) square feet of gross floor area, whichever is greater; or as needed

(4) Service commercial shops and retail stores:

Less than 15,000 square feet net floor area: five (5) spaces per every 1,000 net square feet floor space.

15,000 to 400,000 square foot net floor area: four (4) spaces per every 1,000 net square feet floor space, minimum; 4.5 spaces per every 1,000 net square feet floor space, maximum.

400,000 to 600,000 square foot net floor area: four (4) spaces per every 1,000 net square feet floor space, minimum; 5 spaces per every 1,000 net square feet floor space, maximum.

- (D) Motels, hotels: one (1) space per sleeping unit, plus required spaces for banquet rooms, meeting rooms, restaurant, and retail shops; or as needed
- (E) Industrial / manufacturing establishments: Five (5) spaces plus one (1) space per every two persons of maximum employment during any work period, or as needed.
- (F) Uses not mentioned, or identified "as needed:" The number of parking/loading spaces shall be determined by the City Engineer based upon the best information available.
- (G) Shared or joint use of required parking spaces between uses on different lots within 300 feet of each other may be permitted by the City if the owners of the property agree to sharing of spaces and it is demonstrated that the spaces will not be used by the two different uses at the same time. The applicants for shared parking shall make an application and have that application reviewed by the planning commission and approved by the City Council.
- (H) Off Street Loading. One (1) off street loading space shall be provided and maintained on the same lot for each commercial and industrial use required regular delivery of goods.
- (I) Design and maintenance of off-street parking, dock, and traffic circulation areas shall be in accordance with City requirements. All such areas shall have an impervious surface, and shall be graded to drain. Exceptions to this requirement (impervious surface) will be considered upon anticipated traffic usage and on-site runoff controls.

Subsection 10. Ingress and Egress - All lots shall front on and have ingress and egress by means of a public right-of-way.

Subsection 11. Visibility at Intersections and Driveways - In any residential district no fence, accessory structure or planting shall be within fifteen (15) feet of any street on a corner lot or within fifteen (15) feet of the point where a driveway meets the street on an interior lot, so as not to interfere with traffic visibility. Fencing requirements see Section 4, Subsection 18, Fences.

Subsection 12. Signs – A permit shall be required to erect any sign in the City. Permit fees shall be as determined by the City Council. No sign shall be erected by any person until the plan and completed permit application has been received by the Planning Commission and approved by the City Council. The signage plan shall contain the following information.

(A) Signage Plan Requirements.

- (1) The location of the existing and proposed buildings on the site.
- (2) The location of existing buildings within one hundred (100) feet of the site.
- (3) The location and height of all existing and proposed signs on the site.
- (4) All specifications and dimensions of proposed signs, including the lettering size and graphics.
- (5) Description of sign and frame materials and colors, including supports.
- (6) Planter box details, if used, such as materials used, plant types, their sizes, and the number of plants to be used, their spacing, and other details, as requested by the Planning Commission.
- (7) If it is a wall sign, include the wall anchorage details.

(B) Sign Restrictions Applying to Signs in All Districts. Permits must be secured prior to erecting any sign in the City of Stockton. Each zoning district contains sign restriction. In addition, the following restrictions apply to the use of signs:

- (1) Private signs, other than warning signs posted by public utilities, are prohibited within public right-of-way.
- (2) No sign shall be less than two (2) feet from a public right-of-way.

- (3) No sign shall, by reason of position, shape, or color, interfere in any way with the proper functioning or purpose of a traffic sign or signal.
- (4) No sign in excess of three (3) square feet shall be less than three hundred (300) feet from the intersection of two (2) or more public roads or less than three hundred (300) feet from the intersection of a public road and a railroad, provided that advertising may be affixed to or located adjacent to a building at such intersection in such a manner as not to cause any greater obstruction of vision than that caused by the building itself.
- (5) Illuminated signs may be permitted but devices giving off an intermittent or rotating beam or rays of light shall be prohibited, except those signs giving public service information, such as, without limiting the generality of the foregoing: time, date, temperature, weather, or news.
- (6) For the purpose of selling, renting, or leasing a single parcel, a sign not in excess of twenty-five (25) square feet per surface may be placed within the front yard. Such signs shall not be less than ten (10) feet from the right-of-way line.
- (7) For the purpose of selling or promoting a residential project, commercial area, or an industrial area, one (1) sign not to exceed two hundred forty (240) feet of surface may be erected upon the project site.
- (8) Except with industry, signs shall not be painted directly on the outside wall of a building.
- (9) Signs shall not be painted on fences, rocks, or similar structures or features nor shall paper or similar signs be attached directly to a building wall, by an adhesive or similar means.
- (10) There shall be no more than one (1) temporary sign on any lot, and such sign shall not exceed twenty-five (25) square feet in size.
- (11) Election signs are permitted provided such signs are removed within ten (10) days following the election as related to the sign. No election sign shall be permitted more than one (1) month preceding the election the sign relates to.
- (12) Motor fuel stations and truck stops shall have no more than two (2) pedestal type business identification signs not to exceed thirty (30) feet in height erected within any yard except that no part of said sign shall be less than six (6) feet from a property line measured as a horizontal distance. Said sign shall have no more than three (3) faces and shall not exceed more than one hundred fifty (150) square feet per face. No part of said sign surface shall be less than sixteen (16) feet vertical distance from the grade of the nearest driveway or parking area. The pedestal shall not be less than five (5) feet from a driveway at its nearest point.
- (13) Motor fuel stations and truck stops may have two (2) accessory signs. Said signs shall have no more than two (2) faces per sign and shall not exceed more than thirty (30) square feet per face. The top of said sign shall not be more than twenty (20) feet in height from the grade of the nearest driveway or parking area.
- (14) Signs in excess of the area limitations in (12 – 13) above shall be by conditional use permit only. Conditional use permits may be issued in the discretion of the City of Stockton only if an applicant can demonstrate that his property is uniquely situated and that an increase of signage area is necessary in order for him to properly utilize his property for a commercial purpose. Unique situations include, but not limited to: land topography, the height or placement of buildings on adjacent lots, building setback, or road location. Additional signage area shall not be permitted for situations created by the property owner after the effective date of this Ordinance.
- (15) Signs attached to the face of a building shall not extend above the roofline, at the eave line or top of parapet.
- (16) A sign concept plan for new multi-tenant buildings shall be submitted, by the property owner, for approval at the time site and building plans are

submitted for review; or when a new or revised sign permit is requested for an existing building.

(17) Within six (6) months after adoption of this Ordinance, “existing” property owners in this district shall present a plan for conformance with requirements of this section.

The plan for conformance shall include:

- a. A drawing or sketch of proposed new signage, which is in conformance of the Ordinance;
- b. A time frame for bringing the property’s signage into conformance;
- c. An estimate of the useful life of any existing signs.

(C) Advertising Signs

- (1) Advertising signs are allowed through the issuance of a conditional use permit in the business and industrial districts, providing they are not larger than three hundred (300) square feet.
- (2) Advertising signs shall not be less than one thousand (1,000) feet apart; regardless of what side of the road they are located.
- (3) Advertising signs shall not exceed twenty-five (25) feet above the average.

(D) Prohibited Signs. The following signs are specifically prohibited by this Ordinance:

- (1) Any sign that obstructs the vision of drivers or pedestrians, or detracts from the visibility of any traffic control device.
- (2) Any sign which moves or rotates. Exempted are time and temperature information and barber poles.

(E) Sign Removal

- (1) The applicant for a sign permit shall be deemed the owner and thus responsible for the removal of the sign within six (6) months of its discontinued use, or the applicant may be required to remove a sign which is structurally safe or in disrepair. The zoning administrator may remove signs that are not allowed by code provided that the property owner has been informed of the violation and given 30 days to remove said signs. The cost of removal may be assessed against the sign owner.
- (2) Signs not so removed by the owner will be removed at the owner’s expense.

Subsection 13. Solar Energy Systems

- (A) Solar energy systems shall be a permitted use in all zoning districts, provided that the system is in compliance with all applicable zoning regulations and building codes.
- (B) Solar energy systems may be exempted from setback, height, and lot coverage restrictions in all districts by a variance.
- (C) The use of solar energy systems is subject to the restraints of the zoning regulations contained in this chapter and any existing vegetation.
- (D) The effect of trees on the solar access of surrounding development shall be minimized to the greatest possible extent in selecting tree species and locating trees on public lands and along roadways. Whenever possible, every effort shall be made to avoid shading existing or proposed solar collectors.
- (E) Reasonable care should be taken to protect the opportunity for the utilization of solar energy systems at all locations available.
- (F) The City shall take affirmative actions to the extent possible to preserve solar access for all existing and future development.
- (G) The City does encourage the use of private easements and restrictive covenants as a means to protect access to sunlight.

Subsection 14. Performance Standards, Site Design, Landscaping, and Screening

14.1 Building Performance Standards:

- (A) In order to evaluate compliance with building performance standards, three (3) copies of the following plans and/or specifications, shall be submitted in fulfillment of the requirements of this Ordinance:
- (B) Plans to be submitted shall be to scale and shall include:

(1) Topographic Map prepared by a licensed surveyor with: contours at 1-foot intervals; property boundaries and legal description; all on-site improvements shown; adjacent street with curb lines and spot elevations at top of curb (or edge of pavement if no curb); existing utilities and service connections; trees over 8" diameter identified or tree lines if grouped; existing telephone, gas, electric, and cable utilities identified as overhead or underground.

(2) Proposed Grading, Drainage and Erosion Control Plan with: all proposed improvements; proposed contours; proposed drainage system plan; proposed erosion control facilities.

Drainage system plan design objective should be to provide controls such that post-development runoff does not exceed predevelopment runoff. Plans and specifications shall be prepared by an Architect or Engineer, as appropriate, licensed to practice in the State of Minnesota.

(3) Landscape Plan indicating: layout of proposed landscaping; identification of plant species, size, and planting density (where appropriate); irrigation system layout, if included; identification of ground cover materials. Where a "screening system" is required, it shall be so indicated on the Landscape plan. The Landscape plan shall also include a "maintenance plan" (see 14.3 B). An Architect, Landscape Architect, or Nursery shall prepare plans and specifications, as appropriate.

(4) Building Plans to scale, to include: interior floor layout and usage; UBC (State Building Code) occupancy group; exterior elevation renderings identifying exterior materials and all architectural features. Plans and specifications shall be prepared by an Architect or Engineer, as appropriate, licensed to practice in the State of Minnesota.

(5) Signage Plan per Section 4, Subsection 12 "Signs", of this Ordinance.

(6) Lighting Plan exterior lighting plan to be prepared by a licensed Electrical Engineer or Electrician, as appropriate.

Geotechnical Investigation (if required by City Engineer) Copies of storm sewer calculations and soils reports shall accompany the plans.

(C) Plan Review:

(1) Purpose: The purpose of this section is to establish a formal plan review procedure and provide regulations pertaining to the enforcement of site design and construction standards as agreed to by the contractor through his officially submitted plan documents.

(2) Plans Required. One (1) copy of site and construction plans will be submitted to and approved by the Building Official and the Fire Marshall prior to the issuance of any building permit.

(3) Three (3) weeks shall be allowed for the review to be completed. If not approved as submitted, one (1) copy of the plans will be returned to the Developer's Architect or Engineer or with required corrections or changes noted in red. Ten (10) days shall be allowed for review of revised plans.

(4) If approved as submitted, notification will be given to the Developer's Architect or Engineer. If the applicant and the City Engineer cannot agree on the proposed site and/or building features, then the applicant shall be required to present the proposal to the Planning Commission for resolution of issues. The Planning Commission shall determine whether these requirements have been adequately addressed and incorporated, and shall forward its recommendations to the City Council for approval.

(5) Plan Agreements. All site and construction plans officially submitted to the City shall be treated as a formal agreement between the Owner/Developer, Building Contractor and the City. Once approved, no changes, modifications, or alterations shall be made to any plan detail, standard or specification without prior submission of a plan modification request to the Building Official and City Engineer for review and approval.

(6) Enforcement. The Building Official shall have the authority to order the stopping of any and all site improvement activities, when and where a violation of the provisions of this section has been officially documented by the Building Official, or the City Engineer.

(D) General Building Review Standards:

(1) Building Design and Materials. Building materials shall be attractive in appearance, of a durable finish, and be of a quality that is compatible and harmonious with adjacent structures. All buildings shall be of good aesthetic and architectural quality, to ensure they will maintain and enhance the property values of the neighboring properties.

(E) Specific Requirements Exterior Materials:

(1) Commercial, Industrial, and other Non-residential Buildings: Face brick, masonry block, decorative or split face block, architectural steel and metals, wood, stone, glass, stucco, synthetic stucco, architectural concrete and pre-cast panels shall be acceptable as the major exterior wall material when they are incorporated into an overall design of the building. Unadorned smooth pre-stressed concrete panels and/or non-decorative, smooth concrete block may be used if architectural features are incorporated. All materials shall be color impregnated, with the exception that architectural concrete pre-cast panel systems may be painted. This paragraph shall also apply to all remodeling, or expansion of existing buildings that require a building permit.

Residential Buildings: Face brick, stone, cultured stone, cementitious siding, vinyl siding, steel/metal siding, wood, stucco, synthetic stucco, and decorative or split face block.

(2) Light gauge, unfinished sheet metal or unfinished metal shall not be used as exterior materials. This restriction shall apply to all principal structures, and to all accessory buildings. Roofs that are exposed or an integral part of the building aesthetics shall be constructed only of commercial grade asphalt shingles, wood shingles, standing seam metal, slate, tile, or copper. Flat roofs, which are generally parallel with the first floor elevation, are not subject to these material limitations.

(3) All building and roofing materials shall meet current accepted industry standards and tolerances, and shall be subject to review and approval by the City Engineer and Building Official for quality, durability, and aesthetic appeal. For all new buildings and building exterior renovations, the applicant shall submit to the City product samples, building elevations, and associated drawings that illustrate the construction techniques to be used in the installation of such materials.

A Conditional Use Permit may allow Building and roofing materials not specifically approved in this Section only after it is demonstrated that the proposed material is equal to or better than approved materials. The long-range maintenance of the proposed material shall be incorporated as a condition of the approval.

(4) Garages, accessory structures, screen walls and exposed area of retaining walls shall generally be of a similar type, quality and appearance as the principal structure; or shall otherwise enhance the appearance of the site/building.

(F) Building Mechanical Screening

(1) The ground level view of all roof top equipment and related piping, ducting, electrical and mechanical utilities shall be painted to match the building, designed to be compatible with the architectural treatment of the principal structure, or screened by the use of parapet walls. Wood fencing shall not be used for screening such equipment.

(2) Ground mechanical equipment shall be screened from contiguous properties and adjacent streets by landscaping, or a screen wall shall be provided to be compatible with architectural treatment of the principal structure.

(G) Lighting

(1) Exterior site and building lighting shall utilize shielded fixtures to prevent light and glare from spilling over to adjacent properties.

14.2 Site Design Objectives:

(A) Objective: To ensure that the development is appropriate to a growing urbanized location, and to establish and maintain aesthetic coherence among developments, and to minimize impairment of water bodies due to storm water runoff. City staff will review site plans to assure that:

- (1) Major buildings and entrances are oriented toward perimeter streets for visibility and access.
- (2) Internal circulation within the site is designed to allow ease of access among buildings by vehicles and pedestrians.
- (3) Service areas are oriented away from perimeter streets.
- (4) On-site storm water treatment and retention are provided as required by the City Engineer, and may be utilized as part of the landscape plan.
- (5) Access/egress locations are as approved by the City Engineer
- (6) Driveway widths are no wider than 32-feet, and shall include a concrete apron to a minimum of 5-feet behind the curb line, or edge of pavement.
- (7) Signage is in accordance with the sign provisions of the zoning district, per Section 4, Subsection 12.
- (8) Outside storage of materials, equipment, unused vehicles, truck trailers, or products is not permitted unless authorized by Conditional Use Permit.

14.3 Landscaping and Screening:

(A) Landscape Plans. Landscape plans shall be required in order to determine compliance with the provisions in this section of the zoning code. The landscape plans with all the required content must be submitted for all new developments in districts other than R-1 and B-1 districts.

- (1) All landscape plans submitted for approval shall contain or have attached thereto the following information:
 - a. The location and dimensions of all existing and proposed structures, parking lots and drives, roadways and right-of-ways, sidewalks, bicycle paths, ground signs, lighting, refuse disposal areas, bicycle parking areas, fences, freestanding electrical equipment, tot lots and other recreational facilities and other freestanding structural features.
 - b. The location, quantity, size and name, both botanical and common names, of all proposed planting materials.
 - c. Existing and proposed grading of the site, including proposed berms, indicating contours, at one-foot intervals.
 - d. Specification of the type and boundaries of all proposed ground cover.
 - e. Irrigation plan, if proposed.
 - f. Elevations, cross-sections of fences, and other details as determined necessary by the City Engineer.
 - a. Location, size and name of existing trees, if any, and any unique or special areas of existing vegetation.
 - i. Maintenance Plan: See 14.3 B., below.

(B) Maintenance

- (1) All yards, open spaces and landscaped areas on developed or undeveloped lots or parcels must be kept free from accumulations of garbage, trash, refuse, debris and other unsightly or nuisance creating materials.
- (2) All landscaping shall be continually maintained by the owner or other person responsible for maintenance of the premises, and all planting areas shall be kept free of weeds and debris. Turf shall be mowed, and maintained at a length not exceeding 6-inches (6").
- (3) All required landscaping should be replaced if the planting dies or is otherwise removed.
- (4) Boulevard areas adjacent to streets and alleys shall be maintained by the adjacent property owner, to the curb line or edge of roadway.
- (5) The landscape plan and its maintenance plan shall be part of the Certificate of Occupancy. No Certificate of Occupancy shall be issued without approval of a landscape plan. In the event that weather conditions prohibit the installation of such landscaping, a

deposit or irrevocable letter of credit, in the amount to be determined by the City Engineer, shall be submitted to the City as security for completion of the improvements. Following completion of the landscaping improvements, the City shall release the deposit less an administrative fee reflecting the City's cost related to monitoring and completion of the improvements. The City reserves the right to expend the deposited funds to insure completion of the improvements. Failure to implement the approved landscape plan within six months of the issuance of a Certificate of Occupancy shall be cause for revocation of the Certificate of Occupancy.

(C) General Requirements:

(1) All exposed ground areas on a lot or parcel surrounding a principal or accessory structure that are not devoted to drives, sidewalks, patios and parking lots shall be covered with sod, or other approved ground cover, or other landscape materials as required or allowed herein. Ground cover exceptions may be permitted in an approved site plan for:

- a. Seeding of future expansion areas as shown on approved site plans;
- b. Undisturbed areas containing existing viable natural vegetation that can be maintained free of foreign and noxious plant material;
- c. Use of mulch materials such as wood chips in support of shrubs and foundations plantings.

(2) The required percentage total lot area that must be landscaped is:

- a. Industrial Districts: 15%
- b. B-1 Commercial Districts: 10%
- c. Residential districts (other than R-1): 25%

Variations from these percentages will be considered in conjunction with review of the overall site plan, where the variations do not detract from the appearance of the site and conformance with the objectives of this section.

(D) Design Standards. Landscaping plans described above shall be prepared based on the following design standards. The evaluation and approval of landscape plans shall also be based on these design standards.

(1) _____ Where landscaping is proposed with a public right-of-way, or drainage and/or utility easement, then a Conditional Use Permit shall be secured which sets forth the terms and conditions for removal and replacement of such landscaping if work is necessary within the easement area. Selection of Landscape Materials

- a. The scale and nature of landscaping materials shall be appropriate to the size of the structures. Large scaled buildings for example shall generally be complemented by larger scaled plants. Landscaping of larger areas, such as required yards, shall be accomplished by both horizontal landscaping elements, such as planting beds, and vertical landscaping elements, such as trees, berms and fences.
- b. Plant material shall be selected for its form, texture, color and concern for its ultimate growth.
- c. The landscape plan shall include a mix of deciduous and coniferous trees, shrubs flowers, berms, and ground covers as deemed appropriate to a complete quality landscape treatment of the site.

(2) Plant material shall be placed intermittently against long expanses of building walls, fences and other barriers to create a softening effect.

(3) Planting beds shall be mulched with bark chips or living ground cover.

(4) Detention/retention basins and ponds shall be landscaped. The landscaping shall include shade and ornamental trees, evergreens, shrubbery, hedges and/or other planting materials and a three (3) foot transparent fence surrounding basis or pond.

(5) Slopes and berms.

- a. Final slope grades with a ratio of 3:1 or steeper will not be permitted without special landscaping treatment such as terracing, retaining walls, or reinforced ground covers.
- b. Earthen berms and existing topography shall be incorporated into the landscape treatment of a site, particularly when combined with plant material to facilitate screening from adjacent residential or other uses.
- c. Berms shall be designed to allow for maintenance, mowing and adequate drainage.
- d. The elevation and horizontal ground location of any berms shall be varied in order to mimic a natural topographical feature.

(6) Off-street parking areas that contain thirty (30) or more stalls shall provide interior landscaping as follows:

- a. The interior landscaping shall constitute at least 5% of the area of the parking lot. Area devoted to perimeter landscaping is not considered as any part of interior landscaping.
- b. The minimum width of landscape islands is eight-feet (8').
- c. Islands shall be bounded by concrete curbing.
- d. Islands shall be of plantings and sod or other approved ground cover.

(7) Buffering and Screening

- a. Off-street parking areas with four (4) or more stalls, and truck dock/delivery areas, shall be buffered by perimeter landscaping. Such landscaping shall consist of a combination of ground cover, trees, shrubs and/or appropriate screening devices. The screening shall be at least 80 percent opaque within two years and not less than six feet in height.
- b. When adjacent to a residential area, all off-street parking areas with four or more stalls shall be screened from all sides adjacent to the residential property. The screening shall be at least 80 percent opaque within two years and not less than six feet in height.
- c. Where a development is adjacent to a residential area, there shall be a landscaped protective strip established as a buffer zone in the yard that is adjacent to the residential area.
- d. Every off street loading area visible from a residential area, and visible from any public street, shall be screened.
- e. To the extent possible, all trash handling, recyclable material containers and equipment, except those containers used on a temporary basis for a construction or disposal activity, shall be screened (to a sufficient height) from eye-level view by all adjoining properties and all streets. No refuse or recyclable material containers shall be located within any front or corner side yard.
- f. Screening of outdoor storage areas is required. Outdoor storage areas are required to have a Conditional Use Permit.
- g. The buffer zone shall contain no structures and shall not be used for off-street loading or outdoor storage, but may be used for parking in accordance with the parking setback and screening requirements of this section, and the Zoning District.

(8) Fences, Walls and Landscape Screens/Buffers. Any fence, wall or landscape screen used to meet the screening requirements of this section shall meet the following requirements:

- a. Screens/buffers shall not extend within 15 feet of any street or driveway. The screening shall be placed along property lines where possible.
- b. The outside base of a wall or fence shall be landscaped if the wall or fence fronts on a public street or is adjacent to a Residential area.

- c. No fence, wall, landscape screen or other screening device shall be permitted to encroach on any public right-of-way or infringe on any vision triangle, except with prior approval of the City Council.

14.4 Conformance and Enforcement of New Construction

- (A) Where compliance is not possible due to site conditions, then compliance shall be achieved by a Conditional Use Permit, which establishes the achievable level of and schedule for compliance, and the terms and conditions related thereto. Non-compliance shall exist where compliance is not achieved, and a Conditional Use Permit has not been secured. Noncompliance shall also exist where the terms and conditions of a Conditional Use Permit are violated. Non-compliance shall be subject to the provisions of Section 19 ENFORCEMENT AND PENALTIES.
- (B) No variances shall be granted with respect to the requirements set forth herein. Exceptions shall be made only via a Conditional Use Permit. Requests for a Conditional Use Permit shall not be based solely upon financial considerations, but shall only be based primarily upon the physical inability to achieve conformance with the requirements of this Ordinance at the subject site. The Planning Commission shall determine whether a Conditional Use Permit may be issued or denied, and shall forward its recommendation to the City Council for action.

14.5 Conformance and Enforcement of Existing Sites

- (A) It is the City's intention to secure general compliance with the performance standards set forth herein, to the extent conformance is achievable. A schedule for evaluation of existing sites will be established by the City Council. Upon site review, and where compliance is lacking, then a Conditional Use Permit will be negotiated with the property owner. The Conditional Use Permit shall establish the level of compliance to be achieved, and the schedule for completion of compliance related activities.
- (B) Non-compliance shall exist where compliance is not achieved, and a Conditional Use Permit has not been secured, or when the property owner does not cooperate as set forth in 14.5.A, above. Non-compliance shall be subject to the provisions of Section 19, ENFORCEMENT AND PENALTIES.
- (C) No variances shall be granted with respect to the requirements set forth herein. Exceptions shall be made only via a Conditional Use Permit. Requests for a Conditional Use Permit shall not be based solely upon financial considerations, but shall be based primarily upon the physical inability to achieve conformance with the requirements of this Ordinance at the subject site. The Planning Commission shall determine whether a Conditional Use Permit may be issued or denied, and shall forward its recommendation to the City Council for action.

14.6 Conditional Use Permits

- (A) Conditional Use Permits, as referenced herein, shall apply to this Subsection 14.

14.7 Conformance and Enforcement by the City Council

- (A) The provisions of this Subsection 14 shall be enforced as directed by the City Council.

Subsection 15. Tree and Woodland Preservation

- (A) The following restrictions shall apply to all development
 - (1) Structures and other amenities shall be located in such a manner that the optimum number of trees shall be preserved.
 - (2) Prior to the granting of a building permit, it shall be the duty of the person seeking the permit to demonstrate that there are no feasible or prudent alternatives to the cutting of trees on the site and that, if trees are cut, he/she will restore the density of trees to that which existed before development, but in no case shall he/she be compelled to raise the density above ten trees per acre.

- (3) Forestation, reforestation or landscaping shall utilize a variety of tree species and shall not utilize any species presently under disease epidemic. Species planted shall be hardy under local conditions and compatible with the local landscape.
- (4) Development, including grading and contouring, shall take place in such a manner that the root zone aeration stability of existing trees shall not be affected and shall provide existing trees with a watering area equal to not less than one-half the crown area.
- (5) Notwithstanding subsection (1) through (4) of this subsection, the removal of trees seriously damaged by storms, weather or disease shall not be prohibited.

Subsection 16. Wetland Preservation

- (A) To the extent possible, all wetlands, including marshlands and swamps, shall be retained in their natural state to serve as storm water runoff basins and also as wildlife habitat.

Discharges into wetlands shall be subject to the following:

- (1) No part of any sewage disposal system requiring on-land or in-ground disposal of waste shall be located closer than 150 feet from the normal high water mark unless it is proved by the applicant that no effluent will immediately or gradually reach the wetland because of existing physical characteristics of the site or the system.
- (2) Organic and other waste which would normally be disposed of at a solid waste disposal site or which would normally be discharged into a sewage disposal system or sewer shall not be directly or indirectly discharged to the wetland.
- (3) Storm water runoff from construction sites may be directed to the wetland only when substantially free of silt, debris and chemical pollutants and only at rates that will not disturb vegetation or increase turbidity.
- (4) The lowest floor elevation of buildings, if used for living quarters or work area, shall be at least three feet above the seasonal high water level of the wetland.

Development, which will result in unusual road maintenance costs or utility line breakages due to soil limitations, including high frost action, shall not be permitted. The minimum setback for all buildings shall be 75 feet from the seasonal high water level of the wetland.

Subsection 17. Water Consumption

- (A) No use shall be allowed in Stockton that consumes more than 1,300 gallons of water per acre per day unless specifically authorized by the City Council.

Subsection 18. Fences

- (A) All boundary line fences shall be entirely located upon the property of the person constructing or causing the construction of such fence and be maintainable on both sides. The zoning administrator will require the owner of the property upon which a fence exists, or any applicant wishing to construct a fence, to establish the boundary lines of the property by a survey thereof to be made by any licensed land surveyor.
- (B) No fence shall exceed eight (8) feet in height in a residential area.
- (C) Fences shall be installed with the finished side facing neighboring properties.
- (D) No fence shall be installed so as to obstruct a required clear view at street intersections. See Section 4, Subsection 11 for corner lots.
- (E) No barbed wire fences shall be allowed in the residential zoning districts, unless the City Council has approved a site plan, which includes barbed wire fencing for security purposes.
- (F) In business and industrial zones, fences may not exceed eight feet (8) feet in height above the ground level, and the use of barbed wire is prohibited, except that the top one (1) foot of any fence along side or rear lot lines in these zones may be constructed of barbed wire. Barbed wire is also permitted for the top one (1) foot of fences in industrial zones when fronting a public street and placed no closer than the parking setback. Barbed wire shall not be permitted adjacent to any residential district.

Section 5. GENERAL DISTRICT PROVISIONS

Subsection 1. Establishment of Districts. For the purpose of this Ordinance, Stockton is hereby divided into the following zoning districts:

<u>SYMBOL</u>	<u>NAME</u>
R-S	Rural Service (overlay) District - Agricultural
R-1	Single Family Residential District
R-2	Two-Family and Townhouse District
R-3	Multiple Family Residential District
B-1	Commercial Business District
GI	General Industrial District
PUD	Planned Unit Development (overlay) District
FW and FF	Flood Plain (overlay) District
BP	Bluff Protection (overlay) District

Subsection 2. Zoning Map. The location and boundaries established by this Ordinance are set forth on the zoning map which is hereby incorporated as part of this Ordinance. It shall be the responsibility of the zoning administrator to maintain and update this map and the amendments to such map shall be recorded within thirty (30) days after official adoption of zoning amendments.

Section 6. “R-S” RURAL SERVICE OVERLAY DISTRICT

Subsection 1. Purpose. The major purpose of this district is to establish a district in the rural parts of Stockton that is for agricultural uses, landscape nurseries; forest lands, and privately owned recreational uses and similar activities.

Subsection 2. Permitted Uses. Permitted uses in the “R-S” District include:

- (A) Agriculture, including farm crops, and farm and agricultural related buildings* and structures (but not residential dwellings), subject to Minnesota Pollution Control standards, but not including feedlots, manure spreading, livestock management, or other commercial or industrial operations, and

- (B) Essential services.

*Farm and agriculture-related buildings existing (but not residential dwellings) at the time a property is first included in the Rural Service District may continue to be utilized for agricultural purposes. Existing buildings and structures may be repaired or replaced, if destroyed by natural causes, but may not be expanded. No permit shall be granted to construct any new or additional buildings or structures.

Subsection 3. Accessory Uses. Permitted accessory uses include: private garages, parking spaces and carports, fences, decorative landscape features, recreational equipment (including swimming pools and tennis courts), and tool houses or sheds for storage of domestic supplies.

Subsection 4. Conditional Uses in this district are subject to the following requirements:

- (A) A conditional use permit is applied for based on procedures set forth in Section 17.
- (B) Screening and landscaping in compliance with Section 4, Subsection 7 shall be required.
- (C) Off street parking is provided in compliance with Section 4, Subsection 9.
- (D) Any other conditions deemed to be necessary to reduce possible adverse impacts by the development, as determined by the Planning Commission or City Council.

Conditional uses in this district include:

- (E) Landscape nurseries or forest lands.
- (F) Privately owned recreational uses, such as golf courses, golf driving ranges, and similar outdoor recreational activities that require relatively large amounts of land.
- (G) Any management or confinement of farm animals, which do not constitute an “animal feedlot”.

Subsection 5. Prohibited Uses. No animal feedlot or manure spreading shall be allowed within this district. No use which is permitted in the underlying zoning district shall be allowed until the R-S Overlay District is removed from the property.

Subsection 6. Registration of Farm Animals. The owner of any farm animals, which are managed or confined within the City of Stockton on the effective date of this ordinance, shall be disclosed and registered with the City within 120 days of the effective date of this Ordinance.

Subsection 7. Please see City of Stockton, Ordinance 7, "Restricting the keeping of animals and fowls."

Section 7. "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT

Subsection 1. Purpose. The purpose of this district is to allow the continuation of existing residential development and in filling of existing lots in the older residential areas of the City.

Subsection 2. Permitted Uses. Permitted uses in the "R-1" District include:

- (A) Single family detached dwellings;
- (B) Family day care;
- (C) Playgrounds and parks; and
- (D) Essential services.

Subsection 3. Accessory Uses. Permitted accessory uses include: private garages, parking spaces and carports, decorative landscape features, recreational equipment (including swimming pools and tennis courts), and tool houses or sheds for storage of domestic supplies.

Subsection 4. Conditional uses in this district are subject to the following requirements:

- (A) A conditional use permit is applied for based on procedures set forth in Section 17 of this Ordinance.
- (B) Screening and landscaping in compliance with Section 4, Subsections 7 and 14.3 of this code shall be required.
- (C) Off street parking is provided in compliance with Section 4, Subsection 9 of this Ordinance.
- (D) Any other conditions deemed to be necessary to reduce possible adverse impacts by the development, as determined by the Planning Commission or City Council

Conditional uses in this district include:

- (E) Home occupations,
- (F) Cemeteries,
- (G) Public or semi-public recreation or community buildings,
- (H) Religious institutions, and
- (I) Bed and breakfast facilities.

Subsection 4. Performance Standards. The following minimum requirements shall be observed in an "R-1" District:

- (A) Lot Area: 12,000 square feet for single-family dwellings with City Sewer, without City Sewer lot area must be 15,000 square feet.
- (B) Lot Width: 80 feet with City Sewer, 100 feet without City Sewer
- (C) Full Basement: See definition of basement
- (D) Minimum House Width: Twenty-two (22) feet
- (E) Setbacks
 - (1) Front Yards: Not less than twenty-five (25) feet. In the case of corner lots, two front yards will be required.
 - (2) Side yards: Not less than ten (10) feet on each side or twenty-five (25) feet from a public right-of-way.
 - (3) Rear yards: Not less than twenty-five (25) feet.
 - (4) Height Regulations: See Section 4, Subsection 8.
- (F) Street address, visible from street, on front of structure
- (G) Signs
 - (1) One nameplate sign for each dwelling not to exceed two (2) square feet in area per surface, and no sign shall be so constructed as to have more than two (2) surfaces.
 - (2) One nameplate sign for each permitted non-residential use or use by conditional use permit. Such signs shall not exceed twelve (12) square feet in area per surface and no sign shall be so constructed as to have more than two (2) surfaces.

- (H) Outside storage of materials such as equipment, unused vehicles, truck trailers or products are not permitted unless authorized by a Conditional Use Permit with the exception of stacked fireplace woodpiles.

Section 8. "R-2" TWO FAMILY AND TOWNHOUSE RESIDENTIAL DISTRICT

Subsection 1. Purpose. The purpose of this district is to allow the construction of single-family homes, duplexes, twin homes, and townhouses.

Subsection 2. Permitted Uses. Permitted uses in the "R-2" District include:

- (A) Single Family detached dwellings;
- (B) Duplexes, twin homes, and townhouses;
- (C) Family Day care;
- (D) Playgrounds and parks; and
- (E) Essential Services.

Subsection 3. Accessory Uses. Permitted accessory uses include: private garages, parking spaces and carports, fences, decorative landscape features, recreational equipment (including swimming pools and tennis courts), and tool houses or sheds for storage of domestic supplies.

Subsection 4. Conditional uses in this district are subject to the following requirements:

- (A) A conditional use permit is applied for based on procedures set forth in Section 17, Subsection 4 of this Ordinance.
- (B) Screening and landscaping in compliance with Section 4, Subsection 14.3 of this code shall be required.
- (C) Off street parking is provided in compliance with Section 4, Subsection 9 of this Ordinance.
- (D) Any other conditions deemed to be necessary to reduce possible adverse impacts by the development, as determined by the Planning Commission or City Council.

Conditional uses in this district include:

- (E) Home occupations,
- (F) Cemeteries,
- (G) Public or semi-public recreational or community buildings,
- (H) Religious institutions,
- (I) Bed and Breakfast facilities, and
- (J) Manufactured home parks subject to the performance standards below.

Subsection 5. Performance Standards. The following minimum requirements shall be observed in a "R-2" District:

- (A) Lot Area:
 - (1) 10,000 square feet minimum lot size for two-family dwellings, duplexes, and townhouses, or manufactured home parks.
 - (2) Minimum lot of 5,000 square feet per unit for single-family homes, each townhouses, duplex, twin home unit, and manufactured homes.
- (B) Lot Width: 80 feet
- (C) Full Basement: All residential structures see definition.
- (D) Minimum House Width: Twenty-Two (22) feet
- (E) Setbacks
 - (1) Front Yards: Not less than twenty-five (25) feet. In case of corner lots, two front yards will be required.
 - (2) Side Yards: Not less than ten (10) feet on each side or twenty-five (25) feet from a public right-of-way.
 - (3) Rear Yards: Not less than twenty-five (25) feet.
- (F) Street address, visible from street, on front of structure.
- (G) Signs
 - (1) One nameplate sign for each dwelling not to exceed two (2) square feet in area per surface, and no sign shall be so constructed as to have more than two (2) surfaces.

- (2) One nameplate sign for each permitted non-residential use or use by conditional use permit. Such signs shall not exceed twelve (12) square feet in area per surface and no sign shall be so constructed as to have more than two (2) surfaces.
- (H) Outside storage of materials such as equipment, unused vehicles, truck trailers or products are not permitted unless authorized by a Conditional Use Permit with the exception of stacked fireplace woodpiles.

Section 9. Reserved for future use.

Section 10. “R-3” MULTIPLE FAMILY RESIDENTIAL DISTRICT

Subsection 1. Purpose. The purpose of this district is to allow the construction of multiple-family buildings.

Subsection 2. Permitted uses. Permitted uses in the “R-3” District include:

- (A) Multiple dwellings;
- (B) Duplexes, twin homes, and townhouses;
- (C) Family day care;
- (D) Playgrounds and parks;
- (E) Essential Services.

Subsection 3. Accessory Uses. Permitted accessory uses included: private garages, parking spaces and carports, fences, decorative landscape features, recreational equipment (including swimming pools and tennis courts), and tool houses or sheds for storage of domestic supplies.

Subsection 4. Conditional uses in this district are subject to the following requirements:

- (A) A conditional use permit is applied for based on procedures set forth in Section 17, Subsection 4 of this Ordinance.
- (B) Screening and landscaping in compliance with Section 4, Subsection 14.3 of this code shall be required.
- (C) Off street parking is provided in compliance with Section 4, Subsection 9 of this Ordinance.
- (D) Any other conditions deemed to be necessary to reduce possible adverse impacts by the development, as determined by the Planning Commission or City Council.

Conditional uses in this district include:

- (E) Home occupations,
- (F) Cemeteries,
- (G) Public or semi-public recreational or community buildings,
- (H) Religious institutions,
- (I) Bed and Breakfast facilities, and
- (J) Manufactured home parks subject to the performance standards below.

Subsection 5. Performance Standards. The following minimum requirements shall be observed in a “R-2” District.

- (A) Lot Area:
 - (1) 10,000 square feet minimum lot size for townhouse and twin home developments, 12,000 square feet for multiple dwellings.
 - (2) Minimum lot Area per Unit: 3,000 square feet for each dwelling unit or manufactured home in a manufactured home park.
- (B) Lot Width: 100 feet
- (C) Full Basement: All residential structures see definition
- (D) Minimum House Width: Twenty-Two (22) feet
- (E) Setbacks
 - (1) Front Yards: Not less than twenty-five (25) feet. In case of corner lots, two front yards will be required.
 - (2) Side Yards: Not less than ten (10) feet on each side or twenty-five (25) feet from a public right-of-way.

- (3) Rear Yards: Not less than twenty-five (25) feet.
- (F) Street address, visible from street, on front of structure.
- (G) Signs
 - (1) One nameplate sign for each dwelling not to exceed two (2) square feet in area per surface, and no sign shall be so constructed as to have more than two (2) surfaces.
 - (2) One nameplate sign for each permitted non-residential use or use by conditional use permit. Such signs shall not exceed twelve (12) square feet in area per surface and no sign shall be so constructed as to have more than two (2) surfaces.
- (H) Outside storage of materials such as equipment, unused vehicles, truck trailers or products are not permitted unless authorized by a Conditional Use Permit with the exception of stacked fireplace woodpiles.

Section 11. Reserved for Future Use.

Section 12. COMMERCIAL BUSINESS DISTRICT “B-1”

Subsection 1. Purpose. The purpose of the Commercial Business District is to provide for medium intensity retail and service outlets that provide goods and services in the downtown area of Stockton along Main Street.

Subsection 2. Permitted Uses in this district include;

- (A) Bakeries,
- (B) Financial Institutions,
- (C) Barber shops and beauty parlors,
- (D) Commercial and professional offices,
- (E) Commercial recreational uses;
- (F) Convenience food establishments;
- (G) Dry cleaning (pick up and drop off locations) and self-service laundry establishments;
- (H) Drug stores;
- (I) Essential services
- (J) Grocery stores;
- (K) Hardware, paint, and building material sales (in enclosed buildings only);
- (L) Medical and dental offices and clinics;
- (M) On and off-sale liquor establishments;
- (N) Repair services such as, but not limited to, jewelry, radio and television repair shops,
- (O) Public and semi-public buildings,
- (P) Restaurants; and
- (Q) Retail merchandising establishments similar to, but not limited, to those above.

Subsection 3. Accessory Uses. Permitted accessory uses in a “B-1” District are those commercial or business buildings and structures accessory to the principal use. Such accessory uses shall not exceed thirty (30) percent of the gross floor space of the principal use.

Subsection 4. Conditional uses in this district are subject to the following requirements:

- (A) A conditional use permit is applied for based on procedures set forth in Section 17, Subsection 4 of this Ordinance.
- (B) Screening and landscaping in compliance with Section 4, Subsection 14.3 of this code shall be required.
- (C) Off street parking is provided in compliance with Section 4, Subsection 9 of this Ordinance.
- (D) Any other conditions deemed to be necessary to reduce possible adverse impacts by the development, as determined by the Planning Commission or City Council.

Conditional uses in this district include:

- (E) Commercial developments undertaken by two or more property owners in which the extension of an existing structure is proposed or a structure spans more than one lot. Side

yards shall not be required in these cases unless the side yard abuts residentially zoned property or a public road. Side yard requirements specified below shall apply in these areas.

- (F) Governmental and public regulated utility buildings and structures necessary for the health, safety, and general welfare of the community;
- (G) Apartments as an integral part of commercial structures and which are typically located on the upper floors of the structure;
- (H) Residential uses existing on January 1, 2006. No new residential properties or uses except for those permitted in “B-1” above shall be permitted;
- (I) Motor fuel stations;
- (J) Sign area that exceeds the standards in Subsection 5 below for motor fuel stations.

Subsection 5. Performance Standards. The following minimum requirements shall be observed in a “B-1” District.

- (A) Lot Width: 75 feet
- (B) Setbacks:
 - (1) All yards: Twenty-five (25) feet where abutting a street, alley, or a residential district. Must come with a Variance request if less than twenty-five (25) feet. Where there is no minimum setback, a permissible zero-lot-line is allowed.
- (C) Maximum size: 25,000 square feet for any retail building in this district.
- (D) Signs (See also Section 4, Subsection 12)
 - (1) The aggregate square footage of sign space per lot shall not exceed the greater of one and one half (1 ½) square feet per lineal foot of effective building frontage; or ten percent (10%) of the gross area of the effective front face of the building to the height of the eave line or top of parapet, not to exceed 20 feet. This limitation shall include pylon or freestanding signs; except that such sign areas shall be computed on the basis of the area of one side, if both sides are the same. “Effective Building Frontage” is the length of the face of the building parallel to the lot frontage, or as projected to a line parallel to the lot frontage. The lot frontage is the side of the building, which includes the main entry of the building.
- (E) Outside storage of materials, equipment, unused vehicles, truck trailers, or products is not permitted unless authorized by Conditional Use permit.

Section 13. GENERAL INDUSTRIAL (GI) DISTRICT

Subsection 1. Purpose. The purpose of this district is to allow industrial uses that have a greater impact on surrounding property than those uses allowed in the Commercial Business District and to prohibit certain industrial uses that have impacts that are not compatible with surrounding properties in Stockton.

Subsection 2. Permitted uses. Permitted uses in the “GI” district include:

- (A) Light manufacturing uses that do not cause noise, dust, or other pollution that area a nuisance to neighbors,
- (B) Wholesaling,
- (C) Warehousing,
- (D) Bulk storage under 1,000 gallons accessory to other uses permitted in the district,
- (E) Laboratories;
- (F) Offices (except contractors offices), office-showrooms, and office-warehouses,
- (G) Machine and metal shops,
- (H) Essential services,
- (I) Government and public utility buildings and structures,
- (J) Broadcasting antennas; and
- (K) Printing and publishing establishments,
- (L) Fuel sales and service stations, to include accessory retail and food service uses, that are fully contained within the principal use structure,
- (M) Outdoor civic events conducted by nonprofit organizations, each such outdoor event being limited to fourteen (14) days in any calendar year,

- (N) Radio and television stations,
- (O) Commercial printing establishments,
- (P) Trade Schools,
- (Q) Major auto manufactured repair such as transmission repair, body work and painting provided that:
 - (1) All servicing of vehicles and equipment shall occur entirely within the principal structure;
 - (2) To the extent required by State Law and regulations, painting shall be conducted in an approved paint booth, which thoroughly controls the emission of fumes, dust, or other particulate matter;
 - (3) Storage and use of all flammable materials, including liquids and rags, shall conform to applicable provisions of the Minnesota Uniform Fire Code;
 - (4) The storage of damaged vehicles and vehicle parts and accessory equipment must be completely inside a principal or accessory building.
- (R) Manufacturing, bulk handling and storage, processing, packaging or assembly of products and materials such as stone, brick, glass, lime, gypsum, plaster of Paris, glue, size, cloth, batteries (wet cell), ceramic products, plastics, rubber products, grain, agricultural products, feed, food, flour, and paint (pigment manufacturing). Industrial activities such as mill working, metal polishing and plating, foundry, vinegar distillation, grain milling, cement production and all other similar uses as determined by the City's Zoning Officer.
- (S) Agricultural uses limited to raising of crops and forestry.
- (T) Adult uses as defined and controlled in Ordinance #118.
- (U) Commercial truck storage and parking,
- (V) Bulk storage plants and establishments (see the limitation on storage of liquids under Conditional Use Permits below);
- (W) Cartage and express facilities,
- (X) Building materials sales,
- (Y) Transportation terminals,
- (Z) Industrial, compounding, assembly, packaging, treatment, or storage of products and materials except waste.

Subsection 3. Accessory uses. Permitted accessory uses in a "GI" district are those incidental repair, retail trade, processing, or storage facilities necessary to conduct a permitted principal use.

- (A) Buildings and structures for a use accessory to the principal use,
- (B) Off-street loading,
- (C) Off-street parking, but not including semi-trailer trucks,
- (D) Semi-truck parking,
- (E) Retail sales of products manufactured on the site shall be allowed as an accessory use. A maximum of 20 percent of the floor area of the space occupied by the manufacturing company may be used for retail sales purposes.

Subsection 4. Conditional uses in this district are subject to the following requirements:

- (A) A conditional use permit is applied for based on procedures set forth in Section 17, Subsection 4 of this Ordinance.
- (B) Screening and landscaping in compliance with Section 4, Subsection 14.3 of this code shall be required.
- (C) Off-street parking is provided in compliance with Section 4, Subsection 9 of this Ordinance.
 - Conditional uses in this district include:
- (D) All permitted industries listed above which have outside or open storage of parts products, or fuels,
- (E) Buildings or structures exceeding 35-feet in height,
- (F) Mining and extraction,
- (G) Advertising signs, subject to the sign ordinance, Section 4, Subsection 12,
- (H) Bulk storage of more than 1,000 gallons of fuel, fertilizer, agricultural chemicals, or agricultural products,

- (I) Refuse transfer stations,
- (J) Creameries.

Subsection 5. Prohibited uses. The following uses (or essentially similar uses as determined by the City Council) shall be prohibited in the GI district:

- (A) Junkyards,
- (B) Manufacture of explosives,
- (C) Petroleum or ethanol refineries
- (D) Asphalt plants,
- (E) Landfills of products other than filling or grading of land with totally buildable materials to prepare land for development,
- (F) Sludge disposal,
- (G) Permanent or temporary storage of hazardous waste as a principal use,
- (H) Acid manufacturing,
- (I) Creosote treatment or manufacturing,
- (J) Rendering plants,
- (K) Meat packing
- (L) Incinerators of toxic or medical waste.

Subsection 6. Performance Standards. The following minimum requirements shall be observed in a GI district:

- (A) Lot area: one-half (1/2) acre
- (B) Lot width: 75 feet
- (C) Setbacks:
 - (1) All yards: Twenty-five (25) feet where abutting a street, alley, or a residential district. Must come with a Variance request if less than twenty-five (25) feet. Where there is no minimum setback, a permissible zero-lot-line is allowed
- (D) Height: 35 feet, unless a greater height is authorized by conditional use permit.
- (E) Signs: The sign restrictions in the GI district are the same as the Commercial district.
- (F) Water usage: No use may consume more than 1.300 gallons of water per acre per day, or as prorated for developments of less than one acre, without specific authorization of the City Council.
- (G) Sewer discharge: If the proposed use requires any sanitary sewer discharge for industrial (non-human) waste, a sewer discharge plan must be submitted to the City for evaluation and approval. Industrial sewer discharge may require pre-treatment, for reduction of BOD, suspended solids, or other minerals or materials, at the industrial site, before discharge into the Stockton sanitary sewer system.
- (H) Outside storage of materials, equipment, unused vehicles, truck trailers, or products is not permitted unless authorized by Conditional Use Permit.

Section 14. “PUD” PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

Subsection 1. Purpose. This district is established to provide for the integration and coordination of land parcels as well as the combination of varying types of residential, commercial, and industrial uses, recognizing that traditional setbacks, parking, open space requirements, use, and subdivision regulations may not always be appropriate. Specifically, the “PUD” district is intended to encourage:

- (A) Innovations in residential development to provide for greater variety in tenure, type, design, and siting of dwellings, open space, and parking; and to promote conservation and more efficient use of land.
- (B) More convenience in location of accessory commercial and service areas.
- (C) The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.
- (D) To allow variation from the provisions of this Ordinance including setbacks, height, lot area, width, depth, yards, etc.

Subsection 2. Authorization. A PUD approval may allow the following:

- (A) Variety. Within a comprehensive site design concept, a mixture of land uses, housing types and densities.
- (B) Sensitivity. Thorough the departures from the strict application of required setbacks, yard areas, lot sizes, minimum house sizes, minimum requirements and other performance standards associated with traditional zoning, a PUD can maximize the development of potential land while remaining sensitive to its unique and valuable natural characteristics.
- (C) Efficiency. The consolidation of areas for recreation and reductions in street lengths and other utility-related expenses.
- (D) Density Transfer. The project density may be clustered, basing density on a number of units per acre in place of specific lot dimensions.
- (E) District Integration. The combination of uses that are allowed in separate zoning districts such as:
 - (1) Mixed residential uses to allow both densities and unit types to be varied within the project.
 - (2) Mixed residential uses with increased density based upon the greater sensitivity of PUD projects to regulation.
 - (3) Mixed land uses with the integration of compatible land uses within the project.

Subsection 3. Approval Standards. The City shall consider a proposed PUD from the point of view of all standards and purposes of the Comprehensive Plan to achieve a maximum coordination between the proposed development and the surrounding uses, the conservation of woodlands, wetlands, other natural features and the protection of health, safety and welfare of the community and residents of the PUD. To these ends, the City shall consider the location of the buildings, compatibility, parking areas and other features with respect to the topography of the area and existing natural features such as streams, bluffs, and woodlands; the efficiency, adequacy and safety of the proposed layout of parking, internal streets and driveways; the adequacy and location of green areas; the adequacy, location and screening of parking areas; and such other matters as the City may find to have a material bearing upon the stated standards and objectives of the Land Use Plan.

Subsection 4. Permitted Uses.

- (A) The PUD development plan shall identify all the proposed land uses. A majority of the uses within a PUD should be those allowed in the underlying zoning district. Additional uses in the PUD district may be allowed provided they are compatible with the permitted uses normally allowed in the district.
- (B) Any change in the uses presented in the Final Development Plan will be considered an amendment to the PUD and must follow the procedures specified in this section.

Subsection 5. Provisions of Original District. The provisions of the zoning district within which the PUD is established shall guide preparation of a PUD except as otherwise provided in approval of the Final Development Plan.

Subsection 6. Coordination with Subdivision Regulations. If a PUD involves the subdivision of land, then a subdivision review shall be carried out simultaneously with the review of the PUD. The plans required under this Section shall be submitted in a form that will satisfy the requirements for a sketch or concept plan, preliminary plat and final plat.

Subsection 7. Application Conference. Prior to filing of an application for a PUD, the Developer shall arrange for and attend a conference with the Planning and Zoning Committee and/or City Engineer. The primary purpose of the conference shall be to provide the Developer with an opportunity to gather information and obtain guidance as to the general suitability of Developer's proposal for the area for which it is proposed, and its conformity to the provisions of this Section, before incurring substantial expense in the preparation of plans, surveys and other data.

Subsection 8. Sketch or Concept plan. The sketch plan provides an opportunity for an applicant to submit an informal plan to the City, five (5) copies, showing the applicant's basic intent and general nature of the development. The sketch plan is intended to provide feedback from the Planning Commission before the applicant incurs substantial cost in the preparation of formal plans. The sketch plan shall be considered a partial, incomplete application prior to formal submittal of the complete application and scheduling of hearings.

Subsection 9. Preliminary Development Plan. The purpose of a Preliminary Development Plan is to formally present a PUD application and a preliminary plat application if subdivision of land is a part of the PUD, in a public hearing before the Planning Commission. The application shall include five (5) copies of the Preliminary Development Plan, including all of the following exhibits, analyses and plans:

- (A) Preliminary plat for any land being subdivided.
- (B) The landowner's name and address and the landowner's interest in the property.
- (C) The developer's name and address if different from the landowner.
- (D) The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including attorney, land planner, engineer and surveyor.
- (E) Evidence that the Developer has sufficient control over the Property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the Property and including an up-to-date certified abstract of title or registered property report and such other evidence as the City Attorney may require to show the status of title or control of the Property.
- (F) Evidence that the Property is not less than 1 (one) acre in area.
- (G) The address and legal description of the Property.
- (H) The existing zoning classification and present use of the Property and all lands within 300 feet of the Property.
- (I) A map depicting the existing development of the Property and all land within 300 feet thereof and indicating the location of existing streets, property lines, easements, water mains and storm and sanitary sewers, with invert elevations on and within 100 feet of the Property.
- (J) A written statement generally describing the proposed PUD and the market which it is intended to serve and its demand showing its relationship to the City's Comprehensive Plan and how the proposed PUD is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of the development and use of neighboring property in accordance with the applicable regulations of the City.
- (K) Overall maximum PUD density.
- (L) General location of major streets and pedestrian ways.
- (M) General location and extent of public and common and open space.
- (N) General location of residential and non-residential land uses with approximate type of intensities of development.
- (O) Staging and time schedule of development.
- (P) A Traffic generation and routing analysis prepared by licensed professional.
- (Q) Graphic reproductions of the existing site conditions at a scale of not less than one inch equals 100 feet including:
 - (1) Contours; minimum two-foot intervals.
 - (2) Area devoted to residential use by building type.
 - (3) Area devoted to common open space.
 - (4) Area devoted to public open space.
 - (5) Approximate area devoted to street.
 - (6) Approximate area devoted to, and number of, off street parking and loading spaces and related access.
 - (7) Approximate area and floor area devoted to commercial uses.
 - (8) Approximate area and floor area devoted to industrial or office use.
 - (9) Total area of the Property.
- (R) When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each stage or unit and the proportion of the total PUD public or common open space and dwelling units to

be provided or constructed during each stage and overall chronology of development to be followed from stage to stage.

- (S) When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities.
- (T) Any restrictive covenants that are to be recorded with respect to Property included in the proposed PUD.
- (U) Schematic utilities plans indicating placement of water, sanitary and storm sewers.
- (V) The City may require the submission of any additional information or documentation that it may find necessary.

Subsection 10. The City may excuse a Developer from submitting any specific item of information or document required in this stage that it finds to be unnecessary to the consideration of the specific proposal.

Subsection 11. Schedule for City Review of the Preliminary Development Plan

- (A) Within 30 days after verification by the Zoning Committee that the required plan and supporting data is adequate, the City Council shall hold a public hearing.
- (B) The City Council shall conduct the hearing.
- (C) The City may request additional information from the Developer concerning operational factors or retain expert testimony at the expense of the Developer concerning operational factors.
- (D) If the Zoning Committee fails to take action on the matter on or before a date 60 days after the application is deemed adequate, then the city Council may proceed without the Zoning Committee's recommendation.

Subsection 12. Final Development Plan. Following approval of the Preliminary Development Plan, the applicant shall submit an application for the Final Development Plan and a final plat if subdivision of land is a part of the PUD. The application shall proceed and be acted upon in accordance with the code requirements for zoning district changes. If appropriate, because of the limited scale of the proposal, the Zoning Administrator may permit the Preliminary Development Plan and Final Development Plan to proceed through the review and approval processes simultaneously.

Subsection 13. The Final Development Plan submission should depict and outline the proposed implementations of the Preliminary Development Plan for the PUD. Information from the Preliminary Development Plan may be included for background and to provide a basis for the submitted plan. The Final Development Plan submissions shall include, but not be limited to:

- (A) A final plat for any land to be subdivided and information required by this Code.
- (B) Five (5) sets of final plans drawn to scale of not less than one inch equals 100 feet (or other scale requested by the City Engineer) containing at least the following information:
 - (1) Proposed name of the development, which shall not duplicate nor be similar in pronunciation to the name of any plat previously recorded in Winona County.
 - (2) Property boundary lines and dimensions of the Property and any significant topographical or physical features of the Property.
 - (3) The location, size use and arrangement including height in stories and feet and total square feet of ground area coverage and floor area of proposed buildings, including manufactured homes, and existing buildings which will remain, if any.
 - (4) Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements including bike and pedestrian; and the total site coverage of all circulation elements.
 - (5) Location, designation and total area of all common open space.
 - (6) Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities.
 - (7) Proposed lots and blocks, if any and numbering system.
 - (8) The location use and size of structures and other land uses on adjacent properties.
 - (9) Detailed sketches and provisions of proposed landscaping.
 - (10) General grading and drainage plans for the developed PUD.

- (11) Any other information that may have been required by the Zoning Committee, or other affected agency, in conjunction with the approval of the Preliminary Development Plan.
- (C) An accurate legal description of the entire area within the PUD for which Final Development Plan approval is sought.
- (D) A tabulation indicating the number of residential dwelling units, expected population, and traffic generation.
- (E) A tabulation indicating the number of non-residential uses, and expected traffic generation.
- (F) Preliminary architectural “typical” plans indicating use, floor, plan, elevations and exterior wall finishes of proposed building, including manufactured homes.
- (G) A detailed site plan, suitable for recording, showing the physical layout, design and purpose of all streets, easements, rights of way, utility lines and facilities, lots, blocks, public and common open space, general landscaping plan, structures, including manufactured homes, and uses.
- (H) Preliminary grading and site alteration plan illustrating changes to existing topography and natural site vegetation. The Final Development Plan should clearly reflect the site treatment and its conformance with the approved Preliminary Development Plan.
- (I) A Final Plat prepared in accordance with this Code if land is being subdivided.
- (J) A soil erosion control plan acceptable to watershed districts, Department of Natural Resources, Soil Conservation Service, MPCA, or any other agency with review authority clearly illustrating erosion control measures to be used during construction and as permanent measures.

Subsection 14. The City Council shall assign an ordinance numerical reference to each Final Development Plan and PUD Agreement text provided. The City Council may attach such additional conditions, as it deems reasonable and appropriate. Approval shall require a majority vote of the entire City Council. After approval by the City Council, the PUD zoning ordinance map amendment shall be published, with reference made to the PUD Agreement text. The Developer shall be responsible for recording the ordinance and PUD agreement in the office of the Winona County Recorder and/or Registrar of Titles prior to issuance of any building permit or within 60 days, whichever is less. The official PUD ordinance and PUD Agreement shall also be filed in the City Clerk’s Office.

Subsection 15. The effective date of the PUD shall be after:

- (A) Approval of the PUD overlay ordinance and text, the Final Development Plan documents, and the Developers Agreement and its requirements.
- (B) Publication of the Ordinance.

Subsection 16. Revisions and/or Changes to Plans between Final approval and Construction.

- (A) Minor Changes in location, placement, and height. Minor changes in the location, placement and height of structures may be authorized by the Zoning Committee if required by engineering or other circumstances not foreseen at the time the final plan was approved and filed with the Zoning Committee.
- (B) Significant changes in use location, size and height. Changes in uses, significant changes in location, size, or height of structures, any rearrangement of lots, blocks and building tracts, changes in provision of common open spaces and all other changes to the approved Final Development Plan may be made only after a public hearing conducted by the City Council. Upon determination by the Zoning Committee that a major change has been proposed, the Developer shall apply for an amended PUD. The application to amend the PUD shall be treated as a new zoning application. Upon acceptance of a complete application, the City Council shall hold a hearing as set forth in this Code. Any changes shall be recorded as amendments to the recorded copy of the Final Development Plan, and shall include an amended Developers Agreement, as appropriate.

Subsection 17. Construction Progress. If substantial development has not occurred as established by the PUD agreement, the City Council may instruct the Zoning Committee to initiate rezoning to the original zoning district. It shall not be necessary for the City Council to find that the rezoning was in error.

Subsection 18. Compliance with Conditions of Approval. Within the PUD Agreement, the City may schedule formal City Council review periods on an annual or less frequent basis to ascertain that actual development on the site meets the conditions of the approved PUD.

Subsection 19. Phasing and Guarantee of Performance.

- (A) Comparison with Approved Development Schedule. The Zoning Committee shall compare the actual development accomplished in the various portions of the PUD with the approved development schedule.
- (B) Extension of Limits of Development Schedule. Upon recommendation of the Zoning Committee and for good cause shown by the Developer, the City Council may extend the limits of the development schedule.
- (C) Construction Rates of Dwelling and Open Space. The construction and provision of all of the common open space and public and recreational facilities that are shown on the Final Development Plan must proceed at the same rate as the construction of dwelling units, if any. The Zoning Committee shall review all of the building permits issued for the PUD and examine the construction that has taken place on the site. If it is found that the rate of construction of dwelling units is greater than the rate at which common open spaces and public and recreational facilities have been constructed and provided, the Zoning Committee shall forward this information to the City Council for action.
- (D) Security. An irrevocable letter of credit in form acceptable to the City shall be required to guarantee performance by the Developer. The amount of the letter of credit and the specific elements of the development program that it is intended to guarantee will be stipulated in the PUD agreement.

Subsection 20 Control of PUD following completion.

- (A) Final Development Plan Governs. After a certificate of occupancy has been issued for all or any portion of a PUD, the use of the land covered by the certificate of occupancy and the construction, modification and alteration of any buildings or structures within the PUD shall be governed by the Final Development Plan.
- (B) Changes after issuance of certificate of occupancy. After a certificate of occupancy has been issued for all or any portion of a PUD, no changes shall be made in the approved Final Development Plan except upon application as provided below:
 - (1) Any minor extensions, alterations or modifications of existing buildings or structures may be authorized by the Zoning Committee if they are consistent with the purposes and intent of the Final Development Plan. No change authorized by this Section may increase the mass or volume of any building or structure by more than 10%.
 - (2) Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the Final Development Plan is approved under this Section.
- (C) Changes in the use of the common open spaces may be authorized by an amendment to the Final Development Plan by the City Council after a public hearing as provided in this Code and without all the documents necessary for the original application.
- (D) Any other changes in the Final Development Plan must be authorized by an amendment of the Final Development Plan under this Section.

Section 15. FLOOD PLAIN OVERLAY DISTRICT

Subsection 1. Statutory Authorization, Findings of Fact and Purpose.

- (A) **STATUTORY AUTHORIZATION:** The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 104 and Chapter 462 delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses.
- (B) **FINDINGS OF FACT:**
 - (1) The flood hazard areas of City of Stockton, Minnesota, are subject to periodic inundation, which results in potential loss of commerce, and governmental services, extraordinary public expenditures of which adversely affect the public health, safety, and general welfare.

(2) Methods used to analyze Flood hazards: This Ordinance is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.

- (C) STATEMENT OF PURPOSE: It is the purpose of this Ordinance to promote the public health, safety, and general welfare and to minimize those losses described in Subsection 1, (B)(1) above by provisions contained herein.

Subsection 2. General provisions.

- (A) LANDS TO WHICH ORDINANCE APPLIES: This Ordinance shall apply to lands within the jurisdiction of the City of Stockton shown on the Official Zoning Map and/or the attachments thereto as being located within the boundaries of the Floodway or Flood Fringe Districts.
- (B) ESTABLISHMENT OF OFFICIAL ZONING MAP: The Official Zoning Map of the City of Stockton, together with all materials attached thereto is hereby adopted by reference and declared to be a part of this Ordinance. The attached material shall include the Flood Insurance Study for the City of Stockton prepared by the Federal Insurance Administration dated February 2, 1982, and the Flood Boundary and Floodway Map dated August 2, 1982, and Flood Insurance Rate Map dated August 2, 1982. The Official Zoning Map, and all materials attached thereto, shall be on file in the office of the Stockton City Clerk.
- (C) REGULATORY FLOOD PROTECTION ELEVATION: The Regulatory Flood Protection Elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.
- (D) INTERPRETATION:
(1) In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Governing Body and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.
(2) The boundaries of the zoning districts shall be determined by scaling distances on the Official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the Zoning Committee, the Board of Adjustment shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board and to submit technical evidence.
- (E) ABROGATION AND GREATER RESTRICTIONS: It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restriction. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other Ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.
- (F) WARNING AND DISCLAIMER OF LIABILITY: This Ordinance does not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of City of Stockton or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.
- (G) SEVERABILITY: If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Subsection 3. Establishment of Zoning Districts.

- (A) DISTRICTS:
(1) Floodway Districts. The Floodway District shall include those areas designated as floodway on the Flood Boundary and Floodway Map adopted in Subsection 2 (B).

(2) Flood Fringe District. The Flood Fringe District shall include those areas designated as floodway fringe on the Flood Boundary and Floodway Map adopted in Subsection 2 (B).

(B) COMPLIANCE: No new structure or land shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations that apply to uses within the jurisdiction of this Ordinance. Within the Floodway and Flood Fringe Districts, all uses not listed as permitted uses or conditional uses in Subsection 4, 5, and 6 that follow, respectively, shall be prohibited. In addition, a caution is provided here that:

(1) New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of this Ordinance and specifically Subsection 9.

(2) Modifications, additions, structural alterations or repair after damage to existing nonconforming structures and non conforming uses of structures or land are regulated by the general provisions of this Ordinance and specifically Section 3, Subsection 3; and

(3) As-built elevations for elevated or flood-proofed structures must be certified by ground surveys and flood-proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this Ordinance and specifically as stated in Subsection 10 of this Ordinance.

Subsection 4. Floodway District (FW).

(A) PERMITTED USES:

a. General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

b. Industrial-commercial loading areas, parking areas, and airport landing strips.

c. Private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails

(B) STANDARDS FOR FLOODWAY PERMITTED USES:

a. The use shall have a low flood damage potential.

b. The use shall be permissible in the underlying zoning district if one exists.

c. The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.

(C) CONDITIONAL USES:

a. Structures accessory to the uses listed in Subsection 4(A) above and the uses listed in (2)-(8) below.

b. Extraction and storage of sand, gravel, and other materials

c. Marinas, boat rentals, docks, piers, wharves, and water control structures.

d. Railroads, streets, bridges, utility transmission lines, and pipelines.

e. Storage yards for equipment, machinery, or materials.

f. Placement of fill.

g. Travel trailers and travel vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of Subsection 9 (C) of this Ordinance.

h. Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the 100-year frequency flood event.

(D) STANDARDS FOR FLOODWAY CONDITIONAL USES:

a. All uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a Conditional Use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.

- b. All floodway Conditional Uses shall be subject to the procedures and standards contained in Subsection 10 (D) of this Ordinance.
- c. The Conditional Use permit shall be permissible in the underlying zoning district if one exists.
- d. Fill:
 - i. Fill, dredge spoils and all other similar materials deposited or stored in the flood plain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable methods.
 - ii. Dredge spoil sites, and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion sedimentation prevention element to the plan.
 - iii. As an alternative, and consistent with Subsection (ii) immediately above, dredge spoil disposal, and sand and gravel operations may allow temporary, on-site storage of fill or other material which would have caused an increase to the stage of the 100-year or regional flood but only after the Governing Body has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The Conditional Use permit must be title registered with the property in the Office of the County Recorder.
- e. Accessory Structures:
 - i. Accessory structures shall not be designed for human habitation.
 - ii. Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters
 - 1. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and,
 - 2. So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
 - iii. Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications in the State Building Code. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited to storage. All flood proofed accessory structures must meet the following additional standards, as appropriate:
 - 1. The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls; and
 - 2. Any mechanical and utility equipment in a structure must be elevated to or above the Regulatory Flood Protection Elevation or properly flood-proofed.
- f. Storage of Materials and Equipment:
 - i. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
 - ii. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.
- g. Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statute, Chapter 105. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.

- h. A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

Subsection 5. Flood Fringe District (FF)

(A) PERMITTED USES: Permitted Uses shall be those uses of land or structures listed as Permitted uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use districts exist, then any residential or non-residential structure or use of a structure of land shall be a Permitted Use in the Flood Fringe provided such use does not constitute a public nuisance. All Permitted Uses shall comply with the standards for Flood Fringe “Permitted Uses” listed in Subsection 5 (B) and the standards for all Flood Fringe “Permitted and Conditional Uses” listed in Subsection 5 (E).

(B) STANDARDS FOR FLOOD FRINGE PERMITTED USES:

a. All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the Regulatory Flood Protection Elevation. The finished fill elevation for structures shall be no lower than one (1) foot below the Regulatory Flood Protection Elevation and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon.

b. As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet for the outside dimension at ground level may be internally flood-proofed in accordance with Subsection 4 (D) 5 (C).

c. The cumulative placement of fill where at any one time in excess of one-thousand (1,000) cubic yards of fill is located on the parcel shall be allowable only as a Conditional Use, unless said fill is specifically intended to elevate a structure in accordance with Subsection 5 (B) (1) of this Ordinance.

d. The storage of any materials or equipment shall be elevated on fill to the Regulatory Flood Protection Elevation.

e. The provisions of Subsection 5 (E) of this Ordinance shall apply.

(C) CONDITIONAL USES: Any structure that is not elevated on fill or flood-proofed in accordance with Subsection 5 (A) and (B) or any use of land that does not comply with the standards Subsection 5 (B)(3) and (4) shall only be allowable as a Conditional Use. An application for Conditional Use shall be subject to the standards and criteria and evaluation procedures specified in Subsections 5 (D) and (E) and Subsection 10 (D) of this Ordinance.

(D) STANDARDS FOR FLOOD FRINGE CONDITIONAL USES:

a. Alternative elevation methods other than the use of fill may be utilized to elevate a structure’s lowest floor above the Regulatory Flood Protection Elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure’s basement or lowest floor if:

- i. If the enclosed area is above-grade on at least one side of the structure;
- ii. Is designed to internally flood and is constructed with flood resistant materials; and
- iii. Is used solely for parking vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:

- 1. Design and Certification – The structure’s design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment, and other service facilities must be at or above the Regulatory Flood Protection Elevation or be designed to

prevent flood water from entering or accumulating within these components during times of flooding.

2. Specific Standards for Above-grade, Enclosed areas – Above-grade, fully enclosed areas such as a crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:
 - a. The minimum area of openings in the walls where internal flooding is to be used as a flood-proofing technique. When openings are placed in a structure’s walls to provide for entry of floodwaters to equalize pressures, the bottom of all openings shall be no higher than one-foot above-grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - b. That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.
 - b. Basements, as defined in this Ordinance, shall be subject to the following:
 - i. Residential basement construction shall not be allowed below the Regulatory Flood Protection Elevation.
 - ii. Non-residential basements may be allowed below the Regulatory Flood Protection Elevation provided the basement is structurally dry flood-proofed in accordance with Subsection 5 (D) (3) of this Ordinance.
 - c. All areas of non-residential structures including basements to be placed below the Regulatory Flood Protection Elevation shall be flood-proofed in accordance with the structurally dry flood-proofing classifications in the State Building Code. Structurally dry flood proofing must meet the FP-1 or FP-2 flood-proofing classification in the State Building Code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood-proofed to the FP-3 or FP-4 classification shall not be permitted.
 - d. When at any one time more than one-thousand (1,000) cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted unless the community is enforcing a state approved shore land management Ordinance. In the absence of a state approved shore land Ordinance; the plan must clearly specify methods to be used to stabilize the fill on-site for a flood event at a minimum of the 100-year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the Governing Body. The plan may incorporate alternative procedures for removal of the material from the flood plain if adequate flood warning time exists.
 - e. Storage of Materials and Equipment:
 - i. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
 - ii. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.
 - f. The provisions of Subsection 5 (E) of this Ordinance shall also apply.
- (E) STANDARDS FOR ALL FLOOD FRINGE USES

- a. All new principal structures must have vehicular access at or above an elevation not more than two (2) feet below the Regulatory Flood Protection Elevation. If a variance to this requirement is granted, the Board of Adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.
- b. Commercial Uses – accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the Regulatory Flood Protection Elevations. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would inundated to a depth greater than two (2) feet or be subject to flood velocities greater than four (4) feet per second upon occurrence of the regional flood.
- c. Manufacturing and Industrial Uses – measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in Section 5.52 above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in flood plain areas.
- d. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation – FEMA’s requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.
- e. Flood plain developments shall to adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the Official Zoning Map.
- f. Standards for travel trailers and travel vehicles are contained in Subsection 9 (C).
- g. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

Subsection 6. SUBDIVISIONS This section is not intended as a substitute for a comprehensive City or County Subdivision Ordinance. It can, however, be used as an interim control until the comprehensive subdivision Ordinance can be amended to include necessary flood plain management provisions.

- (A) REVIEW CRITERIA: No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the flood plain districts shall contain a building site at or above the Regulatory Flood Protection Elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this Ordinance and have road access both to the subdivision and to the individual building sites no lower than two (2) feet below the Regulatory Flood Protection Elevation. For all subdivisions in the flood plain, the Floodway and Flood Fringe boundaries, the Regulatory Flood Protection Elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.
- (B) REMOVAL OF SPECIAL FLOOD HAZARD AREA DESIGNATION: The Federal Emergency Management Agency (FEMA) has established criteria for removing the

special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

Subsection 7. PUBLIC UTILITIES, RAILROADS, ROADS, AND BRIDGES.

- (A) **PUBLIC UTILITIES.** All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain shall be flood-proofed in accordance with the State Building Code or elevated above the Regulatory Flood Protection Elevation.
- (B) **PUBLIC TRANSPORTATION FACILITIES.** Railroad tracks, roads, and bridges to be located within the flood plain shall comply with Subsections 4 and 5 of this Ordinance. Elevation to the Regulatory Flood Protection Elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.
- (C) **ON-SITE SEWAGE TREATMENT AND WATER SUPPLY SYSTEMS:** Where public utilities are not provided:
 - a. On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and
 - b. New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section.

Subsection 8. MANUFACTURED HOMES AND MANUFACTURED HOME PARKS AND PLACEMENT OF TRAVEL TRAILERS AND TRAVEL VEHICLES.

- (A) New Manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by Subsection 6 of this Ordinance.
- (B) The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with Subsection 5 of this Ordinance. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with Subsection 5 (E) (1), then replacement manufactured homes will not be allowed until the property owner(s) develops a flood warning emergency plan acceptable to the Governing Body.
- (C) Travel trailers and travel vehicles that do not meet the exemption criteria specified in Subsection 8 (D) (1) below shall be subject to the provisions of this Ordinance and as specifically spelled out in Subsection D (3 and 4) below.
- (D) All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
 - a. **Exemption** – Travel trailers and travel vehicles are exempt from the provisions of this Ordinance if they are placed in any of the areas listed in Subsection 8 (D) (2) below and further they meet the following criteria:
 - i. Have current licenses required for highway use.
 - ii. Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly

used in campgrounds and trailer parks and the travel trailer/travel vehicle has no permanent structural type additions attached to it.

- iii. The travel trailer or travel vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.
- b. Areas Exempted for Placement of Travel/Recreational Vehicles:
 - i. Individual lots or parcels of record.
 - ii. Existing commercial recreational vehicle parks or campgrounds.
 - iii. Existing condominium type associations.
- c. Travel trailers and travel vehicles exempted in Subsection 8 (D) (1) lose this exemption when development occurs on the parcel exceeding \$15,000 dollars for a structural addition to the travel trailer/travel vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/flood-proofing requirements and the use of land restrictions specified in Subsection 4 and 5 of this Ordinance.
- d. New commercial travel trailer or travel vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following:
 - i. Any new or replacement travel trailer or travel vehicle will be allowed in the Floodway or Flood Fringe Districts provided said trailer or vehicle and its contents are placed on fill above the Regulatory Flood Protection Elevation and proper elevated road access to the site exists in accordance with Subsection 5 (E) (1) of this Ordinance. Any fill placed in a floodway for the purpose of elevating a travel trailer shall be subject to the requirements of Subsection 4.
 - ii. All new or replacement travel trailers or travel vehicles not meeting the criteria of (i) above may, as an alternative, be allowed as a Conditional Use if in accordance with the following provisions and the provisions of Subsection 9 (D) of the Ordinance. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100-year flood. Said plan shall be prepared by a registered engineer or other qualified individual and shall demonstrate that adequate time and personnel exist to carry out the evacuation. All attendant sewage and water facilities for new or replacement travel trailers or other recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with Section 8.3 of this Ordinance.

Subsection 9. Administration.

- (A) ZONING ADMINISTRATOR: A Zoning Administrator designated by the Governing Body shall administer and enforce this Ordinance. If the zoning administrator finds a violation of the provisions of this Ordinance the Zoning Administrator shall notify the person responsible for such violation in accordance with the procedures state in Subsection 10 of this Ordinance.
- (B) PERMIT REQUIREMENTS:
 - a. Permit Required. A permit issued by the Zoning Administrator in conformity with the provisions of this Ordinance shall be secured prior to erection, addition, or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the change or extension of nonconforming use; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the flood plain.
 - b. Application for Permit. Application for a permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following, where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures,

fill, or storage of materials; and the location of the foregoing in relation to the stream channel.

- c. State and Federal Permits. Prior to granting a Permit or processing an application for a Conditional Use Permit or Variance, the Zoning Administrator shall determine that the applicant has obtained all necessary State and Federal Permits.
 - d. Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a Certificate of Zoning Compliance shall have been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this Ordinance.
 - e. Construction and Use to be provided on applications, plans, permits, variances and Certificates of Zoning Compliance. Permits, Conditional Use Permits, or Certificates of Zoning Compliance issued on the basis of approved plans and application authorized only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by Subsection 10 of this Ordinance.
 - f. Certification. The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this Ordinance. A registered professional engineer or registered architect shall certify flood-proofing measures.
 - g. Record of First Floor Elevation. The Zoning Administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the flood plain. The Zoning Administrator shall also maintain a record of the elevation to which structures and alterations or additions to structures are flood-proofed.
- (C) BOARD OF ADJUSTMENT:
- a. Rules. The Board of Adjustment shall adopt rules for the conduct of business and may exercise all of the powers conferred on such Boards by State law.
 - b. Administrative Review. The Board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this Ordinance
 - c. Variances. The Board may authorize upon appeal in specific cases such relief or variance from the terms of this Ordinance as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In the granting of such variance, the Board of Adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in the respective enabling legislation, which justified the granting of the variance. No Variance shall have the effect of allowing in any district uses prohibited in that district; permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area, or permit standards lower than those required by State law.
 - d. Hearings. Upon filing with the Board of Adjustment of an appeal from a decision of the Zoning Administrator, or an application for a variance, the Board shall fix a reasonable time for a hearing and give due notice to the parties in interest as specified by law. The Board shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed Variances sufficiently in advance so that the Commissioner will receive at least ten (10) days notice of the hearing.

- e. Decisions. The Board shall arrive at a decision on such appeal or Variance within ninety (90) days. In passing upon an appeal, the board may, so long as such action is in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination of the Zoning Administrator or other public official. It shall make its decision in writing, setting forth the findings of fact and the reasons for its decisions. In granting a Variance the Board may prescribe appropriate conditions and safeguards such as those specified in Section 10.46, which are in conformity with the purposes of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the Variance is granted, shall be deemed a violation of this Ordinance punishable under Subsection 11. A copy of all decisions granting Variances shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.
 - f. Appeals. Appeals from any decision of the Board may be made, and as specified in this Community's Official Controls and also Minnesota Statutes.
 - g. Flood Insurance Notice and Record Keeping. The Zoning Administrator shall notify the applicant for a variance that:
 - i. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
 - ii. Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.
- (D) CONDITIONAL USES. The Stockton City Council shall hear and decide applications for Conditional Uses permissible under this Ordinance. Applications shall be submitted to the Zoning Administrator who shall forward the application to Stockton City Council for consideration.
- (1) Hearings. Upon filing with the Stockton City Council an application for a Conditional Use Permit, the Stockton City Council shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed Conditional Use sufficiently in advance so that the Commissioner will receive at least ten (10) days notice of the hearing.
 - (2) Decisions. The Stockton City Council shall arrive at a decision on a Conditional Use within ninety (90) days. In granting a Conditional Use Permit the Stockton Council shall prescribe appropriate conditions and safeguards, in addition to those specified in Subsection 9 (D) (6) which are in conformity with the purposes of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the Conditional Use Permit is granted, shall be deemed a violation of this Ordinance punishable under Subsection 10. A copy of all decisions granting Conditional Use Permits shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.
 - (3) Procedures to be followed by the Stockton City Council in passing on Conditional Use Permit applications within all Flood Plain Districts.
 - (a) Require the applicant to furnish such of the following information and additional information as deemed necessary by the Stockton City Council for determining the suitability of the particular site for the proposed use:
 - 1. Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood-proofing measures, and the relationship of the above to the location of the stream channel.

2. Specifications for building construction and materials, flood-proofing, filing, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
- (b) Transmit one copy of the information described in Subsection (a) to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.
- (c) Based upon the technical evaluation of the designated engineer or expert, the Stockton City Council shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.
- (4) Factors upon which the decision of the Stockton City Council shall be based. In passing upon Conditional Use applications, the Stockton City Council shall consider all relevant factors specified in other sections of this Ordinance, and:
 - (a) The danger to life and property due to increased flood heights of velocities caused by encroachments.
 - (b) The danger that materials may be swept onto other lands or downstream to the injury of others, or they may block bridges, culverts or other hydraulic structures.
 - (c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
 - (d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - (e) The importance of the services provided by the proposed facility to the community.
 - (f) The requirements of the facility for a waterfront location.
 - (g) The availability of alternative locations not subject to flooding for the proposed use.
 - (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - (i) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
 - (j) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (k) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
 - (l) Such other factors which are relevant to the purposes of this Ordinance.
- (5) Time for Acting on Application. The Stockton City Council shall act on an application in the manner described above within ninety (90) days from receiving the application, except that where additional information is required pursuant to Subsection 9 (D) (4) of this Ordinance. The Stockton City Council shall render a written decision within ninety (90) days from the receipt of such additional information.
- (6) Conditions attached to Conditional Use Permits. Upon consideration of the factors listed above and the purpose of this Ordinance, the Stockton City Council shall attach such conditions to the granting of Conditional Use Permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:
 - a. Modification of waste treatment and water supply facilities.
 - b. Limitations on period of use, occupancy, and operation.
 - c. Imposition of operational controls, sureties, and deed restriction.
 - d. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
 - e. Flood-proofing measures, in accordance with the State Building Code and this Ordinance. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood-proofing measures are consistent

with the Regulatory Flood Protection Elevation and associated flood factors for the particular area.

Subsection 10. NONCONFORMING USES (See Section 3, Subsection 3 for regulations).

Subsection 11. Penalties for Violation.

- (A) Violation for the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of Variances or Conditional Uses) shall constitute a misdemeanor and shall be punishable as defined by law.
- (B) Nothing herein contained shall prevent the City of Stockton from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include, but are not limited to:
 - a. In responding to a suspected Ordinance violation, the Zoning Administrator and Local Government may utilize the full array of enforcement actions available to it, including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the Nation Flood Insurance Program for denial of flood insurance availability to the guilty party. The community must act in good faith to enforce these official controls and to correct Ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.
 - b. When an Ordinance violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation, and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources and Federal Emergency Management Agency Regional Office along with the Community's plan of action to correct the violation to the degree possible.
 - c. The Zoning Administrator shall notify the suspected party of the requirements of this Ordinance and all other Official Controls, and the nature and extent of the suspected violation of these controls. If the structure and/or use are under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or the Community grants approval. If the construction or development is already completed, then the Zoning Administrator may either:
 - i. Issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the Official Controls; or
 - ii. Notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not exceeds thirty (30) days.
 - d. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this Ordinance and shall be prosecuted accordingly. The Zoning Administrator shall also, upon the lapse of the specified response period, notify the landowner to restore the land to the condition that existed prior to the violation of this Ordinance.

Subsection 12. Amendments.

The flood plain designation on the Official Zoning Map shall not be removed from flood plain areas unless it can be shown that the designation is in error, or that the area has been filled to or above the elevation of the regional flood and is contiguous to lands outside the flood plain. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if he determines that, through other measures, lands are adequately protected for the intended use. All amendments to this Ordinance, including amendments to the Official Zoning Map, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the Official Zoning Map must meet the Federal Emergency Management Agency's

(FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be give ten (10) days written notice of all hearings to consider an amendment to this Ordinance and said notice shall include a draft of the Ordinance amendment or technical study under consideration.

Section 16. BP-BLUFF PROTECTION OVERLAY DISTRICT

Subsection 1. Purpose. This overlay district is created to protect and preserve areas in the community where bluffs and steep slopes represent an enhancement to the community and a risk of impairment to the health, safety, tax base and general welfare of the community if left unprotected. Its intent is to establish reasonable regulations related to development upon and adjacent to such steep slope areas in the Community.

Subsection 2. District Application. The Bluff Protection (BP) district shall be applied to and superimposed upon all zoning districts as contained herein as existing or amended by the text and map of this Ordinance. The regulations and requirements imposed by the BP District shall be in addition to those established for districts which jointly apply. Under the joint application of districts, the more restrictive requirements shall apply.

Subsection 3. Boundaries. The boundaries of the BP District shall be defined as those lands in the City which contain bluffs and/or steep slopes. The boundaries of the Bluff Zone shall be graphically represented on preliminary and final subdivision plats as slope easements.

Subsection 4. Development Regulations.

- (A) Persons desiring to construct a structure, perform grading or earth-moving activities or destroy or remove vegetation from land located within the BP district, but not within the Bluff Zone, shall be graphically represented on preliminary and final subdivision plats as slope easements.
- (B) Persons desiring to construct a structure, perform grading or earth-moving activities or destroy or remove vegetation from land located with a Bluff Zone, shall only do so following issuance of a conditional use permit as prescribed in this Section.
- (C) The plan to be submitted for consideration with regard to the review of the conditional use permit shall include the following information:
 - a. Existing site conditions including all structures, shrub masses, trees and topographic conditions and site boundaries.
 - b. Proposed structures and site improvements, grading changes, tree and vegetation removal and landscaping improvements, including trees, shrubs and ground covers.
 - c. Height and size of any structures proposed to be constructed.
 - d. Timetable for anticipated dates of construction.
 - e. Location and design of any private sewage and other sanitary waste disposal systems.
 - f. Erosion control plan during and after construction.
- (D) Considerations for approval or denial of the conditional use permit shall include, but not be limited to, the following:
 - a. Degree to which the intent of this Section is addressed in the proposal.
 - b. Compliance with the bulk and setback requirements of this District.
 - c. Degree to which tree and vegetation removal and slope alteration has been minimized in the proposed development.
 - d. Appropriateness of the proposed plat material for the site for slope protection purposes.
 - e. The degree to which dislocated vegetation can be relocated or replanted on the site.
 - f. Minimization of hard surfacing or other impervious materials within 35 feet of the bluff of steep slope.

Subdivision 5. General Regulations. The following requirements shall be imposed on all development in the BP district.

- (A) Structures shall not be placed within Bluff Zones, except for permissible yard setback encroachments as permitted in this Chapter.
- (B) The maximum height of any structure shall be no more than 35 feet.
- (C) No person may conduct a mining or quarry activity or expand mining or quarry activity within 30 feet of the toe or top of a bluff or in a BP District.
- (D) No tower shall be located within one-quarter mile of the Bluff Zone, except for water reservoirs owned and constructed by the City.
- (E) No grading, excavating or filling shall be allowed within the bluff zone.
- (F) Grading and filling with the BP District, but not with a bluff zone, shall comply with the following conditions:
 - (1) No more than one-third of the surface area of a lot shall be devoid of vegetative ground cover at any time.
 - (2) Temporary ground cover such as mulch shall be used and permanent cover such as sod shall be planted as soon as possible.
 - (2) Methods to prevent erosion and trap sediment shall be employed in accordance with regulations of the Minnesota Pollution Control Agency (MPCA) and acceptable engineering practices.
 - (3) Fill shall be stabilized according to accepted engineering standards.
 - (4) A soil erosion control plan must be submitted to the Zoning Administrator before grading or construction begins on any lot affected by the regulations of this Section.
 - (5) Methods, such as silt fences, hay bales, etc, must be used to minimize soil erosion and to trap sediments before they reach any surface water features.
 - (6) Fill or excavated material must not be placed in a manner that creates an unstable slope.
 - (7) Alterations of topography will only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.
- (G) The removal of natural vegetation shall be restricted to prevent erosion into public waters, to consume nutrients in the soil and to preserve steep slope aesthetics.
- (H) Clear cutting is prohibited, except to remove the minimum amount of vegetation necessary for placing roads, utilities, structures and parking areas.
- (I) Natural vegetation shall be restored insofar as feasible after construction project.
- (J) All stairways and lifts on bluffs shall be visually inconspicuous. Stairways and lifts are the preferred alternatives to major topographic alterations for achieving access up and down bluffs and steep slopes. Stairways, lifts and landings shall meet the following design requirements;
 - (1) Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public open space, recreational properties and planned unit developments.
 - (2) Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public open space, recreational properties and planned unit developments.
 - (3) Canopies or roofs are not allowed in stairways, lifts or landings.
 - (4) Stairways, lifts and landings may be either constructed on posts or pilings, or placed into the ground, provided they are designed in a manner that ensures control of soil erosion.
 - (5) Stairways, lifts and landings must be located in the most visually inconspicuous portion of lots, as viewed from adjacent areas, assuming summer, leaf-on conditions whenever practical.
- (K) Vegetation alterations necessary for the construction of structures and sewage treatment systems are exempt from the vegetation alteration standards.
- (L) Vegetation alterations necessary for the construction of roads and parking areas are exempt from the vegetation alteration standards.
- (M) Limited removal of vegetation is allowed subject to the following standards:

- (1) On steep slopes, which are not located in bluff zones, selective clearing, cutting, pruning, and trimming of trees and shrubs is allowed to provide a view from the dwelling site and to accommodate the placement of stairways, lifts, landings, picnic areas, access paths, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:
 - (a) The screening of structures, vehicles or other facilities as viewed from adjacent areas, assuming summer, leaf-on conditions, is not reduced by more than 25 percent.
 - (b) Along waterways, existing shading of water surface is preserved.
 - (c) The above provisions are not applicable to the removal of trees, limbs or branches that are dead, diseased or pose safety hazards.

Section 17 ADMINISTRATION-AMENDMENTS, CONDITIONAL USE PERMITS, VARIANCES, APPEALS, AND NONCONFORMING USES

Subsection 1. Variances

- (A) Establishment of Board Adjustment. The City Council is hereby established as the Board of Adjustment and vested with such authority as is provided by Minnesota Statutes. The findings and rulings of the Board of Adjustment shall be final.
- (B) Purpose. Request for variance from the literal provisions of this Ordinance may be made in instances where strict enforcement would cause undue hardship to the property owner, due to physically unique characteristics of the property beyond the property owner's control. No variance or modification of the uses permitted within a District shall be allowed, except as an official amendment to this Ordinance. Economic considerations alone shall not constitute a hardship.
- (C) In acting upon the request for a variance the Board of Adjustment and/or City Council shall make the following findings of fact:
 - (1) The proposed variance will not impair an adequate supply of light and air to adjacent property.
 - (2) The proposed variance will not unreasonably increase the congestion in the public street.
 - (3) The proposed variance will not unreasonably diminish or impair established property values within the neighborhood or in any other way be contrary to the intent of this Ordinance.
 - (4) The applicant's property has unique physical characteristics that are not generally similar to other properties in the same zoning district.
 - (5) The applicant will experience undue hardship, other than economic hardship, if the variance is not approved.
- (D) Lapse of variance:
 - (1) A violation of any condition set forth in granting a variance shall be a violation of this ordinance and automatically make the variance or appeal null and void.
 - (2) Whenever within one (1) year following the granting of a variance or appeal, the work as permitted has not been completed or substantially completed, then such variance or appeal shall become null and void.

Subsection 2. Procedure

- (A) Three (3) copies of a request for a zoning amendment, conditional use permit, variance, or appeal shall be filed with the City Clerk. An application fee as determined by the City Council shall accompany this request. This fee cannot be refunded. The request shall include detailed written and graphic materials fully explaining the proposed change, development, or use, and a list of adjacent property owners. The City Council will initiate action on the request when all the information requirements have been complied with.
- (B) A public hearing is required for all zoning amendments, conditional use permits, variance requests, or appeals. Adjacent landowners within three hundred (300) feet must be notified about the hearing ten days prior to the date on which it will occur.

- (C) The City Council shall consider possible adverse affects of the proposed amendment, conditional use, or variance. Its judgment shall be based upon (but not limited to) the following factors:
 - (1) The proposed action shall be consistent with the policies and plans in the City's Comprehensive Guide Plan.
 - (2) The proposed action shall be consistent with performance standards as outlined in Section 1 and in the applicable districts as described in this Ordinance.
 - (3) The proposed use can be accommodated with existing public services and will not overburden the City's service capacity.
- (D) Approval of a request shall require passage by a majority vote of the City Council except for a rezoning amendment from residential to commercial or industrial zoning, which requires at least a majority vote.

Subsection 3. Amendments to Zoning Text or Zoning Map (Rezoning)

- (A) The City Council may initiate a request to amend the text or the district boundaries of this Ordinance. Any person owning real estate within the City may initiate a request to amend the district boundaries or text of this Ordinance so as to affect the said real estate.
- (B) All applications to change the boundaries of any Zoning District shall include the following information:
 - (1) The information requested on the Zoning Amendment form.
 - (2) A statement explaining the reason for the requested change in zoning.
 - (3) A statement regarding the compatibility of the requested change with the City's Comprehensive Plan.
 - (4) A map, plot plan or survey plot of the property or properties to be rezoned which illustrates the location, dimensions, zoning, existing uses, and buildings located on adjacent properties within three hundred (300) feet.
- (C) The planning commission shall not recommend, nor the City Council approve or deny, a petition to rezone property unless findings are made that the petition is consistent with the intent of the comprehensive plan and that the new zoning district permits uses that are consistent with the trend of development in the area near the property to be rezoned.
- (D) Zoning amendments shall not become effective until such time as the City Council approves an Ordinance reflecting said amendment and after said Ordinance is published in the official newspaper.

Subsection 4. Conditional Use Permits

- (A) The conditional use permit application shall be accompanied by a site plan which shall include the following information:
 - (1) Location of all buildings on lots including both existing and proposed structures.
 - (2) Location and number of existing and proposed parking spaces.
 - (3) Lot dimensions and area.
 - (4) Existing and proposed setbacks of all buildings to be located on the property in question.
 - (5) A legal description of property under consideration.
 - (6) The information requested on the Sketch Plan form, when applicable.
- (B) In making its determination on a proposed conditional use, the City may consider the nature of the adjoining land or buildings, whether or not a similar use is already in existence and located on the same premises or other lands in close proximity, the effect upon traffic into and from the premises, and any other factor(s) the City deems necessary in its consideration for determining the effect of the use on the general welfare, public health, and safety.
- (C) Lapse of a Conditional Use Permit
 - (1) A violation of any condition set forth in a Conditional Use Permit shall be a violation of this Ordinance. Failure to correct said violation after thirty (30) days following official notice of the violation shall be cause for termination of the permit.
 - (2) A conditional use permit shall become null and void one (1) year after being granted by the City Council unless the applicant has used the permit, or if such use was begun by the

applicant within one year of having the permit approved but then discontinued the use for more than ninety (90) days, then the permit shall also become null and void.

Subsection 5. Appeals from the decisions of the Zoning Officer or Administrator

- (A) Purpose: The purpose of this provision is to allow the Board of Adjustment to resolve disputes concerning the interpretation of the provisions in the code.
- (B) Any affected party may appeal an administrative decision or interpretation of zoning code provisions made by the zoning officer or administrator.
- (C) Decisions Final: The decision of the Board of Adjustment shall be final.

Subsection 6. Nonconforming Buildings, Structures, and Uses

- (A) Purpose. The purpose of this section is to provide for the regulation of nonconforming buildings, structures, and uses and to specify those requirements, circumstances, and conditions under which nonconforming buildings, structures, and uses will be operated and maintained. It is the intent of this section that all nonconforming uses shall be eventually brought into conformity.
- (B) General Provisions
 - (1) Any structure or use lawfully existing upon the effective date of this Ordinance may be continued through repair, replacement, restoration or improvement at the size and in the manner of operation existing upon such date. Furthermore, an expansion of the nonconformity may be permitted by the Board of Adjustment provided reasonable regulations to prevent and abate nuisances and to protect the public health, welfare, and safety are included as conditions of the expansion.
 - (2) If a nonconforming building, structure, or use is destroyed to the extent of more than fifty (50) percent of its fair market value, said value to be determined by the County Assessor, and no building permit has been applied for within 180 days of when the property is damaged, then the building and the land on which such building was located shall be subject to all the regulations specified by this zoning ordinance for the district in which it is located. If the damage is less than fifty (50) percent, the building may be restored to its former condition, if it is reconstructed within twelve (12) months after the date of said damage.
 - (3) Normal maintenance of a building or other structure containing or relating to a lawful nonconforming use is permitted, as long as such repairs or alterations do not physically extend or intensify the nonconforming use.
 - (4) In the event that a nonconforming use of any building or building and land is discontinued for a period of one (1) year, the use of the same shall conform thereafter to the uses permitted in the district in which it is located.
- (C) Nonconforming Uses in the Floodplain
 - (1) A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance but which is not in conformity with the provisions of this Ordinance may be continued, subject to the following conditions:
 - (a) No such use shall be expanded, changed, enlarged, or altered in a way which increases its nonconformity.
 - (b) Any alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques (i.e., FP-1 thru FP-4 flood-proofing classifications) allowable in the State Building Code, except as further restricted in 11.13 below.
 - (c) The cost of any structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed fifty (50) percent of the market value of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions constructed since the adoption of the Community's initial flood plain controls must be calculated into today's current cost which will include all costs such as construction materials and a

reasonable cost placed on all manpower or labor. If the current cost of all previous and proposed alterations and additions exceeds fifty (50) percent of the current market value of the structure, then the structure must meet the standards of Section 1.0 or 5.0 of this Ordinance for new structures depending upon whether the structure is in the Floodway or Flood Fringe, respectively.

(d) If any nonconforming use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this Ordinance. The assessor shall notify the Zoning Administrator in writing of instances of nonconforming uses which have been discontinued for a period of 12 months.

(e) If any nonconforming use or structure is destroyed by any means, including floods, to an extent of fifty (50) percent or more if its market value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance. The applicable provisions for establishing new uses or new structures in Section 1.0 or 5.0 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe District, respectively.

(D) Any use involving the maintenance or confinement of farm animals, existing on the effective date of this Ordinance, must be registered with the City of Stockton within 120 days after the effective date of the Ordinance. Farm animals which are not registered, shall thereafter be subject to the requirements of this ordinance concerning the maintenance of animal feedlots, or, in the City's discretion, may be continued by Conditional Use Permit. Registration of farm animals includes, but is not limited to, the registration of: cows, steer, horses, swine, ducks, chickens, or turkeys.

Section 18 ADMINISTRATION – CERTIFICATE OF OCCUPANCY

Subsection 1. No building or structure hereafter erected or moved, or that portion of an existing structure or building erected or moved, shall be occupied or used in whole or in part for any purpose whatsoever until a certificate of occupancy shall have been issued by the Building Inspector stating that the building or structure complies with all of the provisions of this Ordinance.

Subsection 2. Application. Said certificate shall be applied for coincident with the application for a building permit, conditional use permit, and/or variance and shall be issued after the Building Official has found the building or structure satisfactory and given final inspection. Said application shall be accompanied by a fee as established by City Council resolution.

Section 19. ENFORCEMENT AND PENALTIES

Subsection 1. This Ordinance shall be administered and enforced by the City Clerk. The City Clerk shall be authorized to undertake any function that this Ordinance assigns to the Zoning Officer or zoning Administrator. The City Clerk may institute in the name of the City of Stockton any appropriate actions or proceedings against a violator as provided by statute, charter, or Ordinance.

Subsection 2. Any person who violates any of the provisions of this Ordinance shall, upon conviction thereof, be fined not more than the maximum penalty for misdemeanor offenses under Minnesota law. Each day that a violation is permitted to exist shall constitute a separate offense.

Subsection 3. In the event of a violation or a threatened violation of this Ordinance, the City of Stockton, Minnesota, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, or abate such violations or threatened violations, in a civil proceeding. Additionally, the City may issue a civil or administrative citation imposing a fine in the amount allowed under subsection 2. Said civil or administrative fine may be enforced or collected by appropriate civil action.

Section 20 EFFECTIVE DATE

This Ordinance shall be effective immediately upon its passage and publication of the attached Summary of the Ordinance under Minnesota law.

PASSED AND ADOPTED this _____ day of _____, 2006, by the City Council of the City of Stockton, Minnesota.

Jack Roberts, Mayor

ATTEST:

Bethany Winchester
Clerk – Treasurer

(SEAL)