

1001.09 ADDITIONAL REQUIREMENTS, EXCEPTIONS, AND MODIFICATIONS

Subd. 1. Height Regulations.

- A. Where the average slope of a lot is greater than one foot rise or fall in seven feet of horizontal distance from the established elevation or the property line, one story in addition to the number permitted in the district in which the lot is located shall be permitted on the downhill side of any building.
- B. Height limitations set forth elsewhere in this chapter may be increased by one hundred (100) percent when applied to the following:
 - 1. Monuments.
 - 2. Flagpoles.
 - 3. Cooling towers. (Ordinance 13-02, adopted May 14, 2013)
- C. Height limitations set forth elsewhere in this Chapter may be increased when applied to the following:
 - 1. Church spires, belfries, or domes which do not contain usable space.
 - 2. Water towers.
 - 3. Chimneys or smokestacks.
 - 4. WECS as regulated by this Chapter.
 - 5. Satellite dishes, radio and television towers as regulated by this Chapter.
 - 6. Personal wireless communication towers. (Ordinance 13-02, adopted May 14, 2013)
- D. Height limitations set forth in this chapter may be increased to a greater height provided the following conditions are met:
 - 1. No increase in height limitations shall be allowed, except by conditional use permit, thereby required to meet the standards set forth for conditional uses.
 - 2. The building or portion thereof with increased height shall not be adjacent to nor closer than two hundred feet to any adjacent structure.

3. Where an increase in the height limitation is allowed under this subdivision, the building or portion thereof shall be set back from all side and rear lot lines an additional distance of one foot that the building exceeds the height limitation of the district in which it is located.
 4. A site plan for the proposed building shall be submitted along with the application for conditional use permit. Such site plan shall show the location and extent of the proposed building, parking, loading, access drives, landscaping, and any other improvements. Upon consideration by the Planning Commission and subsequent approval by the council, said site plan shall be attached to and become a part of change to the site plan shall require a resubmission to the Planning Commission and subsequent approval by the council.
- E. Satellite dishes, television receiving antennas, and radio receiving antennas shall be a permitted use within all zoning districts, provided that they meet the following conditions:
1. The dish or antenna shall not exceed fifteen (15) feet in height.
 2. The dish or antenna shall not exceed twenty (20) feet above the roof line.
 3. No dish or antenna shall be located within the required front yard setback or required side yard setback abutting a street.
 4. For ground mounted satellite dishes, television antennas or radio antennas in the A-R district shall be setback from all adjoining lots a distance equivalent to one-half (1/2) the height of the structure; shall be located at least ten (10) feet away from any other building or structure and shall not be located within a utility easement.
 5. In all districts other than the A-R district, ground mounted satellite dishes, television antennas, or radio antennas shall be setback from all adjoining lots a distance equivalent to the height of the structure. Such structures shall be located ten (10) feet or more from any other building or structure and shall not be located within a utility easement.
 6. Lighting Protection. Each satellite dish, television antenna or radio antenna shall be grounded to protect against natural lightning strikes in conformance with the National Electrical Code as adopted by the City of Rockford.
 7. Satellite dishes, television antennas or radio antennas which exceed height limitations specified herein may be allowed by conditional use permit as provided in Section 1001.03, Subd. 5 of this Chapter. (Ordinance 13-02, adopted May 14, 2013)

Subd. 2. Yard Regulations.

- A. Measurements shall be taken from the nearest point of the wall of a building to the lot line in question, subject to the following qualifications:
1. Cornices, canopies, or eaves may extend into the required front yard a distance not exceeding four (4) feet, six (6) inches.
 2. Fire escapes may extend into the required front yard a distance not exceeding four (4) feet, six (6) inches.
 3. A landing place or uncovered porch may extend into the required front yard a distance not exceeding six feet, if the landing place or porch has its floor no higher than the entrance floor of the building. An open railing may be placed around such place.
 4. The above listed architectural features may also extend into any side or rear yard to the same extent.
 5. When a future public street alignment and/or right-of-way width is known based on the Transportation Plan, the front yard setbacks of a proposed structure shall be measured from the known future right-of-way.
- B. On double frontage lots, the required front yard shall be provided on both streets.
- D. Visibility from any street or driveway shall be unobstructed above a height of three (3) feet, measured from where both street or driveway centerlines intersect within the triangle described as beginning at the intersection of the projected curb line (or edge of shoulders for rural sections) of two (2) intersecting streets or drives, thence forty five (45) feet along one curb line, thence diagonally to a point forty five (45) feet from the point of beginning along the other curb line.
- E. The rear yard setback for any accessory building on a lot where the rear yard opens into an alley may be reduced to not less than five (5) feet subject to the following qualifications:
1. If the door of any attached or detached garage opens toward an alley the minimum setback shall be fifteen (15) feet.
- F. Required Buffer Yards.
1. Purpose. Buffer yards are required as to reduce the negative impacts that result when incompatible uses abut one another.
 2. The following table lists the minimum buffer yard requirements dependent upon the intensity of the conflict of the abutting uses:

Intensity of Conflict	Type	Minimum Building Setback	Minimum Landscape Yard	No. Plant Units Required 100 Feet of Property Line
Minimal	A	30 Feet	10 Feet	40
Moderate	B	30 Feet	20 Feet	80
Significant	C	40 Feet	30 Feet	120
Severe	D	50 Feet	40 Feet	160

- a. Minimum building setback measured from the abutting property line.
- b. Minimum landscaped yard measured as extending perpendicular from the abutting property line and extending along length of property line. Half of the required distance on each side of the property line and extending the length of the property line.
- c. Plant units are a quantitative measure of the required plantings for the minimum landscaped yard.

- 1) Plant unit value shall be assigned as follows:

Vegetation	Plant Unit Value
Evergreen Trees	15
Deciduous Trees	10
Evergreen/Coniferous Shrubs	5
Shrubs/Bushes	1

- 2) The number of plantings required shall equal or exceed the number of required plant units based upon the values assigned in Section 1001.02, Subd. F.2 of this Section.
 - 3) The property owners on both sides of the abutting property line for which the buffer yard overlays shall each be responsible for fifty (50) percent of the required planting required for the length of the abutting property line.
3. Minimum Required Buffer Yard. The following table represents the type as specified by Section 1001.09, Subd. 2.F.2 of buffer yard required for abutting incompatible uses:

MINIMUM REQUIRED BUFFER YARD

Use	Low Density Residential	High Density Residential	Institutional	Commercial	Industrial
Low Density Residential	None	A	B	C	D
High Density Residential	A	None	A	B	D
Institutional	B	A	None	A	C
Commercial	C	B	A	None	B
Industrial	D	D	C	B	None

4. The size and type of required plantings shall be according to Section 1001.09, Subd. 3B.2 of this Chapter.
5. Existing trees or vegetation within a required minimum landscape yard preservation may substitute for required plants. The number of plant units required shall be proportionately reduced according to the number of trees or vegetation preserved.
6. The location of an opaque fence or earth berm of at least five (5) feet in height within a required landscaped yard shall be considered credit toward the plant unit requirement. The number of required plant units shall be reduced by fifty (50) percent.
 - a. All fences shall be subject to the requirements of Section 1001.09, Subd. 11 of this Chapter.
7. Development of Vacant Property.
 - a. The owner of a vacant property which would require a buffer yard under the terms of this Ordinance shall be required to install one-half (1/2) of the width and intensity of the required buffer yard along the entire length of the abutting property line in all cases except for the following:
 - b. When a vacant property abuts property that has already developed more than fifty (50) percent of the length of the abutting vacant property line by footage, the owner/developer of the vacant parcel will be required to install the entire width and intensity of buffer yard as determined in this Ordinance.
8. Existing Development. Any existing development adjacent to property developed in accordance with Section 1001.09, Subd. 2.F.7.a shall be considered exempt from the provisions of said ordinance until such time as the property or development is substantially altered, remodeled, or

expanded. At such time, the existing development shall provide the remaining one-half (1/2) of the buffer yard improvement.

- 9. The criteria for the submission requirements and approval of a buffer yard landscape plan shall be according to Section 1001.01, Subd. 3 of this Chapter. (Amended by Ordinance No. 99-06, passed October 18, 1999). (Ordinance 13-02, adopted May 14, 2013)

Subd. 3. Yard Landscaping.

A. Landscaping, General Residential.

- 1. Except as may be otherwise provided by development contract or approval by the City Council, the lot area remaining after providing for off-street parking, off-street loading, sidewalks, driveways, building site and/or other requirements shall be landscaped using ornamental grass, shrubs, trees or other acceptable vegetation or treatment generally used in landscaping prior to the date of building occupancy. Fences or trees placed upon utility easements are subject to removal at the cost of the property owner if required for the maintenance or improvement of the utility. Trees on utility easements containing overhead wires shall not exceed twenty (20) feet in height. (The planting of large trees is not recommended under overhead wires.) The amount of hard surfacing provided on a lot shall be limited to the size and area necessary to accommodate ordinance requirements and allowances.

13

- 2. For all residential lots:
 - a. At least two (2) two-inch caliper trees per unit will be required to be planted within one (1) year following the date of occupancy following initial construction, unless more are required as part of the development agreement.
 - b. The builder or developer shall provide evidence that required planting will occur within the prescribed time prior to occupancy of any structure. Such evidence may be a landscape guarantee provided by a third party, such as the prior owner or developer, or a contract for landscaping held by the owner.
 - c. If two (2) or more existing significant trees are preserved in the front yard of the lot, the landscape plan requirement of two (2) 2-inch caliper trees is waived.

B. Landscaping, New Residential Subdivision, Semi-Public, and All Income Producing Property Uses. (Excluding residential structures containing less than

four (4) dwelling units.) Prior to approval of a building permit, all above referenced uses shall be subject to mandatory landscape plan and specification requirements.

1. Said landscape plan shall be developed with an emphasis upon the following areas:
 - a. The boundary or perimeter of the proposed site at points adjoining other property.
 - b. The immediate perimeter of the structure.
 - c. The perimeter of parking and loading areas.

⁷ 2. All landscaping incorporated in said plan shall conform to the following standards and criteria:

- a. All plants must at least equal the following minimum size:

	<u>Potted/Bare Root or Balled & Burlapped</u>
Shade Trees*	2-inch diameter
Half Trees (Flowering Crab, Russian Olive, Hawthorn, etc.)	1-1/2 inch diameter
Evergreen Trees	6 feet high
Tall Shrubs & Hedge Material (Evergreen or Deciduous)	6 feet high
Low Shrubs – Deciduous	24 - 30 inches
- Evergreen	24 - 30 inches
- Spreading Evergreens	18 - 24 inches

* Type and mode are dependent upon time of Planting season, availability, and site Conditions (soils, climate, ground water, man-made irrigation, grading, etc.)

- b. Spacing.
 - 1) Plant material centers shall not be located closer than three (3) feet from the fence line or property line and shall not be

planted to conflict with public plantings based on the judgment of the Zoning Administrator.

- 2) Where plant materials are planted in two (2) or more rows, plantings shall be staggered in rows unless otherwise approved by the Zoning Administrator.
- 3) Where massing of plants or screening is intended, large deciduous shrubs shall not be planted more than four (4) feet on center, and/or evergreen shrubs shall not be planted more than three (3) feet on center.

c. Types of New Trees. Plantings, suitable trees include:

<u>Botanical Name</u>	<u>Common Name</u>
Quercus (varieties)	Oak
Acer platanoides (and	Norway Maple (and varieties)
	Schwedler, Emerald Queen, etc.)
Acersaccharum	Sugar Maple
Celtis occidentalis	Hackberry
Betula (varieties)	Birch
Gleditsia Triacanthos	Honeylocust (Imperial, Majestic, Skyline, Sunburst & Thornless)
Tilia cordata (and varieties)	Little Leaf Linden and Redmond, Greenspire, etc.
Tilia americana	Basswood (American Linden)
Fraxinus Pennsylvania Lanceolata	Green Ash (and Summit, Marshall's)
Ginkgo biloba (male tree only)	Ginkgo
Gymnocladus dioicus	Kentucky Coffee Tree

d. Design.

- 1) The landscape plan must show some form of designed site amenities (i.e., composition of plant materials, and/or creative grading, decorative lighting, exterior sculpture, etc., which are largely intended for aesthetic purposes).
- 2) All areas within the property lines (or beyond, if side grading extends beyond) shall be treated. All exterior areas not paved or designated as drives, parking or storage, must be planted into ornamental vegetation (lawns, ground covers or shrubs) unless otherwise approved by the Zoning Administrator.
- 3) Turf slopes in excess of 2:1 are prohibited unless approved by the Zoning Administrator. (Ordinance 13-02)
- 4) All ground areas under the building roof overhang must be treated with a decorative mulch and/or foundation planting.
- 5) All buildings must have an exterior water spigot to ensure that landscape maintenance can be accomplished.

e. Landscape Guarantee: All new plants shall be guaranteed for two (2) full years from the time planting has been completed. All plants shall be alive and in satisfactory growth at the end of the guarantee period or be replaced.

f. Existing Trees:

- 1) With respect to existing trees in new developments, all trees on the site are to be saved which do not have to be removed for street, buildings, utilities, drainage or active recreational purposes.
- 13 2) Protection of significant trees to be saved shall include, but are not limited to the following methods:
 - a) Installation of snow fencing or polyethylene laminar safety netting at the drip line before any grading or construction begins and remaining in place until all grading and construction is terminated.
 - b) No grade change, construction activity, or storage of fill, materials, or equipment shall occur within the fenced area.

- c) Installation of erosion control measures is required.
- d) Prevention of change in soil chemistry due to concrete washout and leakage or spillage of toxic materials such as fuels or paints is required.
- e) Pruning of oak trees must not take place from April 15 through July 1. If wounding of oak trees occurs, a nontoxic tree wound sealant must be applied immediately.

Subd. 4. Storage and Display of Materials.

- A. In all classes of commercial and industrial districts, open storage or display of materials in any required front, side, or rear yard shall be prohibited. Any other outside storage shall be located or screened with an adequate buffer so as not to be visible from any of the residential districts, adjoining property, or public streets.
- B. No boat, boat trailer, travel trailer, pick-up camper or coach designed to be mounted on a motor vehicle, motorized dwelling, tent trailer, or similar recreational equipment, and no case or box used for transporting such equipment shall be parked or stored for more than thirty days on any lot in a residential district except in a car port or enclosed building or in a side or rear yard. No point of any such equipment shall be located within three feet of the rear or side lot line except when parked in an established driveway and in no case shall any such point be closer than ten feet from the living quarters of a residence on adjoining property. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

Subd. 5. Seventy Percent (70%) Lot Provision.

- A. Intent. The City recognizes that many existing platted residential lots within the City are not able to meet the City's present requirements with respect to lot area, depth, area, width, coverage and setbacks. Land owners initiating plans to make improvements to, or to develop or redevelop these lots often create the need for the City to grant variances to the Zoning Ordinance to relieve some hardship caused by the strict enforcement of the City's Zoning Ordinance when applied to these lots.

- B. Criteria. A lot or parcel of land which has been platted on, or prior to, June 1, 1989, shall be deemed a buildable lot and may be used for single family detached dwelling purposes provided:
1. The lot has frontage on a public right-of-way;
 2. The lot is within the current R-1 district and does not meet the requirements of the city zoning ordinance, Section 1001.12, Subd. 6 and 7, as to lot area, depth, width, coverage and setbacks;
 3. It can be demonstrated that City sewer and water has been or shall be properly installed;
 4. The measurements of the lot's area, depth, width, coverage and setbacks are all within seventy percent (70%) of the requirements of of the respective Zoning District in which the lot is located. (Ordinance 13-02, adopted May 14, 2013)

Subd. 6. Platted and Unplatted Property.

- ¹⁴A. Any person desiring to improve property shall submit to the Building Official a Certificate of Survey of said premises and information on the location and dimensions of existing and proposed buildings, location of easements crossing the property, encroachments, and any other information which may be necessary to ensure conformance to City Code provisions.
- B. All buildings shall be so placed so that they will not obstruct future streets which may be constructed by the City in conformity with existing streets and according to the Comprehensive Plan and to the system and standards employed by the City. Furthermore, all buildings shall be placed so that they will not obstruct future utility routes or the potential resubdivision of the property.
- C. Except in the case of a PUD, Planned Unit Development District, not more than one principal building shall be located on a lot. The words "principal building" shall be given their common, ordinary meaning as defined in Section 1001.02. In case of doubt or on any questions or interpretation, the decision of the Zoning Administrator shall be final, subject to the right of appeal.
- ¹⁴D. On a through lot, both street lot lines shall be front yards for applying the yard and parking setback regulations of this Chapter.

Subd. 7. Reserved. (Ordinance 13-02, adopted May 14, 2013)

Subd. 8. Swimming Pools - Single & Two Family Dwelling.

- A. Construction or installation of any pool, tank, depression or excavation in or above ground, including swimming pools, spas and hot tubs but not including stormwater facilities, which causes or has the capacity to retain more than five thousand (5,000) gallons water and a depth greater than thirty (30) inches that is intended to be used by individuals for swimming, wading or immersion purposes shall be subject to review and approval by the Zoning Administrator and Building Official
- B. An application to construct or install a swimming pool as listed above requires a building permit and shall show:
1. The type, size of pool, and volume of water.
 2. A site plan indicating the following: location of pool, location of house, garage, fencing, and other improvements on the lot, location of filter unit, pump, and wiring indicating the type of such units, location of back flush and drainage outlets, grading of back flush and drainage outlets, grading plan, finished elevations and final treatment (decking, landscaping, etc.) around the pool, location of existing overhead or underground wiring, utility easements, trees, and similar features, and location of any water heating unit.
 3. The swimming pool is subjected to an annual review by the Zoning Administrator.
- C. Construction:
1. All access for construction shall be over the owner's land and due care shall be taken to avoid damage to public streets and adjacent private or public property.
 2. All wiring, installation of heating units, grading, installation of pipes, and all other installations and construction shall be subject to inspection by the Building Official.
 3. All pools must be inspected prior to initial use or filling.
 4. Electrical installation shall meet State requirements.
- D. Location:
1. Pools shall not be located within any required front yard and shall not be located within ten (10) feet of any side or rear lot line or within six (6) feet of any principal structure or frost footing.

2. Pools shall not be located beneath overhead lines nor over underground utility lines of any type.
3. Pools shall not be located within any private or public utility, walkway, drainage or other easement.
4. The filler unit, pump, heating unit, and any other noise making mechanical equipment shall be located at least thirty (30) feet from any adjacent or nearby residential structure and not closer than ten (10) feet to any lot line.
5. Lighting for the pool shall be directed toward the pool and not toward adjacent property.

E. Water Source and Drainage:

1. The swimming pool shall be filled only through the property owner's water meter or at the owner's expense. (Ordinance 13-02, adopted May 14, 2013)
2. Back-flush water or water from pool drainage shall be directed toward the sanitary sewer. Water shall not drain onto adjacent or nearby private land.
3. Violations of this subsection will result in doubling the water and sewer bill for the amount of water used to fill the pool.

F. Access restrictions:

1. A structure or safety fence at least four (4) feet in height shall completely enclose the pool at all times and any opening in the fence must include a lockable gate; or,
2. A safety pool cover that meets the American Society of Testing and Materials, as approved by the Building Official, shall be required.
3. For all above-ground swimming pools utilizing a ladder for pool access, ladders shall be removed from the pool area when not in use to prevent uncontrolled access. (Ordinance #11-08, adopted November 8, 2011)

Subd. 9. Swimming Pools - Multiple Family Dwelling Areas.

- A. Private swimming pools which are intended for and used by the occupants of a multiple family dwelling and the guests of the occupants of said dwelling, shall adhere to the following regulations:
1. No part of the water surface of the swimming pool shall be less than fifty (50) feet from any lot line.
 2. No pumps, filter or other apparatus used in connection with or to service a swimming pool shall be located less than forty (40) feet from any lot line.
 3. The pool area shall be adequately fenced to prevent uncontrolled access from the street or adjacent property. Adequate screening, including, but not limited to, landscaping shall be placed between the pool area adjacent single family lines district lot lines.
 4. All deck areas, adjacent patios, or other similar areas used in conjunction with the swimming pools shall be located at least thirty (30) feet from any lot in an adjacent single family district.
 5. Approval by the State Health Inspector must be obtained prior to construction and a copy retained at city hall.
 6. All pools within the city shall be subject to all rules and statutes of the State of Minnesota.

Subd. 10. Swimming Pools - All Zoning Districts.

- A. Required structure or safety fencing shall be completely installed within one (1) week following the installation of the pool.
- B. Nuisances such as undue noise, lighting of adjacent property, health and safety hazards, damage to nearby vegetation, and the like, shall not be permitted.
- C. Drainage of pools into public streets or other drainage ways shall not be allowed without the sewer treatment superintendent's supervision.

Subd. 11. Fences and Walls.

- A. Approval Required. No person shall hereafter construct or cause to be constructed or erected within the City any fence without first making an application for and securing approval by the Zoning Administrator.

- B. Location. All boundary line fences shall be located entirely within the private property of the person, firm or corporation constructing or causing the construction of such fence.
- C. Installation and Maintenance.
1. Every fence shall be constructed in a professional and substantial manner and of substantial material limited to maintenance free material or weather resistant wood, such as pressure treated lumber, cedar or redwood, reasonably suitable for the purpose for which the fence is proposed to be used. The materials and design shall also be compatible with other structures in the area in which the fence is located and shall not cause blight or a negative impact.
 2. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Any such fence which is or has become dangerous to the public safety, health or welfare is a public nuisance, and the City shall commence proper proceedings for the abatement thereof.
 3. All posts or similar supporting instruments used in the construction of fences shall be faced inward toward the property being fenced.
 4. All fences require approval from the Zoning Administrator prior to installation and construction.
- D. Access. All fences shall be provided with a gate which affords reasonable and convenient access for public safety.
- E. Fences Prohibited. Barbed wire fences and electric fences shall be prohibited within the City except, within the A-R district when related to farming, and hobby farms.
- E. Drainage and Utility Easements. Fences may be constructed within public and private utility and drainage easements provided that:
1. The fence and its design is subject to the approval of the Public Works Supervisor.
 2. Removal of the fence or a portion thereof for the purpose of utilizing the easement shall be at the property owner's expense.
- G. Residential District Fences. All residential district fences shall be placed within the property being fenced.

1. Front Yards.
 - a. Within front yards-or side yards of a corner lot abutting a public right of way the fence shall not exceed forty eight (48) inches in height and shall be at least seventy five (75) percent open space for the passage of air and light except as provided for by Section 1001.09, Subd. 11.F.1.b of this Chapter.
 - b. A fence with a height greater than forty-eight (48) inches and/or less than seventy-five (75) percent open space may be constructed within the required rear yards and side yard of a corner lot abutting collector or arterial street by administrative permit, provided that:
 - (1) The fence does not exceed six (6) feet in height.
 - (2) The fence is setback ten (10) feet from the lot line abutting a collector or arterial street right-of-way.
 - (3) For interior lots, a gate or other opening is to be provided in the fence to allow for maintenance of the street side boulevard.
 - (4) The fence along a side lot line abutting a collector or arterial street right-of-way shall not extend into a required front yard and be no closer to the front lot line than a point intersecting the front line of the principal building.
2. Residential Districts - Side Yard. No fence or wall, other than a retaining wall, along a side lot line in a residence district, shall be higher than six (6) feet unless the adjoining lot is not in a residential district.
3. Residential Districts - Rear Yard. Fences having a height of six (6) feet or less may be located within the required rear yards in any residence district.

H. Non-Residence Districts - Fences and Walls.

1. Fences extending across a required front yard or a required side yard which abuts a street on a corner lot shall be at least seventy-five (75) percent open for the passage of air and light and shall maintain the traffic visibility requirements of Section 20-16-8 of this Chapter.
2. Business and industrial fences may be erected up to eight (8) feet in height. Fences in excess of eight (8) feet shall require a conditional use permit.

3. Fences which are primarily erected as a security measure may have arms projecting into the property on which barbed wire can be fastened commencing at a point at least seven (7) feet above the ground.
 4. Required walls or fences used as screens between a residence district and a non-residence district shall be of not less than 90% opacity and not less than five, nor more than seven feet in height above the level of the residential district boundary. The height regulations shall not apply to screens of parking and loading areas.
- I. Plantings. Screen plantings may be substituted for walls or fences, provided such plantings are of such type as to permit a minimum of 90% opacity during all months of the year.
 - J. Exceptions. Walls or fences of lesser or greater heights or planting screens of lesser opacity or otherwise not conforming with the subdivision may be permitted by the Board of Zoning Appeals and Adjustments if there is a finding that the nature of the use being screened is such that a lesser or greater degree of screening will as adequately promote and protect the use and enjoyment of the properties within the adjacent residential district, or there is a finding that the screening of the type required by this chapter would interfere with the provisions of adequate amounts of light and air to same said properties. (Ordinance 13-02, adopted May 14, 2013)

Subd. 12. Architectural Review.

- A. Elevations, Architectural Design, Exterior Facing. The application for a building permit, in addition to other information required, shall include an exterior elevation of the proposed structure that will adequately and accurately indicate the height, size and design and the appearance of all elevations of the proposed building and a description of the construction and indicate that the exterior architectural design, when erected, will not be so at variance with, nor so similar to, the exterior architectural design of any structure or structures already constructed or in the course of construction in the immediate neighborhood, nor so at variance with the character of the applicable district as established by the code of the City as to cause a substantial depreciation in the property values of said neighborhood within said applicable district or elsewhere or adversely affect the public health, safety, morals or general welfare.
- B. Useable Materials.
 1. All Zoning Districts. Exterior building materials shall consist of materials compatible in grade and quality to the following:
 - a. Brick.

- b. Natural stone.
 - c. Decorative concrete block.
 - d. Cast in place concrete or pre-cast concrete panels.
 - e. Wood, provided that the surfaces are finished for exterior use and wood of proven exterior durability is used, such as cedar, redwood or cypress.
 - f. Glass curtain wall panels.
 - g. Stucco.
 - h. Vinyl.
 - i. Curtain wall panels of steel, fiberglass and aluminum (non-structural, non-load bearing) provided that such panels are factory fabricated and finished with a durable non-fade surface and their fasteners are of a corrosion resistant design.
 - j. Other materials determined by the City Building Official, not including galvanized or unfinished metal.
2. All buildings in the C-2, C-3, C-O, I-1 and POS District shall be constructed of solid wall masonry, pre-cast concrete, aggregate panels, or wood frame masonry veneer (excluding stucco). Wood and metal exterior may be allowed as part of window and door frames or fascia treatment of the exterior wall facing design. (Ordinance 13-02, adopted May 14, 2013)
3. In the I-1 District, the following materials, in conjunction with the materials in Section 1001.09, Subd. 12.B.2, may be used to a maximum of twenty-five (25) percent of the proposed area if it is coordinated into the architectural design of the structure:
- a. Wood, provided the surfaces are finished for exterior use and wood of proven, exterior durability is used, such as cedar, redwood or cypress.
 - b. Curtain wall panels of steel, fiberglass, aluminum, (non-structural; non-load bearing) and finished with a durable non-fade surface and their fasteners are of a corrosion resistant design.
 - c. Glass curtain wall panels.
 - d. Stucco.
- ⁷C. Exceptions to the provisions of Section 1001.09, Subd. 12.B of this Chapter may be granted as a conditional use permit pursuant to Section 1001.03, Subd. 5 of this Chapter, provided that:
- 1. The proposed building materials maintain the quality and value intended by this Section.

2. The proposed building is compatible and in harmony with other existing structures within the District and immediate geographic area.
 3. The provisions of Section 1001.03, Subd. 5.C of this Chapter are considered and determined to be satisfied.
- D. Appeals. Any person aggrieved by a decision of the building inspector regarding the use of certain materials or regarding questions of architectural design shall be entitled to appeal the building inspector's decision to the council.

Subd. 13. Essential Services.

- A. Purpose. The purpose of this Section is to provide for the installation of essential services such as telephone lines, pipelines, electric transmission lines, substations, and related structures in such a manner that the health, safety and welfare of the City will not be adversely affected. Essential services should also be installed in cognizance of existing and projected demands for such services.
- B. Administrative Approval Required. All telephone lines, pipelines for local distribution, underground electric transmission lines, and overhead electric transmission lines and substations less than 33kV, and related structures, when installed in any public right-of-way in any zoning district, shall require by the Zoning Administrator with recommendation from the City Engineer. (Ordinance 13-02, adopted May 14, 2013)
- C. Procedural Requirements. All telephone lines, pipelines for local distribution, underground transmission lines, overhead electric transmission lines less than 33kV, and related structures, which are extended to serve more than one (1) parcel and are proposed to be installed at locations other than in public right-of-way, shall require approval by the Zoning Administrator with recommendation by the City Engineer based upon the information required to be furnished as outlined in Section 1001.09, Subd. 13.D of this Section. (Ordinance 13-02, adopted May 14, 2013)
- D. Installation Requirements.
1. Prior to the installation of any of the previous essential services, the owner of such service shall file with the Zoning Administrator, all maps and other pertinent information as deemed necessary for the City to review the proposed project and agree to pay all costs incurred by the City in review of the application. (Ordinance 13-02, adopted May 14, 2013)
 2. The Zoning Administrator shall transmit the map and accompanying information to the City Engineer and/or other staff for review and

recommendation regarding the project's relationship to the Comprehensive Plan and/or Ordinances and parts thereof.

3. City Staff shall report in writing to the Zoning Administrator their findings as to the compliance of the proposed project with the Comprehensive Plan and Ordinances of the City.
4. In considering applications for the placement of essential services, as regulated in this Section, the aforesaid City staff shall consider the effects of the proposed project upon the health, safety and general welfare of the City, as existing and as anticipated; and the effect of the proposed project upon the Comprehensive Plan. In addition, the following specific performance standards shall be reviewed as they may apply to the application:
 - a. Lot Requirements. All lots must meet the dimensional standards of the zoning district with respect to width, area, and structure setbacks from property lines.
 - b. Parking. The site must provide for required off-street parking in conformance with Section 1001.05 of this Chapter.
 - c. Building Materials. The essential service buildings must be constructed with exterior building facades that maintain a high standard of architectural and aesthetic compatibility with surrounding properties and in compliance with standards of this Chapter.
 - d. Screening and Landscaping. Adequate screening and landscaping from neighboring property is provided in accordance with Sections 1001.09, Subd. 19 of this Chapter.
 - e. Site Access. Direct lot access from major collector or arterial streets shall be discouraged and where possible, be provided access through shared access arrangement from an existing curb cut and driveway or a neighboring use. Direct lot access from a minor collector or local street may be allowed, provided the curb cut access complies with the standards outlined in Section 1001.04 of this Chapter.
 - f. Unless otherwise approved by the City Council, all equipment shall be completely enclosed in a permanent structure with no outside storage.
5. Upon receiving the recommendations of the staff, the City Council may issue a special permit for the installation and operation of the

applicant's essential services. If the staff reports regarding said permit cause the City Council to deny its issuance, the applicant may appeal said decision to the Board of Appeals and Adjustments under the rules and procedures as set forth in Section 1001.03, Subd. 03 of this Chapter.

E. Conditional Use Permit Required.

1. All receiving or transmission facilities (i.e., facilities not required for local distributing network) and overhead transmission and substation lines in excess of 33kV and up to 100kV shall be a conditional use in all districts subject to the following requirements:
 - a. Adherence to all applicable Federal Aviation Administration (FAA) and State performance standards.
 - b. The performance standards as specified in subsection 3 of this Section are adhered to.
 - c. The procedural and review standards for conditional use permits are followed as specified in Section 1001.03, Subd. 5 of this Chapter.
 - d. Any alteration of an existing use (i.e., building expansion, change/intensification in use, etc.) involving items not identified upon initial approved plans shall require a conditional use permit amendment.

2. Lots reserved specifically for essential services, whether of record, or newly subdivided, may be less than the specified dimensions of the applicable zoning district, both in area and width as a conditional use, under the following stipulations:
 - a. The lot is of sufficient dimensions to allow the setbacks from all property lines to be equal to height of the various structures on the parcel or the setback requirements of the district, whichever are greater. Lesser structure setbacks may be allowed by the City Council upon demonstration that the facility's design is such that the collapse of said structure will not endanger surrounding property. In no case shall the setbacks be reduced to less than that required by the individual districts.
 - b. Applications for subdivision of new lots under this provision are accompanied by the appropriate conditional use permit applications.

- c. A restrictive covenant, removable by the City, is recorded against a parcel which prohibits any sale, transfer, or use other than for an essential service as defined in the City ordinances so long as the parcel is substandard in size, according to the applicable zoning districts.
 - d. In the event of abandonment of the essential service for any reason on the substandard lot, all equipment, structures, cables, buildings or any other improvements to the property shall be removed from said property within a period of three (3) months. At the end of three (3) months, if the above listed items have not been completely removed, the City may enter said property and remove any of the above listed items and improvements and charge said costs to the owners) of the property, and any such unpaid charge shall be a lien against the affected property, including any and all administrative, legal and other fees expended by the City in enforcing this provision.
 - e. The procedural and review standards for conditional use permits are followed as specified in Section 1001.03, Subd. 5 of this Chapter.
 - f. Any alteration of an existing use (i.e., building expansion, change/intensification in use, etc.) involving items not identified upon approved initial plans shall require a conditional use permit amendment.
3. This Section shall not apply to overhead electric transmission lines and substations greater than 100kV. (Ordinance 13-02, adopted May 14, 2013)

Subd. 14. Home Occupations.

- A. Purpose: The purpose of this Section is to maintain the character and integrity of residential areas, to prevent competition with commercial districts, to encourage telecommuting, and to provide a means through the establishment of specific standards and procedures by which home occupations can be conducted in residential neighborhoods without jeopardizing the health, safety and general welfare of the surrounding neighborhood.
- B. Application: All occupations conducted in the home shall comply with the provisions of this section. This section shall not be construed, however, to apply to home occupations accessory to farming, nor home offices as defined by this Chapter.

C. Procedures:

1. Administrative Permit:
 - a. Except as required by this section, home occupations shall require approval from the Zoning Administrator issued subject to the conditions of this Chapter, other applicable City ordinances and State law.
 - b. The permit shall remain in full force and effect until such time as there has been a change in conditions or until such time as the provisions of this Section have been breached.
2. Declaration Of Conditions: The Zoning Administrator may impose such conditions on the granting of an administrative permit as may be necessary to carry out the purpose and provisions of this Section.
3. Effect Of Permit: An administrative permit may be issued for a period of one (1) year, after which the permit may be reissued for periods of up to three (3) years each.
4. Transferability: Administrative permits shall not run with the land and shall not be transferable.
5. Lapse Of Administrative Permit By Non-use:
 - a. Whenever within one (1) year after granting an administrative permit, the use as permitted by the permit shall not have been initiated, then such permit shall become null and void unless a petition for extension of time in which to complete the work has been granted by the Zoning Administrator.
 - b. Such extension shall be requested in writing and filed with the Zoning Administrator at least thirty (30) days before the expiration of the original permit. There shall be no charge for the filing of such petition. The request for extension shall state facts showing a good faith attempt to initiate the use.
6. Renewal Of Permits:
 - a. An applicant shall not have a vested right to renewal of an administrative permit by reason of having obtained a previous permit.
 - b. In applying for and accepting a permit, the permit holder agrees that their monetary investment in the home occupation will be fully

amortized over the life of the permit and that a permit renewal will not be needed to amortize the investment.

- c. Each application for the renewal of a permit will be considered de novo without taking into consideration that a previous permit has been granted. The previous granting or renewal of a permit shall not constitute a precedent or basis for the renewal of a permit.

D. General Provisions: All home occupations shall comply with the following general provisions and according to definition, the applicable requirement provisions.

1. No home occupation shall produce light, glare, noise, odor or vibration that will in any way have an objectionable effect upon adjacent or nearby property.
2. No equipment shall be used in the home occupation which will create electrical interference to surrounding properties.
3. Any home occupation shall be clearly incidental and secondary to the residential use of the premises, should not change the residential character thereof, and shall result in no incompatibility or disturbance to the surrounding residential uses.
4. No home occupation shall require internal or external alterations or involve construction features not customarily found in dwellings except where required to comply with local and State fire and police recommendations.
5. All home occupations shall be conducted entirely within the living quarters of the principal dwelling and may not be conducted in any portion of an attached private garage or within accessory buildings.
6. There shall be no exterior storage of equipment or materials used in the home occupation, except personal automobiles used in the home occupation may be parked on the site.
7. The home occupation shall meet all applicable fire and building codes.
8. There shall be no exterior display or exterior signs or interior display or interior signs which are visible from outside the dwelling with the exception of one (1) sign not to exceed four (4) square feet in area.
9. All home occupations shall comply with the provisions of the City Code regarding nuisances.

10. No home occupation shall be conducted between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M.
 11. No person other than those who customarily reside on the premises shall be employed by the home occupation.
 12. Home occupations shall not create a parking demand in excess of that which can be accommodated in an existing driveway or guest parking area for multiple-family dwellings, where no vehicle is parked so as to obstruct a public street, sidewalk or trail or private driveway.
 13. Allowed home occupations:
 - a. Home occupations include and are limited to:
 1. Business consulting service.
 2. Hair salon.
 3. Instructional classes with not more than one (1) pupil at a time. Additional students receiving instruction at one time may be allowed for single family uses subject to approval of an interim use permit.
 4. Massage therapy.
 5. Photography studio.
 6. Small appliance repair.
 7. Tailoring, sewing and alternations.
 - b. Home occupations shall not involve any of the following:
 1. Repair service or manufacturing which requires equipment other than found in a dwelling.
 2. Services which consists of more than one pupil, client, or customer at a time.
 3. Over-the-counter retail sale of merchandise produced off the premises.
- E. Inspection: The City hereby reserves the right upon issuing any home occupation permit to inspect the premises in which the occupation is being

conducted to ensure compliance with the provisions of this Chapter or any conditions additionally imposed. (Ordinance 13-02, adopted May 14, 2013)

Subd. 15. Day Care Facilities.

- A. Purpose. The regulation of day care nursery facilities in these zoning regulations is to establish standards and procedures by which day care facilities can be conducted within the City without jeopardizing the health, safety and general welfare of the day care participants and/or the surrounding neighborhood. This Section establishes the city's minimum requirements for the establishment of a day care facility which are not defined as permitted uses by state Statute or which are operated in uses other than single family homes. Day care facilities defined as permitted uses by State Statutes which operate in a single family dwelling as an accessory use shall be subject to Subd. 15 of this Chapter and processed as a home occupation.
- B. Application. Day care facilities shall be considered an allowed conditional use within all business zoning districts and the Industrial District of the City and shall be subject to the regulations and requirements of Section 3 of this Chapter. In addition to the City regulation, all day care facility operations shall comply with the minimum requirements of the Minnesota Department of Health and Human Services regulations, as may be amended.
- C. Declaration of Conditions. The Planning Commission may recommend and the City Council may impose such conditions on the granting of a day care facility conditional use permit as may be necessary to carry out the purpose and provisions of this Section.
- D. Site Plan -Drawing Necessary. All applications for a day care facility conditional use permit shall be accompanied by a site plan drawn to scale and dimension, displaying the information required by Section 1001.05, Subd. 3 of this Chapter.
- E. General Provisions. Day care facilities shall be allowed as a principal or as an accessory use, provided that the day care facilities meet all the applicable provisions of this Section.
 - 1. Lot Requirements and Setbacks - Principal Use. The proposed site for a day care facility must have a minimum lot area as required by the applicable zoning district in which it is located and as determined by the Minnesota Department of Health and Human Services. The City Council may increase the required lot area in those cases where such an increase is considered necessary to ensure compatibility of activities and maintain the public health, safety and general welfare. The day care facility must meet the minimum setback requirements of the respective zoning district.

The City Council may increase setback requirements if considered necessary to ensure compatibility.

2. Lot Requirements and Setbacks; Accessory Use. The site of the proposed day care facility as an accessory use shall meet all area and setback provisions of the respective zoning district in which the facility is to be located. The City Council may increase such standards if considered necessary to maintain compatibility.
 3. Sewer and Water. All day care facilities shall have access to municipal sewer and water or have adequate private sewer and water to protect the health and safety of all persons who occupy the facility.
 4. Screening. A day care facility shall provide screening along shared property boundaries. Such required fencing and screening shall comply with the required fencing and screening provisions of Section 1001.09, Subd. 19 of this Chapter.
 5. Parking.
 - a. For day care facilities as a principal use, there shall be adequate off-street parking which shall be located separately from any outdoor play area and shall be in compliance with Section 1001.05 of this Chapter. Parking areas shall be screened from view of surrounding and abutting residential uses in compliance with Section 1001.09, Subd. 19 of this Chapter.
 - b. When a day care facility is an accessory use within a structure containing another principal use, each use shall be calculated separately for determining the total off-street parking spaces required.
 6. Loading. For day care facilities as a principal use, two (2) off-street loading spaces in compliance with Section 1001.05 of this Chapter shall be provided.
 7. Signage. All signing and informational or visual communication devices shall be in compliance with the provisions of Section 1001.08 of this Chapter.
 8. Compliance with State Requirements. The structure and operation shall be in full compliance with State of Minnesota, Department of Health and Human Services regulations and be licensed accordingly.
- F. Non-Conforming Use. Existing day care facilities lawfully existing on the effective date of this Chapter may continue as non-conforming uses. They shall, however,

be required to obtain permits for their continued operation. Any existing day care facility that is discontinued for a period of more than one hundred eighty (180) days, or is in violation of the provisions of the ordinance under which it was initially established, shall be brought into conformity with the provisions of this Section.

- G. Inspection. At any and all reasonable hours, with or without notice, the City hereby reserves the right upon issuing any day care facility conditional use permit to inspect the premises in which the occupation is being conducted to ensure compliance with the provisions of this Section, Chapter, or any conditions additionally imposed.

Subd. 16. Model Homes.

- A. Purpose. The purpose of this Section is to provide for the erection of model homes in new subdivisions without adversely affecting the character of surrounding residential neighborhoods or creating a general nuisance. As model homes represent a unique temporary commercial use, special consideration must be given to the peculiar problems associated with them and special standards must be applied to ensure reasonable compatibility with their surrounding environment.
- ²³B. Procedure. The erection of a model home(s) shall require approval of the Zoning Administrator subject to compliance with the provisions of this Section.
- C. Special Requirements.
 - 1. Temporary parking facilities equal to four (4) spaces per model home dwelling unit shall be provided. The overall location, design, drainage, and surfacing of the temporary parking facility shall be subject to the approval of the City Engineer and zoning Administrator.
 - 2. Traffic generated by the model home shall be directed away from residential neighborhoods to the greatest extent possible.
 - 3. No model home shall incorporate outside lighting which creates a nuisance due to glare or intensity.
 - 4. All model home signage shall comply with the sign regulations as contained in the provisions of this Chapter relating to signs.

Subd. 17. Standards for Residence Districts.

- A. Site Plan. For all permitted developments in the residence districts, except those containing only permitted single family detached dwellings, a site plan must be reviewed by the Planning Commission and approved by the Council as set forth in this Chapter.
- B. Projecting Air Conditioning and Heating Units Multiple Dwellings. Air conditioning or heating units projecting through exterior walls or windows shall be located and designed so that they neither unnecessarily generate or transmit sound nor disrupt the architectural amenities of the building. Units projecting more than twelve inches beyond the exterior finish of a building wall shall be permitted only with the written consent of the building official, which shall be given only if structural systems prevent compliance.
- ⁷C. Trash and Refuse Disposal - Multiple Dwellings.
 - 1. Except for residences with private entrances, one trash receptacle for each apartment structure shall be required.
 - 2. The storage of trash shall be pursuant to the provisions of Section 1001.09, Subd. 19.B of this Chapter.
- D. Elevators. Except for residences with private entrances, multiple residence buildings of three stories or more shall be equipped with at least one public elevator and lobby for each structure.
- E. Accessory Buildings - Multiple Dwellings. Accessory buildings shall observe the same setback requirements established for the residence building except that accessory buildings located within the rear yard of the multiple residence building may be located to within five feet of the rear or interior side property line. The council may require common walls for accessory buildings where common walls will eliminate unsightly and hazardous areas. Exteriors of accessory buildings to multiple dwellings shall have the same exterior finish as the main structure. Additional regulations applicable to main structures shall apply to accessory buildings.
- F. Housing-Performance Standards. Except for mobile or manufactured homes located in an approved mobile home park, all dwelling within the city shall:
 - 1. Be firmly anchored to a permanent foundation consisting of poured concrete, concrete block or treated wood, the latter as defined in the Minnesota Building Code. All such permanent foundations shall be built in accordance with standards set forth in the Minnesota Building Code.
 - 2. Be at least twenty-two (22) feet in width.

- G. **Manufactured Home.** No manufactured home may be placed on any lot, whether within or without an approved mobile home park, within the city unless such manufactured home is built in conformance with Minnesota Statutes 327.31 to 327.35 as in effect on the date of the passage of this code, and any successor provisions to those statutes and any superseding statutes.
- H. **Secondary Living Quarters and Accessory Apartments.**
1. **Secondary Living Quarters.** Secondary living quarters that include kitchen facilities for housing multiple generations may be allowed an accessory use within a single family dwelling provided that:
 - a. The design and construction of the principal building is not a two-family dwelling as defined by this Chapter.
 - b. There shall be an interior connection between the main living area and accessory living quarters that is able to be unlocked from each side of the connection and that is not secured by a deadbolt or keyed lockset.
 2. **Accessory Apartments.** Accessory apartments constitutes a small renters apartment in a single family home which is subordinate to the principal residential use and requires approval of a conditional use permit. The purpose of permitting temporary accessory apartments is to:
 - a. Provide older homeowners with a means of obtaining, through tenants, in accessory apartments, rental income, companionship, security, and services, and thereby to enable them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave.
 - b. Add inexpensive rental units to the housing stock to meet the needs of smaller households, both young and old.
 - c. Make housing units available to moderated income households who might otherwise have difficulty finding homes within the town.
 - d. Develop housing units and single family neighborhoods that are appropriate for households at a variety of stages in the life cycle, thereby lessening fluctuations in the neighborhood demand for particular services such as education.
 - e. Protect stability, property values, in the single family residential character of the neighborhood by ensuring that temporary accessory apartments are installed only in a owner-occupied house

and under such additional conditions as may be appropriate to further the purposes of this ordinance.

3. Performance Standards. Secondary living quarters and accessory apartments shall comply with the following requirements:
 - a. The principal building shall be served by single municipal water, sanitary sewer, gas and/or electric utility service lines each with a single meter for the respective utility where applicable.
 - b. The principal building shall have one (1) heating and air conditioning system.
 - c. There shall be three (3) garage stalls having directed exterior access (not in a tandem arrangement) attached to the principal building with a driveway access in front of each stall so as to allow direct vehicle maneuvering to each of the stalls. (Ordinance 13-02, adopted May 14, 2013)
- I. The City opts-out of the requirements of Minnesota Statute §462.3593, which defines and regulates Temporary Family Health Care Dwellings, pursuant to authority granted by Minnesota Statutes, Section 462.3593, Subdivision 9. (Ordinance 16-03, adopted August 23, 2016)

Subd. 18. Sexually Oriented Uses.

- A. Intent. The purpose of this section is to establish provisions for the opportunity as well as controls of Sexually oriented uses within the City of Rockford.
- B. Sexually Oriented Use - General. Sexually oriented uses, as defined in this Chapter, shall be subject to the following general provisions:
 1. Activities classified as obscene under Minnesota State Law are not permitted and are strictly prohibited.
 2. Sexually oriented uses, either principal or accessory, shall be prohibited from locating in any building which is also utilized for residential purposes.
 3. Sexually oriented uses, either principal or accessory, shall be prohibited from locating in any place which is also used to dispense or consume alcoholic beverages.
 4. Sexually oriented uses-principal as defined in this Chapter which deal solely in the retail sales of Sexually oriented materials only for off-

premises consumption shall be exempt from the requirements of Section 1001.09, Subd. 18.C of this Chapter.

5. A Sexually oriented use which does not qualify as an accessory use shall be classified as a Sexually oriented use-principal.

C. Sexually Oriented Uses - Principal.

1. Sexually oriented use-principal shall be located at least three hundred (300) feet from the property line of any zoning district in which residential uses are allowed, either as permitted or conditional uses, and at least three hundred (300) feet as measured in a straight line from the closest point of the property line of the building upon which the sexually oriented use-principal is located from any sensitive use provided below:
 - a. Public or private school facility.
 - b. Public park.
 - c. Licensed day care facility.
 - d. On-sale or off-sale liquor facilities.
 - e. Places of religious worship and cemeteries.
 - f. Another existing Sexually oriented use-principal.
2. Sexually oriented use-principal activities, as defined by this Chapter, shall be classified as one use. No two (2) Sexually oriented uses-principal shall be located in the same building or upon the same property and each use shall be subject to Section 1001.09, Subd. 18.C.1.

D. Sexually Oriented Uses - Accessory.

1. Sexually oriented uses-accessory shall:
 - a. Comprise no more than ten (10) percent of the floor area of the establishment in which they are located; and
 - b. Comprise no more than two thousand (2,000) square feet of floor area in total; and
 - c. Comprise no more than twenty (20) percent of the gross receipts of the entire business operation; and
 - d. Not involve or include any activity except the sale or rental of merchandise.

2. Sexually oriented business-accessory shall be restricted from and prohibit access to minors by the physical separation of such items from areas of general public access:
 - a. Movie Rentals. Display areas shall be restricted from general view and shall be located within a separate room, the access of which is in clear view and under the control of the persons responsible for the operation or shall be in catalogs under the direct control and distribution of the operator.
 - b. Magazines. Publications classified or qualifying as Sexually oriented shall not be physically accessible to minors and shall be covered with a wrapper or other means to prevent display of any material other than the publication title.
3. Sexually oriented business-accessory activities shall be prohibited at any public show, movie, caravan, circus, carnival, theatrical or other performance or exhibition presented to the general public where minors are admitted.

⁵E. Violation. Any person violating any provision of this Ordinance shall be punished as prescribed in Section 1001.03, Subd. 09 of the Rockford Zoning Code.

Subd. 19. Required Screening.

- A. Mechanical Equipment: All mechanical equipment, such as heating and air conditioning units, erected on the roof of any structure shall be screened so as not to be visible.
- B. Refuse and Recyclable Material:
 1. For all residential, commercial, and industrial land uses except for Single Family, Two Family, and Three Family Residential structures, all refuse, recyclable materials and necessary handling equipment, including but not limited to, garbage cans, recycling bins and dumpsters shall be stored within the principal structure, within an accessory structure or totally screened from eye-level view from all neighboring uses and the public right-of-way.
 2. For all residential, commercial, and industrial land uses except for Single Family, Two Family, and Three Family Residential structures, exterior storage of garbage cans, recycling bins, dumpsters and other refuse containers shall require the following:

- a. Exterior wall or fence treatment shall be similar and/or complement the principal building.
- b. The enclosed trash and/or recycling receptacle area shall be located in the rear or side yard and shall observe all applicable setback requirements and easements.
- c. The trash and/or recycling enclosure must be accessible for trash hauling vehicles.
- d. The trash and/or recycling receptacles must be fully screened from view of adjacent properties and the public right-of-way by a fence or wall of at least six (6) feet in height and a minimum opaqueness of eighty (80) percent.
- e. All dumpsters, recycling bins, garbage cans, handling equipment and enclosures shall be kept in a good state of repair with tight-fitting lids to prevent spilling and spread of debris.
- f. The construction of trash and recycling enclosures shall be per standards established by the City Building Official and all designs and construction of such enclosures shall be subject to the Building official's approval.

Subd. 20. Wetlands.

- A. Purpose. Work in and around wetlands must be guided by the following principles in descending order of priority:
 1. Avoid both the direct and indirect impact of the activity that may destroy or diminish the wetland.
 2. Minimize the impact by limiting the degree or magnitude of the wetland related activity and its implementation.
 3. Rectify the impact by repairing, rehabilitating, or restoring the affected wetland environment with one of at least equal public value.
 4. Reduce or eliminate the adverse impact over time by preservation and maintenance operations during the life of the activity.
 5. Compensate for the impact by replacing or providing approved substitute wetland resources or environments.

- B. Stormwater Drainage. Runoff must not be discharged directly into wetlands without appropriate quality and quantity runoff control, depending on the individual wetland's vegetation sensitivity, subject to approval of the City Engineer.
- C. Wetland Impacts. Wetlands must not be drained or filled, wholly or partially, unless replaced by either restoring or creating wetland areas of at least equal public value. Compensation, including the replacement ratio and quality of replacement should be consistent with the requirements outlined in the rules adopted by the Board of Water and Soil Resources to implement the Wetland Conservation Act of 1991, as may be amended.
- D. Vegetated Buffer Protection.
 - 1. Except for wetland areas impacted and mitigated in accordance with Section 1001.09 Subd. 20C. A protective buffer of natural vegetation at least twenty (20) feet wide from the delineated edge at the time of development shall surround all wetlands within parcels preliminary platted, developed, or redeveloped after October 14, 2003. The City Engineer may require a larger buffer than the minimum based upon site specific design issues. The design criteria should follow common principles and the example of nearby natural areas. The site should be examined for existing buffer zones and mimic the slope structure and vegetation as much as possible.

Wetland Size	Width of Buffer Area From Delineated Wetland Boundary
0-3 acres	20 feet
Great than 3 acres	25 feet
DNR protected water	35 feet

- 2. A principal building setback of fifty (50) feet from the delineated edge of all wetlands or twenty (20) feet from the edge of a buffer easement, whichever is greater, shall be provided within parcels preliminary platted, developed, or redeveloped after October 14, 2003. Open and uncovered decks attached to the principal building may encroach within the setback from a buffer easement but shall not be closer than ten (10) feet from the easement line. (Ordinance 2015-01, adopted February 24, 2015)
- 3. Grading, construction, or vegetation alteration/disturbance within this buffer is prohibited. Buffer design and protection during construction shall accomplish any or all of the following:
 - a. Slow water runoff.

- b. Enhance water infiltration.
 - c. Trap sediment, fertilizers, pathogens, heavy metals, blowing snow and soil, and act as corridors for wildlife.
 - d. All drain tiles shall be identified on the subject property and adjacent properties if they extend across property boundaries. Drain tile lines must be rendered inoperable unless the applicant determines it and is approved by the City engineer that properties located outside the subject property may experience inundation where it did not previously occur. It is the responsibility of the applicants engineer to show how rendering drain tiles inoperable will impact the existing site and adjacent properties.
- 4. The buffer shall be overlaid by a perpetual conservation easement and maintained by the property owner and marked by permanent signs to prevent encroachment.
 - 5. Ponding areas established for storm water drainage purposes are exempt from the provisions of this section.

E. Wetland Buffer Acceptance.

- 1. Buffer area vegetation shall be considered adequate when the buffer has a continuous, dense layer of perennial grasses, flowers, trees and/or shrubs that have been undisturbed for at least 10 consecutive years. Based on information provided by the applicant the City will determine if the Wetland Buffer is acceptable or if it needs to be replaced or re-established. The City will utilize the following guidelines to determine if vegetation shall be considered unacceptable:
 - a. It has 30% or more of its vegetation composed of grass, common buckthorn, purple loosestrife, leafy spurge, bull thistle, and other noxious weeds). or
 - b. Has bare or disturbed soil that is greater than 10% of the area. or
 - c. Contain Turf grass (Kentucky bluegrass) that is greater than 10% of the area.
- 2. The following shall be part of the required submittal to the City.
 - a. A wetland buffer landscaping plan will need to be submitted to the Local Government Unit WCA Agent for approval. At a minimum, this plan shall include the following:

- b. A plan sheet that shows the location of the buffers within the subdivision. This sheet should also show buffers that are considered acceptable in their current state and identify them as areas that shall not be disturbed during grading.
- c. For buffer areas that are not acceptable, a plan shall be developed that provides species and planting and/or seeding locations. Planting plans shall include native shrub and/or trees and/or grasses and/or forbs found within this part of the state.
- d. The following maintenance will be required for seeded areas.

Establishment (spring seeding):

- 1) Prepare site – Late April – May.
- 2) Seed – May 1 – July 1.

Maintenance:

- 1) Mow - 6-10 inches (can not be less then 6”) July 15 – August 15.
- 2) Mow – September 1 (optional)
- 3) Weed Control – mowing should keep annual weeds down. Spot spray thistles, etc.

Establishment (fall seeding):

- 1) Prepare site – Late August –early September
- 2) Seed – late September to freeze

Maintenance (following season):

- 1) Mow (6-10) inches – June 15 – August 15
- 2) Mow – September 1 (optional)
- 3) Weed Control – mowing should keep annual weeds down. Spot spray thistles, etc.

- e. Applicants may obtain from the City a set of standard seeding and planting specifications for buffer areas that meet all the City requirements.

F. Wetland buffer Mitigation and Averaging:

- 1. If an authorized regulatory authority (DNR, city) approves a wetland permit that impacts wetlands the applicant will be required to replace the buffer

on the fill slope. The applicant will not be allowed to increase the proposed fill to accommodate the required buffer.

2. In instances where the required buffer width is greater than 20 feet the City may allow averaging. When allowed by the City the applicant will be able to reduce the width along a portion of the buffer below the required width if:
 - a. The width of the buffer is expanded along another portion of the wetland, and
 - b. The total acres of the required buffer width are met, and
 - c. The buffer width is not less than 20 feet along any portion of the wetland.
3. When a wetland is completely filled under an approved permit, the buffer area requirement associated with the size of the wetland that was filled will be required for the replacement wetlands unless replacement is occurring adjacent to a larger wetland. A landscaping plan for the buffer replacement site will need to be provided to meet the requirements of Section E.2 of this ordinance.

³⁷ **Subd. 21. Alternative Energy Systems.**

A. Wind Energy Conversion Systems.

1. **Purpose.** This ordinance is established to regulate the installation and operation of Wind Energy Conversion Systems (WECS) within the City of Rockford not otherwise subject to siting and oversight by the State of Minnesota under the Minnesota Power Plant Siting Act (MS 116C.51 – 116C.697).
2. **Application.** Wind conversion systems may be allowed as an interim use within certain zoning districts of the City, subject to the regulations and requirements of this Section, provided the property upon which the system is to be located is agricultural, commercial or industrial and is constructed and maintained on any parcel of land of at least five (5) acres in size.
3. **Declaration of Conditions.** The City Council may impose such conditions on the granting of WECS conditional use permit as may be necessary to carry out the purpose and provisions of this Section and to maintain compatibility.

4. Site Plan Drawings. In addition to the information required by Section 1001.03 of this Chapter, an application for all WECS shall include the following information:
 - a. A description of the project including: Number, type, name plate, generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.
 - b. Detailed site plans drawn to scale and dimensioned including:
 - (1) Lot lines and dimensions.
 - (2) Location and height of all existing and proposed buildings, structures, above ground utilities, guy wires anchors, electrical wires, interconnection points with the electrical grid, and trees.
 - (3) Locations and height of all adjacent buildings, structures, above ground utilities and trees located within three hundred (350) feet of the exterior boundaries of the property.
 - (4) Existing and proposed setbacks of all structures located on the property.
 - (5) Sketch elevation of the premises accurately depicting the proposed WECS and its relationship to structures on adjacent lots.
 - (6) Location of wetlands, scenic, and natural areas and bluffs within one (1) mile of the proposed WECS.
 - (7) The location of any other WECS within ten (10) rotor distances of the proposed WECS.
 - c. Engineer's certification of site plans.
 - d. A Noise Profile.
 - e. FAA Permit Application.
 - f. Location of all known Communications Towers within five (5) miles of the proposed WECS.
 - g. Decommissioning Plan.

collapse of the tower will occur within a lesser distance under all foreseeable circumstances and the property abuts land zoned for industrial or commercial use. WECS shall not be located within fifty (50) feet of an above ground utility line.

- c. Rotors.
 - (1) All WECS rotors shall not have rotor dimensions greater than thirty (30) feet.
 - (2) Blade-arcs created by the WECS shall have a minimum of thirty (30) feet of clearance over any structure or tree within a two hundred (200) foot radius.
 - (3) Each WECS shall be equipped with both a manual and automatic braking device capable of stopping WECS operation in high wind (forty (40) miles per hour or greater) or in conditions of imbalance.
- d. Lightning Protection. Each WECS shall be grounded to protect against natural lightning strikes in conformance with the National Electrical Code as adopted by the City.
- e. Tower Access. To prevent unauthorized climbing, WECS towers must comply with one of the following provision:
 - (1) Tower climbing apparatus shall not be located within twelve (12) feet of the ground.
 - (2) A locked anti-climb device shall be installed on the tower.
 - (3) Tower capable of being climbed shall be enclosed by a locked, protective fence at least eight (8) feet high.
- f. Signs: For all WECS, a sign or signs shall be posted on the tower, transformer and substation warning of shall contain the following information:
 - (1) Warning high voltage.
 - (2) Manufacturer's name.
 - (3) Emergency phone number.
 - (4) Emergency shutdown procedures.

- g. Safety. For all guyed towers, visible and reflective objects, such as plastic sleeves, reflectors or tape shall be placed on the guy wire anchor points and along the outer and innermost guy wires up to a height of eight (8) feet above the ground. Visible fencing shall be installed around anchor points or guy wires.
 - h. Color and Finish. All wind turbines and towers shall be white, grey or another non-obtrusive color. Finishes shall be matte or non-reflective.
 - i. Lighting: WECS shall not have affixed or attached any lights, reflectors, flashers or any other illumination, except for illumination devices required by FAA Regulations Part 77 "Objectives Affecting Navigable Air Space" and Lighting."
 - j. Electromagnetic Interference: WECS shall be designed and constructed so as not to cause radio and television interference.
 - k. Noise Emissions: Noises emanating from the operation of WECS shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations NPC 1 and 2, as amended.
 - l. Utility Company Interconnection: No WECS shall be interconnected with the local electrical utility company until the utility company and the City Engineer have commented upon such proposal. The interconnection of the WECS with the utility company shall adhere to the National Electrical Code as adopted by the City.
9. Building Permit Required. A building permit shall be required for the installation of a WECS in the City.
 10. Inspection. The City hereby reserves the right upon issuing any interim use permit to inspect the premises on which the WECS is located. If a WECS is not maintained in operational condition and poses a potential safety hazard, the owner shall upon written notice from the City, take expeditious action to correct the situation.
 11. Decommissioning: Each Commercial WECS shall have a Decommissioning Plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a competent party; such as a Professional Engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that

will be available to pay for the decommissioning and removal of the WECS and accessory facilities.

12. Discontinuation: A WECS shall be considered a discontinued use and the interim use permit void after one (1) year without energy production, unless a plan is developed and submitted to the Zoning Administrator outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed to four feet below ground level within ninety (90) days of the discontinuation of use.

B. Solar Energy Systems:

1. Accessory Use.

- a. Solar energy systems shall be allowed as accessory in all zoning districts in accordance with the standards in this Section.
- b. The following systems shall be exempt from the requirements of this section and shall be regulated as any other building element:
 - (1) Building integrated solar energy systems that are an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural element or structural component including, but not limited to, photovoltaic or hot water solar energy systems contained within roofing materials, windows, skylights and awnings.
 - (2) Passive solar energy systems that capture solar light or heat without transforming it into another form of energy or transferring the heat via a heat exchanger.

2. System Standards:

a. Electrical:

- (1) All utilities shall be installed underground.
- (2) An exterior utility disconnect switch shall be installed at the electric meter serving the property.
- (3) Solar energy systems shall be grounded to protect against natural lightning strikes in conformance with the National Electrical Code as adopted by the City.

- (4) No solar energy system shall be interconnected with a local electrical utility company until the utility company has reviewed and commented upon it. The interconnection of the solar energy system with the utility company shall adhere to the National Electrical Code as adopted by the City.
 - b. Maximum Area: Ground mounted solar energy systems shall be limited to a maximum area of:
 - (1) Residential Uses: 120 square feet.
 - (2) Non-Residential Uses: Five (5) Percent of Lot Area
 - c. Color: All roof-mounted solar energy systems shall use colors that are the same or similar with the color of the roof material of the building on which the system is mounted.
3. Location and Height Standards:
- a. Roof mounting of solar energy systems shall be a permitted accessory use subject to the following:
 - (1) The solar energy system shall comply with the maximum height requirements of the applicable zoning district.
 - (2) The solar energy system shall not extend beyond the perimeter of the exterior walls of the building on which it is mounted.
 - b. Ground mounting of accessory solar energy systems shall be a conditional use subject to the following:
 - (1) No solar energy system within the C-O District shall be ground mounted.
 - (2) Yards:
 - (a) The solar energy system shall only be located in the rear yard within residential districts.
 - (b) Within all other zoning districts, the solar energy system may be located in any yard.
 - (3) Setbacks: All components of the solar energy system shall comply with the following minimum setbacks from property lines:

- (a) Front Yard: Applicable principal building setback of the respective zoning district.
 - (b) Side Yard: Ten (10) feet
 - (c) Rear Yard: Ten (10) feet
- (4) Solar energy systems shall not encroach upon drainage and utility easements.
 - (5) The solar energy system shall comply with the maximum height requirements for accessory buildings for the applicable zoning district.
4. Screening: Solar energy systems shall be screened from view of adjacent residential zoning districts to the extent possible without affecting their function.
 5. Certification. The solar energy system shall be certified by Underwriters Laboratories, Inc. and comply to the requirements of the International Building Code.
 6. Abandonment: Any solar energy system which is inoperable for twelve (12) successive months shall be deemed to be abandoned and shall be deemed a public nuisance. The owner shall remove the abandoned system at their expense after obtaining a demolition permit.
 7. Building Permit. A building permit as may be required by the Building Code shall be obtained for any solar energy system prior to installation.

Subd. 22. Temporary Sales. Temporary, outdoor sales events may be allowed in the C-1 and C-3 Districts by approval of the Zoning Administrator provided that:

- A. Such activity is directed towards the general public and includes grand openings, warehouse sales, sidewalk sales, inventory reduction or liquidation sales, distressed merchandise sales, and seasonal merchandise sales, sales of produce or other licensed transient sales and displays of materials that are typically not sold or serviced on the site.
- B. The following specific standards shall apply to all proposed temporary outdoor sales activities allowed by this subsection and by city code business licensing provisions in addition to other applicable building and safety code requirements as determined by the zoning administrator:

1. The maximum total time for temporary outdoor sales activities shall be the period specified in the administrative permit and, in no case, shall be limited to no more than ninety (90) days per calendar year.
 2. There shall be no more sales activities than those specified in the administrative permit and, in no case, and no more than one outdoor sales activity shall occur at any one time.
 3. Sales activities may be conducted within a required yard provided the area is paved and the activity does not interfere with parking, traffic circulation or emergency vehicle access. Temporary sales on unpaved landscaped areas is prohibited.
- C. Tents, stands, and other similar temporary structures may be utilized, provided they are clearly identified on the submitted plan and provided that it is determined by the zoning administrator that they will not impair the parking capacity, emergency access, or the safe and efficient movement of pedestrian and vehicular traffic on or off the site.
- D. The submitted plan shall clearly demonstrate that adequate off street parking for the proposed event can and will be provided for the duration of the event. Determination of compliance with this requirement shall be made by the zoning Administrator who shall consider the nature of the event and the applicable parking requirements of this Chapter. Consideration shall be given to the parking needs and requirements of other occupants in the case of multiple-tenant buildings. Parking on public right of way and streets is prohibited; except that parking on local streets may be allowed on Saturday and Sunday only, provided that the petitioner arranges for traffic control by authorized enforcement officers, as approved in writing by the Hennepin or Wright County Sheriff's office, at the petitioner's expense.
- E. Signage related to the event shall be in compliance with the temporary sign standards of this Ordinance and shall be allowed for the duration of the event. Special signage for purposes of traffic direction and control may be authorized by the zoning administrator; the erection and removal of such signage shall be the responsibility of the applicant.
- F. The approved permit shall be displayed on the premises for the duration of the event.
- G. Subject to compliance with the requirements of this section, the Zoning Administrator shall issue the permit for the temporary sales within not more than (60) days of a complete application being submitted including payment of fees as established by Section 212 of the City Code. (Ordinance 12-02, adopted June 12, 2012)

Subd. 23. Antennas.

- A. Purpose. The purpose of this Section is to establish predictable and balanced regulations for the siting and screening of wireless communications equipment, including technology associated with amateur radio service, satellite dishes, personal wireless service, radio or television transmitting antennas, public safety communication, and public utility microwave equipment, in order to accommodate the growth of wireless communication systems within the City while protecting the public against any adverse impacts on the City's aesthetic resources and the public welfare. The provisions of this Section are intended to maximize the use of existing towers, structures, buildings, and collocations to accommodate new wireless telecommunication antennas in order to minimize the number of towers needed to serve the community.
- B. General Provisions: The following standards shall apply to all cellular telephone, public utility, microwave, radio and television broadcast transmitting, radio and television receiving, satellite dish and shortwave radio transmitting and receiving antennas:
1. All obsolete and unused antennas shall be removed by the property owner within twelve (12) months of cessation of operation at the site, unless an exemption is granted by the Zoning Administrator.
 2. All antennas shall be in compliance with all building and electrical code requirements and as applicable shall require related permits.
 3. Structural design, mounting and installation of the antenna shall be in compliance with manufacturer's specifications, and as may be necessary as determined by the zoning administrator and building official, shall be verified and approved by a structural engineer.
 4. When applicable, written authorization for antenna erection shall be provided by the property owner.
 5. No advertising message shall be affixed to the antenna structure or tower.
 6. The height of the antenna shall be the minimum necessary to function satisfactorily, as verified by an engineer or other qualified professional.
 7. Antennas shall not be artificially illuminated unless required by law or by a governmental agency to protect the public's health and safety.

8. When applicable, proposals to erect new antennas shall be accompanied by any required federal, state, or local agency licenses or permits.
9. If a new tower is to be constructed, it shall be designed structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least one additional use, including, but not limited to, other cellular communication companies, local police, fire and ambulance companies. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.
10. Towers under two hundred (200) feet in height shall be painted a non-contrasting color consistent with the surrounding area such as: blue, gray, brown, or silver, or have a galvanized or oxidized finish to reduce visual impact.
11. Provide documentation or studies utilized to determine the necessary location and height of the antenna, including the following analysis:
 - a. Existing service area of the provider.
 - b. Service area of the provider including the area at the height limits for an antenna established by this Section.
 - c. Location, height and ability to collocate on other existing antenna support structures owned by the applicant or other provider capable of providing service to all or a portion of the proposed service area.
12. Tower Design:
 - a. Wireless communication towers shall be of a monopole design unless the City Council determines that an alternative design requested by the applicant would better blend into the surrounding environment. This provision does not apply to amateur radio towers or commercial and public radio or television towers.
 - b. Except for amateur radio towers, a proposal for a new tower shall not be approved unless the zoning administrator finds that the antennas cannot be accommodated on an existing or approved tower, building, or structure within one mile search radius (1/2 mile search radius for towers under one hundred (100) feet in height) of the proposed tower due to one or more of the following reasons:
 - (1) The planned equipment would exceed the structural capacity of the existing or approved tower, building, or structure as documented by a structural engineer, and the existing or

approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

- (2) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified engineer and interference cannot be prevented at a reasonable cost.
- (3) Existing or approved towers, buildings, or structures within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified engineer.
- (4) Other unforeseen reasons that make it unfeasible to locate the antennas upon an existing or approved tower or structure.
- (5) Existing or approved towers, buildings, or other structures do not exist in the service area, or do not meet the needs of the user. Documentation shall be provided at the time of application clearly demonstrating why existing structures do not meet the needs of the users.
- (6) The applicant shall demonstrate in writing that a good faith effort to collocate on existing towers or structures was made, but an agreement could not be reached.

13. Setbacks. All towers shall comply with each of the minimum setback requirements:

- a. Towers shall meet the principal structure setbacks of the underlying zoning district with the exception of industrial zoning districts, where the tower may encroach into the rear setback area, provided that the rear property line abuts another industrial use and zoning district and the tower does not encroach upon any easements.
- b. Setback requirements for all personal wireless service or commercial and public radio and television transmitting antennas, public safety communication antennas, and public utility towers, may be reduced or its location in relation to a public street modified at the discretion of the City Council, to allow the integration of the structure into an existing or proposed structure, such as a light standard, power line support device, or similar structure.

- C. **Accessory and Secondary Use Antennas:** The following standards shall apply to all accessory and secondary use antennas including radio and television receiving antennas, satellite dishes, TVROs (television receive only) two meters (2 m) or less in diameter, shortwave radio dispatching antennas, or those necessary for the operation of electronic equipment including radio and television receivers, but not including antennas used in the amateur radio service regulated by this Section.
1. Single satellite TVROs accessory to a residential use shall not exceed one meter (1 m) in diameter.
 2. Accessory or secondary use antennas shall not be erected in any required yard (except a rear yard) or within public or private utility and drainage easements, or buffer yard, and shall be set back a minimum of ten (10) feet from all lot lines.
 3. Guywires or guywire anchors shall not be erected within public or private utility and drainage easements, and shall be set back a minimum of five (5) feet from all lot lines.
 4. Height:
 - a. The height of accessory or secondary use antennas and necessary support structures or towers, whether freestanding or mounted on another structure, may extend a maximum of fifteen (15) feet above the height restriction for the affected zoning district.
 - b. A height greater than fifteen (15) feet above the height restriction for the affected zoning district may be allowed by approval of an interim use permit provided that the additional height is the minimum required for the antenna to function properly.
- D. **Amateur Radio Service Antennas.** The following standards shall apply to all accessory use antennas and towers used in the amateur radio service:
1. **Exempt Provisions:** Antennas and support structures for federally licensed amateur radio stations and used in the amateur radio service shall be exempt from the requirement of subsections Subd. 23.C.3, 6, 9 and 11 of this chapter.
 2. **Installation Requirements:** Antennas and towers used in the amateur radio service shall be installed in accordance with the instructions furnished by the manufacturer of the antenna or tower. Because of the experimental nature of the amateur radio service, antennas mounted on such towers may be modified or changed at any time so long as the published

allowable load on the tower is not exceeded and the structure of the tower remains in accordance with the manufacturer's specifications.

3. Location:

- a. Amateur radio service antennas and towers shall not be erected in any required yard (except a rear yard) or within a public or private utility and drainage easement, and shall be set back a minimum of ten (10) feet from all lot lines.
- b. Guywires or guywire anchors shall not be erected within public or private utility and drainage easements or required buffer yard, and shall be set back a minimum of five (5) feet from all lot lines.

4. Tower Design:

a. Height:

- (1) Except as provided for in subsection 4.a(2) of this section, antennas and towers used in the amateur radio service may extend a maximum of two (2) times the maximum height restriction for the specific zoning district when in use. When not in use, such equipment shall be restricted to a height not greater than the height of the principal structure or thirty five (35) feet, whichever is higher.
- (2) Vertical pole antennas not exceeding three (3) inches in diameter that are utilized in the amateur radio service may extend to a maximum height of forty five (45) feet.

- b. Fail Points: Amateur radio towers shall have fail points so as to assure that the structure will collapse on the subject site and not extend to and jeopardize life or adjacent property.

5. More Than One Tower: The installation of more than one tower or support structure per property shall require approval of an interim use permit.

E. Personal Wireless Service Antennas.

1. Antennas Located Upon A Public Or Quasi-Public Structure Or Existing Tower: Personal wireless service antennas located upon public structures or existing towers shall require approval of the Zoning Administrator and shall comply with the following standards:

- a. The applicant shall demonstrate by providing a coverage/interference analysis and capacity analysis prepared by a

qualified engineer that location of the antennas as proposed is necessary to meet the frequency reuse and spacing needs of the personal wireless service system and to provide adequate wireless coverage and capacity to areas not currently served.

- b. Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary for transmitting, receiving and switching equipment, it shall be situated in the rear yard of the principal use and shall be screened from view by landscaping where appropriate.
- c. The antennas shall comply with the following standards:
 - (1) Antennas mounted on public structures shall not extend more than fifteen (15) feet above the structural height of the structure to which they are attached.
 - (2) Roof mounted antennas shall not extend more than ten (10) feet above the roof, and shall be set back at least the height of the antenna structure from the roof edge.
 - (3) Wall or facade mounted antennas may not exceed more than five (5) feet above the roof line and must be constructed of a material or color which matches the exterior of the building.
 - (4) Antennas may be mounted to quasi-public structures that are allowed to exceed the maximum height requirements of the base district pursuant to subsection Subd. 23.C.12.b of this Section. The location of antennas on such structures may not exceed the height of the structure and must be architecturally compatible in form and color.

2. Antennas Not Located Upon A Public Structure Or Existing Tower: Personal wireless service antenna not located upon a public or quasi-public structure or existing tower shall require the processing of an interim use permit and shall comply with the following standards:

- a. The applicant shall demonstrate by providing a coverage/interference analysis and capacity analysis prepared by a qualified engineer that location of the antennas as proposed is necessary to meet the frequency reuse and spacing needs of the wireless system and to provide adequate portable coverage and capacity to areas not currently adequately served.

- b. If no existing structure which meets the height requirements for the antennas is available for mounting purposes, the antennas may be mounted on a single ground mounted pole provided that:
 - (1) The pole does not exceed seventy five (75) feet in height, except as may be allowed by approval of an interim use permit.
 - (2) The setback of the pole from the nearest residential property line is not less than the height of the antenna. Exceptions to such setback may be granted if a qualified engineer specifies in writing that any collapse of the pole will occur within a lesser distance under all foreseeable circumstances.
- c. Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary for transmitting, receiving and switching equipment, it shall be situated in the rear yard of the principal use and shall be screened from view by landscaping where appropriate.
- d. At the discretion of the City, a security fence not greater than eight (8) feet in height with a maximum opacity of fifty (50) percent shall be provided around the support structure.

F. Radio, Television and Utility Microwave Antennas: Commercial and public radio and television transmitting and public utility microwave antennas shall comply with the following standards:

- 1. Such antennas shall be considered an allowed interim use within the industrial districts.
- 2. The antennas, transmitting towers, or array of towers shall be located on a continuous parcel having a setback equal to the height of the antenna, transmitting tower, or array of towers measured between the base of the antenna or tower located nearest a property line and said property line, unless a qualified structural engineer specifies in writing that the collapse of any antenna or tower will occur within a lesser distance under all foreseeable circumstances.
- 3. Unless the antenna is mounted on an existing structure, at the discretion of the City, a fence not greater than eight (8) feet in height with a maximum opacity of fifty (50) percent shall be provided around the support structure and other equipment.
- 4. Towers in excess of one hundred fifty (150) feet may be of a lattice design.

- G. Additional Submittal Requirement: In addition to the information required elsewhere in this Chapter, development applications for towers, excluding amateur radio towers, shall include the following supplemental information:
1. A letter of intent committing the tower owner and their successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
 2. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities when they are abandoned, unused or become hazardous shall be submitted to the City.
- H. Processing: Applications required by this Section to locate a personal wireless service antenna shall be processed in accordance with FCC rules where more restrictive than Minnesota statutes 15.99:
1. The City Council shall act on wireless facility requests within a period not longer than ninety (90) days from submission of the request for collocations of a personal wireless service antenna upon an existing tower or structure.
 2. The time frames for action by the City Council may be extended by mutual consent of the applicant and Zoning Administrator.
 3. An application under this chapter shall not be denied solely on the basis that service is available from another provider..(Ordinacne 13-02, adopted May 14, 2013)