

## SECTION 13: USE REGULATIONS

<b>Article 1</b>	<b>Residential Use Regulations</b>	<b>13-2</b>
Subdivision 1	Adult Day Center	
Subdivision 2	Bed and Breakfast Establishments	
Subdivision 3	Group Housing Projects	
Subdivision 4	Home Occupations	
Subdivision 5	Manufactured Home Development	
Subdivision 6	Residential Conversions	
<b>Article 2</b>	<b>Non-Residential Use Regulations</b>	<b>13-14</b>
Subdivision 1	Adult Day Center	
Subdivision 2	Adult Uses	
Subdivision 3	Automobile Car Wash Establishments	
Subdivision 4	Day Care Center	
Subdivision 5	Drive-Thru Facilities	
Subdivision 6	Extended Home Occupations	
Subdivision 7	Farmer's Markets	
Subdivision 8	Gas Stations and / or Convenience Stores	
Subdivision 9	Household Maintenance and Small Engine Repair Facilities	
Subdivision 10	Meat Processing Facilities	
Subdivision 11	Motor Vehicle Body Shops and Repair Facilities	
Subdivision 12	Motor Vehicle Sales and Rental / Leasing Facilities	
Subdivision 13	Open Sales Lots	
Subdivision 14	Outdoor Patios and Decks	
Subdivision 15	Outdoor Seating	
Subdivision 16	Outdoor Storage	
Subdivision 17	Recreational Vehicle Repair Facility	
Subdivision 18	Smoking Shelters	
Subdivision 19	Telecommunication and Antenna Towers	
Subdivision 20	Temporary Outdoor Sales / Transient Merchants	
Subdivision 21	Temporary Real Estate Offices	
Subdivision 22	Wind Energy Conversion Systems	
<b>Article 3</b>	<b>Use Regulations in All Zoning Districts</b>	<b>13-31</b>
Subdivision 1	Land Alterations	
<b>Article 4</b>	<b>Accessory Buildings, Structures and Uses</b>	<b>13-33</b>
Subdivision 1	Residential Districts	
Subdivision 2	Business and Industrial Districts	

## **ARTICLE ONE: RESIDENTIAL USE REGULATIONS**

---

### **Subdivision 1: Adult Day Center** (*Ord. No. 594*)

- A. Purpose.  
The purpose of this section is to ensure the safety and wellbeing of the facilities clients.
- B. Safety and Security Measures. A plan shall be submitted as part of the permit review.
1. Enclosure of outside areas may be required to provide protection from rail, traffic, water, machinery, or other environmental hazards.
  2. Secure or alarmed exits (in compliance with building and fire code). Examples include:
    - a. Mechanical or electronic restricted access systems. These types of systems are designed to prevent unauthorized people from gaining access to a center. All the doors leading into the center are locked from the inside. You may be asked to enter a code or password onto a key pad or identify yourself before the door is opened. Sometimes, you may be "buzzed" into the building after you have been identified. The system may be as simple as a door bell or as complex as security system that is electronically operated.
    - b. Main entrance unlocked, all other doors locked to prevent someone from coming into the building from the outside. This type of system requires that everyone enter the building through the same entrance unless you have a key to another door. Perhaps the director's office will be near the main entrance so that he or she can see who is coming into the building. The center controls the access to areas inside the building by monitoring who is entering.
    - c. Bell or alert device attached to an unlocked door. In this type of system, the main entrance to the building is unlocked, but equipped with a bell or buzzer so that every time the door opens, the bell or buzzer goes off. Access to the building is not controlled but because it alerts the occupants of the building that someone has come or gone it can monitor what is occurring.

### **Subdivision 2: Bed and Breakfast Establishments**

- A. Not more than one (1) non-resident employee shall be employed at a bed and breakfast establishment.
- B. The facility shall be owner occupied and managed.
- C. One (1) on-premise sign may be used in conjunction with such use provided that the size and placement of the sign are in compliance with Section 16 of this Ordinance.
- D. The use shall not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.
- E. Parking shall be provided at one space per rooming unit, in addition to the spaces normally required for the principal residential use. Parking shall be in accordance to Section 17 of this Ordinance and shall be screened from neighboring residentially zoned or used property.
- F. If meals are available they shall be served only to paying, overnight guests. Separate kitchen and cooking facilities shall not be made available for guest use.
- G. The hours that the lobby may remain open for the arrival and departure of paying, overnight guests shall be no earlier than 7:00am and no later than 10:00pm.
- H. The total number of guest rooms are limited to five (5) and all guest rooms shall be located within the principal structure.
- I. The establishment must comply with all applicable local and state regulations regarding fire, health, building and business permits or licenses.

### **Subdivision 3: Group Housing Projects**

When a housing project consisting of a group of four or more buildings is to be constructed on a plot of land and the land is not to be subdivided into customary streets and lots, or the existing or contemplated street and lot layout make it impractical to apply the requirements of this chapter to the individual buildings in the housing project, the requirements of this chapter shall apply to the housing project in a manner that will be in harmony with the character of the neighborhood and the density of land use to obtain a greater standard of open space than required by this chapter in the district in which the project is to be located. These standards shall be applied by means of a conditional use permit with such attachments determining open space.

### **Subdivision 4: Home Occupations**

#### **A. Purpose.**

The purpose of this section is to prevent competition with business districts and to provide a means through the establishment of specific standards and procedures by which home occupations can be conducted in residential and mixed-use neighborhoods without jeopardizing the health, safety, and general welfare of surrounding residential properties. Each home occupation shall comply with the applicable standards so as to ensure that no adverse impact accrue to neighboring properties or infringe upon the rights of adjoining property owners. In addition, it is the purpose of this section to provide a mechanism enabling the distinction between permitted, special, and extended home occupations; so permitted home occupations may be allowed through an administrative review process rather than a legislative hearing process as required for special and extended home occupations.

#### **B. Permitted Home Occupations.**

1. Any permitted home occupation, as defined in Section 2 of this Ordinance, shall not be established unless a home occupation permit has been issued by the Zoning Administrator. An application for a home occupation permit shall be made in writing on forms provided by the Zoning Administrator. There shall be no fee charged for a permitted home occupation permit. Such permits shall be issued by the Zoning Administrator based upon proof of compliance with the provisions of this Subdivision.
2. If the Zoning Administrator denies a permitted home occupation permit, the applicant may appeal such decision pursuant to Section 21 Administration and Enforcement, Article 6 of this Ordinance.
3. A permitted home occupation permit shall remain in effect until such time as there has been a change in the conditions associated with the home occupation or until such time as the provisions of this Section have been breached by the permit holder. At any such time the City has reason to believe that either event has taken place, a public hearing shall be held before the Planning Commission. The City Council shall make the final decision as to whether or not the permit holder is in violation of the provisions of this Subdivision and entitled to maintain the permit.

#### **C. Special and Extended Home Occupations.**

1. Permit Required. Any home occupation that does not meet the specific requirements for a permitted home occupation as defined in this Ordinance shall require an Interim Use Permit for a Special or Extended Home Occupation, as defined in Section 2 of this Ordinance. Special or Extended Home Occupations shall be applied for and reviewed in accordance with the provisions as established within Section 21 Administration and Enforcement, Article 3 Interim Use Permits.
2. Declaration of Conditions. The Planning Commission and City Council may impose such conditions on the granting of a special or extended home occupation permit as may be necessary to carry out the purpose and provisions of this Subdivision.
3. Term of Permit; Renewal. A special or extended home occupation permit may be issued for a period of one year after which the permit may be re-issued for periods of up to three years each. Each application for permit renewal shall; however, be processed in accordance with the procedural requirements of the initial special or extended home occupation permit.
4. Reconsideration. Whenever an application for a special or extended home occupation permit has been considered and denied by the City Council, a similar application for a permit affecting substantially the same property and use shall not be considered again by the Planning Commission or City Council for at least six (6) months from the date of its denial.
5. Special and Extended Home Occupations are subject to review upon complaints from the neighborhood. If the complaints are considered substantial; and upon inspection there has been a change in the conditions associated with the special or extended home occupation or a breach of the provisions of this Subdivision or the conditions placed upon the approval of the special or

extended home occupation are no longer being recognized, the process for revocation of the Interim Use Permit in accordance with the provisions of Section 21, Article 3 may be initiated.

- D. General and Specific Requirements. All home occupations shall comply with the following general requirements and according to the applicable definition, the additional requirements depending upon the type of home occupation:
1. General Requirements.
    - a. The home occupation shall meet all applicable Fire and Building Codes.
    - b. All home occupations shall comply with the provisions of the City Nuisance Ordinance.
    - c. No equipment shall be used in the home occupation which will create electrical interference to surrounding properties.
    - d. The home occupation shall not constitute a fire hazard to adjacent or nearby residences, or a nuisance to neighbors because of excessive traffic, light, glare, noise, odors, vibrations or other circumstances, as determined by the fire marshal or zoning administrator.
    - e. 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 use.
    - f. 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) identification sign not to exceed eight (8) square feet in area and shall meet the requirements as provided in Section 16 of this Ordinance for home business signs. (*Ord. No. 595*)
    - g. Exterior storage or display of equipment, materials, tools, supplies, products or by-products used or produced in conjunction with the home occupation is prohibited.
    - h. Trucks shall not be stored, operated, or maintained in residential districts. Any vehicle used in conjunction with the home occupation shall comply with the Section 17 of this Ordinance and Chapter 227 of the Isanti City Code.
    - i. The home occupation shall not include operations relating to internal combustion engines, body shops, ammunition manufacturing, motor vehicle repairs or sales, or any other objectionable uses as determined by the zoning administrator.
    - j. All permitted and special home occupations shall be conducted entirely within the living quarters of the principal dwelling and may not be conducted in any portion of the attached garage or within accessory buildings.
- E. Permitted Home Occupation Requirements.
1. Permitted home occupations shall not create a parking demand in excess of that which can be accommodated in an existing driveway.
  2. Retail sales/delivery of a service can take place provided it is done on an appointment basis or conducted by mail, so as few vehicles as possible are parked at the residential dwelling at one time.
  3. Truck deliveries or pick-ups of supplies or products, and customer appointments associated with the home occupation shall be imperceptible from normal residential activity. Vehicles used for delivery and pick-up are limited to those normally servicing residential neighborhoods.
  4. No manufacturing or processing business shall be allowed as defined herein: the production of articles from raw or prepared materials whose forms, qualities, properties, or combinations represent hazardous characteristics to the general area, during processing or as the final product.
  5. Business hours are limited to the period of 7:00 a.m. to 8:00 p.m.
  6. The use of mechanical equipment other than is usual for purely domestic or hobby purposes are prohibited.
  7. The entrance to the space devoted to or used by the home occupation must be completely contained within the principal residential dwelling unit so as to have no exterior visibility.
  8. No interior or exterior alterations of the property or the structures thereon shall be allowed that would provide indication of business activities being conducted on the premises and no construction features shall be allowed which are not customarily found in a primary residential dwelling unit or which are inconsistent with the residential character of the lot and structure thereon.
  9. The area set aside for home occupation in the dwelling unit shall not exceed twenty (20) percent of the gross living area of the dwelling unit.

10. No person other than those who customarily reside on the premises shall be employed.

F. Special Home Occupation Requirements.

1. Special home occupations may be allowed to accommodate their parking demand through utilization of on-street parking. In such cases where on-street parking facilities are necessary, however, the City Council shall maintain the right to establish the maximum number of on-street spaces permitted and increase or decrease the maximum number when and where changing conditions require additional review.
2. A contract between the refuse handler and the owner shall be provided for all other waste including but not limited to garbage, recyclable material, decayed wood, sawdust, shaving, bark, lime, sand, ashes, oil, tar, chemicals, offal, and all other substances not sewage or industrial waste which may pollute the waters of the state. The contract shall be provided prior to issuance of the interim use permit and shall cite the destruction of waste and shall be renewed annually on or before January 1<sup>st</sup> of each year.
3. Toxic, explosive, flammable, or other restricted materials used, sold, or stored on the site in conjunction with the home occupation must conform to the Isanti City Code and the Uniform Fire Code.
4. Any retail sales must be accessory or incidental to the primary residential use.
5. No person other than a resident shall conduct the home occupation, except where the applicant can satisfactorily prove unusual or unique conditions or need for non-resident assistance and that this exception would not compromise the Zoning Ordinance.

G. Extended Home Occupation Requirements.

1. A contract between the refuse handler and the owner shall be provided for all other waste including but not limited to garbage, recyclable material, decayed wood, sawdust, shaving, bark, lime, sand, ashes, oil, tar, chemicals, offal, and all other substances not sewage or industrial waste which may pollute the waters of the state. The contract shall be provided prior to issuance of the interim use permit and shall cite the destruction of waste and shall be renewed annually on or before January 1<sup>st</sup> of each year.
2. Toxic, explosive, flammable, or other restricted materials used, sold, or stored on the site in conjunction with the home occupation must conform to the Isanti City Code and the Uniform Fire Code.
3. Any retail sales must be accessory or incidental to the primary residential use.
4. Home occupation operations are restricted to the dwelling unit, attached or detached garages or accessory buildings. If the owner of a home occupation is conducting operations in a detached accessory building, said accessory building must be located on the same parcel as the owners dwelling unit, or a parcel immediately adjacent to the owner's dwelling, to which the owner also has fee title.
  - (a) A minimum of 400 sq/ft of garage or accessory building space shall be maintained as a primary residential garage for indoor parking of vehicles and equipment.
5. No person other than a resident shall conduct the home occupation, except where the applicant can satisfactorily prove unusual or unique conditions or need for non-resident assistance and that this exception would not compromise the Zoning Ordinance.

H. Transferability.

Permits shall not run with the land and shall not be transferable. Home occupation permits granted by this subdivision shall be temporary in nature and shall be granted to a designated person who resides in the dwelling unit on the subject property. Permits are not transferrable from person to person or from address to address.

I. Lapse of Permit by Non-Use.

If, within one year after granting a home occupation 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 City Council. Such petition shall be in writing and file 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 a petition. The request for extension shall state facts showing a good faith attempt to initiate the use. Such petition shall be presented to the Planning Commission for a recommendation and to the City Council for decision.

- J. **Renewal of Permits.**  
An applicant shall not have a vested right to a permit renewal by reason of having obtained a previous permit. In applying for and accepting the permit, the permit holder agrees that his 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. 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 renewal of a permit.
- K. **Inspections.**  
There may one or more inspections each year by the Zoning Administrator or his/her designee of any property covered by a home occupation permit. In addition, the Zoning Administrator or his/her designee shall have the right at any time, upon reasonable request of forty-eight (48) hours notice to enter and inspect the premises covered by said permit for safety and compliance purposes.
- L. **Nonconforming uses.**  
Existing home occupations, lawfully existing on the date this Subdivision was adopted, may continue as non-conforming uses. The home occupation shall be required to obtain permits for their continued operation. Any existing home occupation that is discontinued for a period of more than thirty (30) days, or is in violation of the Ordinance provisions under which it was initially established or found in violation of any other City Ordinance shall be brought into conformity with the provisions of this Subdivision.
- M. **Residential Daycare Facilities.**  
Residential daycare facilities are exempted from all provisions provided in this section pursuant to Minn. Stats. 462.357, subd. 7, as amended from time to time.

#### **Subdivision 5: Manufactured Home Development**

- A. **Purpose and Intent.**
1. It is the purpose and intent of this subdivision to ensure quality development of manufactured home developments, which are equal to that found in other residential neighborhoods throughout the City. Excellence in design, development, and maintenance of manufactured home developments is the desired objective for residents of such developments as well as for the overall community.
  2. Furthermore, it is the intent and purpose of this subdivision to provide provisions and standards for manufactured home developments, including manufactured single-family dwelling units, office area that would be limited to the administration of the park, recreational buildings and structures, storm shelters, and other directly related complimentary uses as allowed by a Conditional Use Permit in those zoning districts as designated within this Ordinance.
- B. **Violations; Repair or Maintenance by the City.**
1. **Additional remedies.** In the event of a violation or a threatened violation of this Subdivision, the City Council, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations.
  2. **Maintenance or repair by the City.**
    - a. If the owner or any successor owner shall at any time fail to maintain any of the recreational areas or streets or any of the common space areas within the manufactured home development in reasonable order and condition, the City may enter upon such areas pursuant to the easement agreement as required, to provide the necessary repairs or upkeep to maintain the manufactured home development in an attractive, well-kept condition.
    - b. Before the City shall make any repairs upon such areas, the City shall give written notice to the record owner shown upon the records of the County Auditor, making demand that specific repairs or maintenance shall be made by the owner immediately or; in the alternative, that the City shall make such repairs and thereafter assess the costs to the owner thereof.
    - c. If the owner fails to fully comply within thirty (30) days of such notice, the City may perform the repairs and maintenance, which shall be billed to the owner of the manufactured home development and/or the recorded property owner, and payment shall be made to the City by the owner to reimburse the City immediately thereafter.



- d. If the owner of the manufactured home park fails to make payment to the City upon the City having so demanded payment for repairs and maintenance as set forth in this section, the City shall have the right without further notice to assess such costs, including administrative costs of the City, and certify such assessments to the County Auditor as an assessment levied to be paid with taxes on the property, the taxable portion of all or any portion of the property on which the manufactured home development is located.
- e. For issues that pose a threat to the public health or safety of residents of the manufactured home development or the City; such issues must be resolved immediately. A written thirty (30) day notice will not be required. Failure to respond to threats to the public health or safety will result in immediate action taken by the City to correct such issues; and payment shall be made to the City by the owner to reimburse the City immediately thereafter.

C. Approval Procedures.

Prior to the development of a manufactured home development, the owners shall meet with applicable City staff to review all applicable ordinances, regulations, and plans in the area to be subdivided. A sketch plan must be presented in a simple form, but should include any zoning changes which may be required, and should show that consideration has been given to the relationship of the proposed development to existing community facilities that would serve it, to neighboring subdivisions and development, and to the topography of the site. The sketch plan shall be presented to the Planning Commission in an effort to facilitate comments on the proposed plan. Such comments are non-binding and do not guarantee approval of the proposed development. All lands to be used for a manufactured home development shall be platted or re-platted in accordance with all applicable subdivision regulations. The use type indicated within specific zoning districts as identified in this Ordinance shall identify the procedure required for zoning approval of a site for use as a manufactured home development.

D. Standards for Manufactured Home Developments.

- 1. Utilities.
  - a. All manufactured home developments and lots shall be provided with and connected to the municipal sewer and water system.
  - b. All utility lines shall be buried to a depth as specified by the City Engineer. There shall be no overhead wires within the development.
  - c. All utility plans shall be approved by the City Engineer prior to construction.
- 2. Perimeter Requirement.
 

All lots and structures shall be setback a minimum of fifty (50) feet from the exterior property line of the development. This area shall be landscaped with appropriate grass, shrubbery, and trees around the entire perimeter of the development. Landscaping provided within the perimeter of the development shall be maintained along with any general landscaping required and provided within the development.
- 3. Development Signs.
 

A Manufactured Home Development shall be permitted a development sign(s), providing such signs meet the requirements of Section 16 of this Ordinance.
- 4. Common Open Space and Community Facilities.
  - a. The developer of a manufactured home development shall provide a minimum of ten (10) percent of the gross area to be developed for recreational facilities and common open space. Any required perimeter area shall not be counted towards meeting the common open space requirement. Any recreation equipment installed within these areas shall be maintained in good repair and safe condition by the management of the development.
  - b. One or more central community buildings shall be provided within the development, which are maintained in a safe, clean, and sanitary condition. Such buildings shall be adequately lighted during all hours of darkness and shall contain laundry facilities, public telephones, and public restroom facilities. Such restroom facilities shall comply with requirements of the State Department of Health. Such buildings shall meet the existing code and ordinance requirements of the City of Isanti.
  - c. Emergency Shelters. Each manufactured home development shall have suitable storm and disaster facilities constructed below ground to accommodate residents of the manufactured home development.

- d. Exterior Clothes Drying Facilities. A suitable area to be used for exterior clothes drying shall be provided adjacent to community building(s). No exterior clothes drying shall be permitted within a lot or any other area of the manufactured home development.
  5. Storage Areas.

No recreational vehicles, hauling trailers, or other equipment shall be stored upon the streets of the manufactured home development or upon patios or open spaces of any individual lot. All manufactured home developments shall have an area set aside for storage by occupants of the manufactured home development. The storage area shall be large enough to accommodate recreational vehicles and other similar items. The storage area shall be fully screened in accordance with Section 15 of this Ordinance.
  6. Off-street parking.

In addition to the required off-street parking for each manufactured home lot, the manufactured home development shall provide and maintain a paved off-street parking lot for guests of occupants. One (1) guest space shall be provided per every four (4) manufactured housing units.
  7. Prohibited structures and vehicles.

Campers, camping trailers, motor homes, tent trailers, dependent trailers, travel trailers, truck campers, or other similar vehicles shall not be located on any manufactured home lot, either temporarily or permanently.
  8. Refuse Collection.

Refuse and trash receptacles shall be provided on-site in accordance with the provisions as provided within Section 14 of this Ordinance.
  9. Curb and gutter. A concrete curb and gutter shall be constructed along all roadways and parking areas within the development. The curb and gutter shall be designed so as to meet City specifications.
  10. Streets; access to lots.
    - a. No manufactured home lot shall have direct access to a public street.
    - b. Each manufactured home shall abut on and have access to a private street used by the residents of the development and built and maintained by the owner thereof. Private streets shall meet the standards as provided within the City's Subdivision Ordinance for developments located within the R-3 District.
    - c. Sidewalks meeting the standards provided in the City's Subdivision Ordinance shall be constructed in compliance with the provisions of the applicable Conditional Use Permit.
    - d. All private streets within the development shall be named for way finding and addressing purposes acceptable to the Public Works Department and any applicable City ordinances. Such private roadways shall be marked with street signs of design, appearance, and placement as acceptable to the Public Works Department.
  11. A manufactured home development shall have grading, drainage, erosion control and stormwater management plans designed in conformance with the requirements of this Ordinance, Ordinance No. 254 and Ordinance No. 420 and any other applicable local, state, or federal regulations. Site development shall conform to all approved plans.
    - a. Changes to approved plans.
      - (1) Minor changes in location, placement, or height of buildings, or in grading or landscape plans may be authorized by the City Planner or his/her designee where unforeseen circumstances such as engineering or building requirements dictate such a change.
      - (2) Changes in the shape, size, and arrangements of lots and blocks, or in the allocation of open space, and all other substantial deviations from the final approved plans shall be referred to the Planning Commission for recommendation, after which the City Council shall decide to either approve or deny the changes to the final plans.
      - (3) If changes are authorized, the owners and/or developers shall submit a revised plan showing authorized changes, which shall be filed with the City Planner.
- E. Standards for Manufactured Home Lot. A manufactured home located on a lot within a manufactured home development shall meet the following requirements.
1. Maximum Unit Density.

The maximum density for the site shall be eight (8) units per acre.
  2. Minimum Lot Size.

The minimum lot size for a manufactured home lot is 6,000 square feet.



3. Minimum Lot Width / Depth.

Lot Width	60 feet
Lot Depth	100 feet
4. Maximum Lot Coverage.

The maximum area to be occupied by impervious surface shall not exceed fifty (50) percent of the manufactured home lot.
5. Setback requirements.

Front yard	20 feet
Rear yard	20 feet
Street side yard	20 feet
Side yard	15 feet, total combined
Building / Unit Separation	15 feet
Perimeter setback	50 feet
6. Landscaping.

Each individual manufactured home lot shall have two (2) trees provided. Trees shall be of a species and size as required in Section 15 of this Ordinance for residential districts.
7. Parking.

Off-street parking for two (2) vehicles shall be provided on each manufactured home lot within the development. Additional parking areas for the overall development shall also be provided as stipulated within Subsection (D)(6) of this Subdivision. Driveways and off-street parking areas shall be setback five (5) feet from the property line. All driveways and off-street parking areas shall be constructed of concrete or bituminous.
8. Skirting and foundation screening.

Skirting and/or permanent foundation screening, shall be installed on all sides of a sited manufactured home between the ground and the underside of the manufactured home to visually screen the area, protect utility connections and control the harboring of pests and vermin below the lowest floor of the manufactured home and the manufactured home stand. The skirting must be made of a rigid weather-proof material installed and affixed to provide a solid visual barrier to the underside of the home, its stand and foundation or anchoring system. Rigid skirting must be of the same color and reflective finish as the exterior siding of the manufactured home. A solid skirting system of all-weather material may be used instead of rigid skirting siding material. Such a solid skirting system may be comprised of masonry block, stone or concrete retaining wall construction, exterior grade simulated block, stone or concrete retaining wall construction, exterior grade simulated brick, stone, stucco or permanent siding if of the same style and color of the exterior siding of the manufactured home. Such skirting must be so constructed that the underside and utility connections of the manufactured home can be reasonably subject to inspection, repair, and maintenance.
9. Manufactured homes within the development shall comply with the National Manufactured Housing Construction and Safety Act, as may be amended from time to time. No manufactured home may be moved onto any lot within the development which does not meet current National Manufactured Housing Construction and Safety Act standards.
10. No manufactured home may be inhabited by a greater number of occupants than that for which it was designed.
11. Every manufactured home shall be placed on a permanent foundation with wheels, tongues, and hitch removed.
12. Accessory structures.

Accessory structures are permitted in accordance with the regulations provided in Section 13, Article 4 of this Ordinance. Setbacks for the accessory structure shall meet the following:

Rear yard setback	5 feet
Side yard setback	5 feet
Street side yard setback	20 feet
13. Additions.

Any building additions to the principle unit must be suitably anchored to the ground and either be commercially made for manufactured homes or meet the standards of the building code. All additions must be consistent and compatible to the design of the principle unit.
14. Permitted encroachments.

The following accessory and mechanical appurtenances may encroach into required setback areas as follows:

- a. Steps, stoops, and landings. Attached steps, uncovered stoops and landings may encroach up to five (5) feet into the setback area, provided that they do not exceed twenty (20) square feet in area. No step, stoop, or landing shall be located closer than ten (10) feet to another manufactured home or attachment thereto.
- b. Air conditioners. An air conditioning unit may encroach up to five (5) feet into the setback area.
- c. Eaves and overhangs. An eave or overhang may encroach up to one (1) foot into the setback area.

F. Manufactured Home Development Management.

- 1. Owner or Manager Required. Every manufactured home development shall be in the charge of a responsible attendant or caretaker at all times whose duty it shall be to maintain the development, its facilities and equipment in a clean, orderly, and sanitary condition. The owner or manager shall be responsible to insure that the owners and/or tenants maintain the manufactured homes on the lots in the development in good repair.
- 2. Office Required. A manufactured home development shall have an office for the use of the operator or manager of the development. This office shall be clearly identified and distinctly marked with a sign that is illuminated during all hours of darkness. A map of the manufactured home development identifying all lot locations and unit addresses shall be displayed at the park office and also be illuminated during hours of darkness.
- 3. Notification of City Ordinances. The owner or manager shall be responsible for notifying the development residents of all applicable provisions and regulations under this Ordinance; and inform them of their responsibilities under this Ordinance.
- 4. Resident Registry Required. A registry shall be maintained by the management in the office of the manufactured home development indicating the name and location of residence of each current, permanent resident of the manufactured home development and the date of beginning residence in the development. Each manufactured home lot shall be identified in the records by a unique number, letter or street address.
- 5. Building Permits Required.
  - a. Prior to a manufactured home being moved into a lot, the owner shall apply for and obtain a building permit for the foundation and a permit for connection of public sewer and water. The application for permits shall be accompanied by a site plan, drawn to scale, detailing the unit placement, location of accessory structures, and setbacks. The installation or construction of any structures or improvements within the development or upon an individual lot shall require a building permit. All plans for installation and construction shall meet City codes and ordinances.
  - b. No work shall be completed to, within, or with respect to any manufactured home or manufactured home development until a building permit has been issued by the City. Requests for building permits shall be submitted through the manufactured home development management. Permission from management must be provided prior to issuance of a building permit.
  - c. Building permit fees shall be required in accordance with current adopted fee schedules at the time of issuance.

G. Manufactured Home Development Closings.

In view of the unique nature and issues presented by the closure or conversion of manufactured home developments, the City Council finds that the public health, safety, and general welfare will be promoted by requiring relocation assistance and/or compensation to displaced homeowners and residents of such developments. The purpose subsection is to require development owners to pay displaced homeowners and residents reasonable relocation costs and purchasers of manufactured home developments to pay additional compensation, pursuant to the authority granted under Minnesota Statutes, Section 327C.095, as amended.

- 1. Relocation costs incurred. The reasonable cost actually incurred by a displaced resident of relocating a manufactured home for a manufactured home development within the City of Isanti that is being closed or converted to another use to another manufactured home development within a twenty-five (25) mile radius of the development, as follows:
  - a. Preparation for move. Reasonable costs incurred to prepare the eligible manufactured home for transportation to another site. This category includes crane services if needed, but not the cost of wheel axles, tire, frame welding or trailer hitches.

- b. Transportation to another site. Reasonable costs incurred to transport the eligible manufactured home to another manufactured home development within a twenty-five (25) mile radius. This category also includes the cost of insuring the manufactured home while the home is in the process of being relocated, and the cost of obtaining moving permits. This category does not include the cost of moving personal property separate and distinct from the manufactured home and separate and distinct from the appliances and appurtenances of the manufactured home.
  - c. Hook-up at new location. The reasonable cost of connecting the eligible manufactured home to utilities at the relocation site, including crane services if needed. The development owner shall not be required to upgrade the electrical or plumbing systems of the manufactured home.
  - d. Relocation costs do not include the cost of any repairs or modifications to the manufactured home needed to bring the home into compliance with state and federal manufactured home building standards for the year in which the home was constructed. Relocation costs also do not include the cost of any repairs or modifications to the home or appurtenances needed to bring the home into compliance with the rules and regulations of the manufactured home development to which the manufactured home is to be relocated, if these rules and regulations are no more stringent than the rules and regulations of the development in which the home is located.
- 2. Notice of closing. If a manufactured home development is to be closed, converted in whole or part to another use or terminated as a use of the property, the development owner shall, at least nine (9) months prior to the closure, conversion to another use, or termination of use, provide a copy of a closure statement to a resident of each manufactured home and to the City Planner, acting on behalf of the Planning Commission and to the Commissioners of Health and the Housing Finance Agency.
- 3. Notice of public hearing. The City Planner shall submit the closure statement to the City Council and request the City Council to schedule a public hearing. The City shall mail a notice at least ten (10) days prior to the public hearing to a resident of each manufactured home in the development and to the development owner stating the time, place, and purpose of the hearing. The development owner shall provide the City with a list of names and addresses of at least one resident of each manufactured home in the development at the time the closure statement is submitted to the City.
- 4. Public hearing. A public hearing shall be held before the City Council for the purpose of reviewing the closure statement and evaluating what impact the development closing may have on the displaced residents and the development owner. The development owner shall be present at such hearing. The City Council shall determine the adequacy of the closure statement and direct payment of relocation costs pursuant to this Subsection of this Ordinance.
- 5. Conditions of closing.
  - a. As a condition of closing of the manufactured home development, the development owner shall pay the relocation costs to displaced residents. If the development owner determines less than six (6) months prior to the date of closure of the development that the development will not be closed, the development owner may rescind the Notice of Closure and shall pay any actual relocation costs incurred by any of the development's manufactured home owners. If the development owner determines at six (6) months or more prior to the date of closure of the development that the development will not be closed, the development owner may rescind the notice of closure, and not be liable for any relocation costs.
  - b. The City shall not issue a building permit in conjunction with the reuse of the manufactured home development property unless the development owner has paid the relocation costs and/or the development purchaser has compensated displaced residents in accordance with the requirements of this Section. Approval of any application for a rezoning, platting, conditional use permit, planned unit development, interim use permit, or variance in conjunction with a development closing or conversion shall be conditioned on compliance with the requirements of this Subsection.
- 6. Displaced resident statement. Within ninety (90) days of receipt of a closure notice, the displaced resident shall provide the development owner with a written statement of relocation costs, or, in the alternative, a written statement that the resident cannot relocate his or her manufactured home to another manufactured home development within twenty-five (25) mile radius. If a resident determines not to relocate as defined within this subsection, the resident must state whether he or she elects to receive relocation costs under subsections 7 or 8 below.

7. Election to relocate.
- a. If a manufactured home can be relocated to another manufactured home development within a twenty-five (25) mile radius, the owner of the development shall pay displaced residents' relocation costs as defined herein.
  - b. The development owner shall make relocation payments directly to contractors providing the relocation services, or shall reimburse the displaced resident directly after the resident submits to the development owner proof of payment or relocation costs. The development owner shall be entitled to receive documentation of relocation cost, including costs of proposals, invoices, estimates and contracts for relocation services.
  - c. If a displaced resident cannot relocate the manufactured home within a twenty-five (25) mile radius of the development that is being closed or some other agreed upon distance, and the resident elected not to tender a title to the manufactured home, the resident is entitled to relocation costs based upon an average of relocation costs awarded to other residents of the development, or, if no other homes have been relocated, the reasonable costs of relocating the home within a twenty-five (25) mile radius.
  - d. A displaced resident compensated under this subsection shall retain title to the manufactured home and shall be responsible for its prompt removal from the manufactured home development. All rent due and owing the park owner, and all property taxes for the current and prior years shall be paid by the displaced resident prior to removing the manufactured home from the development.
8. Election to receive compensation. If a resident cannot relocate his or her manufactured home to another manufactured home development within a twenty-five (25) mile radius or some other agreed upon distance and tenders title to the manufactured home, the resident is entitled to compensation to be paid by the owner of the development in order to mitigate the adverse financial impact of the development closing. In such instance, the compensation shall be an amount equal to the estimated market value of the tax assessed value of the manufactured home, whichever is greater, as determined by a state licensed independent appraiser experienced in manufactured home appraisal and approved by the City Manager. The owner of the development shall pay the cost of the appraisal or shall reimburse the City for any advances it makes to such appraiser for such cost. The owner of the development shall pay such compensation into an escrow account, established by the owner of the development, for distribution upon transfer of title to the home. The amount otherwise due the displaced resident may be tendered on the date of transfer of title from the escrow account for payment on liens and encumbrances. The resident shall transfer title of the manufactured home to the owner of the development free and clear of all liens and encumbrances. All rent due the property owner and all property taxes for the current and prior years shall be paid by the displaced residents prior to distribution to the displaced resident from the escrow account.
- In the event the owner is unable to locate the title to the manufactured home, the owner of the home shall sign an affidavit setting forth:
- a. The inability to locate the title;
  - b. The homeowner's desire to transfer ownership of the home to the development owner for disposal purposes; and
  - c. The homeowner's agreement to transfer ownership and releasing the development owner from any liability for the home's eventual disposal.
- Compensation under this subsection shall be paid to the displaced resident no later than ninety (90) days prior to the earlier of closing of the development or its conversion to another use.
9. Limitation of relocation costs and compensation. The total amount of compensation paid to displaced residents shall not exceed the greater of twenty-five (25) percent of the County Assessor's estimated market value of the manufactured home development, as determined by the County Assessor for the year in which the development is scheduled to close, or twenty-five (25) percent of the purchase price of the development, whichever is greater.
10. Proof of residency. If any disputes arise regarding the right of an individual to receive compensation, the individual can prove a right to compensation by providing evidence of legal occupancy in the development. Such evidence includes, but is not limited to, legal title to the home, tax records indicating ownership of the home, records from the department of transportation showing ownership

of the home, a copy of a signed lease agreement, or proof of payment of rent. Additionally, any resident on the list provided by the development owner to the City within the closure statement is presumed to be a legal resident.

**Subdivision 6: Residential Conversions**

Conversion of a Residential Dwelling Unit shall be permitted in those districts as identified within this Ordinance. All conversions are subject to the following requirements:

- A. All residential conversions shall meet building code requirements and shall submit all necessary documentation for a building permit.
- B. All residential conversions shall meet the requirements of the zoning code, to include but not limited to; parking requirements, impervious surface requirements, setback and lot requirements.
- C. All residential conversions shall pay all City fees, as would be charged to any new dwelling unit, as outlined within the City Fee Ordinance. These fees include, but are not limited to: Park and Recreation Unit Charge, Signal Light Fee, SAC and WAC. All fees shall be paid at the time of building permit issuance. Any units that have previously paid, such fees will be deducted from the total fees paid to the City.

## ARTICLE TWO: NON-RESIDENTIAL USE REGULATIONS

---

### Subdivision 1: Adult Day Center (*Ord. No. 594*)

- A. Purpose.  
The purpose of this section is to ensure the safety and wellbeing of the facilities clients.
- B. Safety and Security Measures. A plan shall be submitted as part of the permit review.
1. Enclosure of outside areas may be required to provide protection from rail, traffic, water, machinery, or other environmental hazards.
  2. Secure or alarmed exits (in compliance with building and fire code). Examples include:
    - a. Mechanical or electronic restricted access systems. These types of systems are designed to prevent unauthorized people from gaining access to a center. All the doors leading into the center are locked from the inside. You may be asked to enter a code or password onto a key pad or identify yourself before the door is opened. Sometimes, you may be "buzzed" into the building after you have been identified. The system may be as simple as a door bell or as complex as security system that is electronically operated.
    - b. Main entrance unlocked, all other doors locked to prevent someone from coming into the building from the outside. This type of system requires that everyone enter the building through the same entrance unless you have a key to another door. Perhaps the director's office will be near the main entrance so that he or she can see who is coming into the building. The center controls the access to areas inside the building by monitoring who is entering.
    - c. Bell or alert device attached to an unlocked door. In this type of system, the main entrance to the building is unlocked, but equipped with a bell or buzzer so that every time the door opens, the bell or buzzer goes off. Access to the building is not controlled but because it alerts the occupants of the building that someone has come or gone it can monitor what is occurring.

### Subdivision 2: Adult Uses

- A. General. Adult uses as defined in this Ordinance shall be subject to the following general provisions:
1. Activities classified as obscene are not permitted and are prohibited.
  2. Adult uses, either principal or accessory, shall be prohibited from locating in any building which is also utilized for residential purposes.
  3. Adult uses, either principal or accessory, shall be prohibited from locating within 750 feet, as measured in a straight line from the building upon which the adult use is located, from schools, churches or other religious establishments, parks, licensed day care facilities, liquor sales, libraries, other adult uses, or residentially zoned areas.
  4. Adult uses, either principal or accessory, shall be prohibited from locating in any place which is also used to dispense or consume alcoholic beverages.
  5. An adult use which does not qualify as an accessory use pursuant to Subdivision 4. A. of this Ordinance, shall be classified as an adult use-principal.
  6. The minimum age of patrons shall be eighteen years.
  7. Patrons shall use the front entrance only.
  8. Window displays or other types of displays depicting any adult use which can be seen from the outdoors are prohibited.
  9. Any form of nude or partially nude dancing is forbidden.
  10. Window areas shall not be covered or made opaque in any way.
- B. Adult Uses-Principal.
1. Adult use-principal shall be located at least 750 radial feet, as measured in a straight line from the closest point of the property line of the building upon which the adult use-principal is located to the property line of any of the following:
    - a. Residentially zoned property,
    - b. A licensed day care center,
    - c. A public or private educational facility classified as an elementary, junior high or senior high,



- d. A public library,
  - e. A public park.,
  - f. Another adult use-principal,
  - g. An on-sale liquor establishment, or
  - h. Any church, synagogue or other principal place of worship of any duly organized religious organization.
- 2. Adult use-principal activities, as defined by this Ordinance, shall be classified as one use. No two or more adult uses-principal shall be located in the same building or upon the same property and each use shall be subject to this ordinance.
  - 3. Adult Use – Principal Activities, as defined by this Ordinance shall be allowed only upon property zoned industrial and upon approval of an Interim Use Permit.

C. Adult Uses-Accessory.

- 1. Adult use-accessory as defined in Section 1 shall:
  - a. Comprise no more than 10% of the floor area of the establishment in which it is located or shall comprise an area no greater than 100 square feet of floor area in which it is located, whichever is smaller.
  - b. Comprise no more than 20% of the gross receipts of the subject business operation at the subject location.
  - c. Not involve or include any activity except the sale or rental of merchandise.
- 2. Adult use-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.
  - b. Magazines. Publications classified or qualifying as adult uses shall be covered with a wrapper or other means to prevent display of any material other than the publication title.
  - c. Other Use. Adult use/accessory activities not specifically cited shall comply with the intent of this section subject to the approval of the City Administrator or his or her designee.
- 3. Adult use-accessory shall be prohibited from both internal and external advertising and signing of adult materials and products.
- 4. Adult use-accessory activities are permitted only in the B-2 and I zoned districts, upon approval of an Interim Use Permit.

D. Nonconforming Adult Use-Principal or Accessory. Adult uses which are classified as legal nonconforming uses may continue in accordance with the provision of this ordinance, except that any such nonconforming use shall be terminated and become illegal 30 days after the adoption of this ordinance. To the extent possible the City shall attempt to identify all such uses which become classified as nonconforming under the provisions of this subdivision and shall notify the property owners and operators of such uses in writing of the change in status and the terms and conditions which apply. The owner of any property on which an adult use is located may apply to the Council for an extension of the termination date. Any such application shall be in writing and be received by the City no later than sixty days upon adoption of this ordinance. Failure to submit a timely extension application shall constitute a waiver of the right to request an exception, if upon the Council's determination, the applicant demonstrates that the amortization period is an unreasonable burden upon the business and does not allow adequate time to recover a reasonable return upon the business investment. The applicant shall have the burden of proof to demonstrate hardship with the established termination date and also the time required for an extension. In making its decision, the Council may consider any factor relevant to the issues, including but not limited to:

- 1. The degree of magnitude of threat to the public health, safety and general welfare posed by the secondary impacts of the operation.
- 2. The length of time that the adult use has been operating.
- 3. The ease by which the property could be converted to a conforming use.
- 4. The nature and character of the surrounding neighborhood.
- 5. The value and condition of the improvements on the property.
- 6. The amount of the applicant's investment in the business.
- 7. The amount of investment already realized.

8. The cost of relocating the adult use.
- E. **Sign Restrictions.** Adult use-principal shall adhere to the following signing regulations in order to protect children from exposure to lurid signs and materials and in order to preserve the value of property surrounding sexually-oriented businesses, the following sign regulations shall apply to all sexually-oriented businesses in the City notwithstanding any other provision of this Code:
1. All signs shall be flat walls signs. No signs shall be freestanding, located on the roof, or contain any flashing lights, moving elements, or electronically or mechanically changing messages.
  2. The amount of allowable sign area shall be one (1) square foot of sign area per foot of lot frontage on a street not to exceed eighty (80) square feet. The total number of signs on the building shall be two (2).
  3. No merchandise, photos, or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the outside of the building.
  4. No signs shall be placed in any window. A one (1) square foot sign may be placed on the door to state hours of operation and admittance to adults only.
  5. Sign messages shall be generic nature and shall only identify the type of business which is being conducted
  6. Sign messages shall not contain material classified as advertising.

**Subdivision 3: Automobile Car Wash Establishments**

- A. Stacking shall be provided in accordance with Section 17 of this Ordinance, with such areas designated to facilitate adequate on-site circulation.
- B. Water shall not drain across any sidewalk or into a public right-of-way, subject to the approval of the City Engineer.
- C. Vacuuming and drying facilities shall be located in an enclosed structure or located away for any residential use to minimize the impact of noise.
- D. All water disposal facilities including sludge, grit removal, and disposal equipment shall conform with all sections and codes regarding sewerage and health.

**Subdivision 4: Day Care Center**

- A. A fence a minimum of five (5) feet in height shall surround all outdoor play areas.
- B. All necessary permits and/or licenses shall be obtained from the State of Minnesota and any other applicable state agency prior to the opening of the facility.
- C. When a child care facility is proposed in a church or school building, the use shall be considered a permitted accessory use; and shall meet the stipulations outlined above.

**Subdivision 5: Drive-Thru Facilities**

Are permitted by a Conditional Use Permit only as an accessory use to a business or restaurant, as identified within this Ordinance, providing the following requirements are met:

- A. No drive-thru window shall be adjacent to a public street.
- B. Drive-thru facilities shall be limited to one (1) service window which is part of the principal structure and not more than two queuing lanes, unless approved along with additional landscaping, screening, or other pedestrian amenities such as fencing, seating, raised pedestrian crossings, etc.
- C. There shall not be any additional curb cuts on a public right-of-way exclusively for the use of drive-thru queuing or exit lanes. Drive-thru traffic shall enter and exit from internal circulation drives.
- D. Queuing space for at least four (4) cars or seventy (70) feet shall be provided per drive-thru service land as measured from but, not including the first drive-thru window or teller station.
- E. Queuing space shall not interfere with parking spaces or traffic circulation with the parking lot or upon the public right-of-way.

- F. Alcoholic beverages shall not be served.
- G. Exterior loud speakers shall be located a minimum of one hundred fifty (150) feet from any parcel containing a residential use and such speakers shall comply with the noise regulations as provided within Isanti City Code of Ordinances.
- H. A by-pass lane shall be provided, allowing autos to exit the drive-thru lane from the stacking lane.
- I. Screening of automobile headlights must be provided. Screening shall be at least three (3) feet in height and fully opaque. Screening shall consist of a wall, fence, dense vegetation, berm or grade change or similar screening as determined to be acceptable by the City Council.

**Subdivision 6: Extended Home Occupations** (*Ord. No. 583*)

- A. Purpose  
The purpose of this section is to allow for the gradual transformation of the areas of the business districts that are primarily residential to convert to business and commercial type uses that are fitting to the districts and to provide a means through the establishment of specific standards and procedures by which extended home occupations can be conducted in business and mixed-use districts without jeopardizing the health, safety, and general welfare of surrounding properties. Each extended home occupation shall comply with the applicable standards so as to ensure that no adverse impact accrue to neighboring properties or infringe upon the rights of adjoining property owners.
- B. Regulations
  - 1. Permit Required. Extended Home Occupations shall be applied for and reviewed in accordance with the provisions as established within Section 21 Administration and Enforcement, Article 3 Interim Use Permits.
  - 2. Declaration of Conditions. The Planning Commission and City Council may impose such conditions on the granting of an extended home occupation permit as may be necessary to carry out the purpose and provisions of this Subdivision.
  - 3. It shall be determined by the Planning Commission and City Council whether the use and location are fitting and compatible with the surrounding neighborhood.
  - 4. Term of Permit; Renewal. A special or extended home occupation permit may be issued for a period of one year after which the permit may be re-issued for periods of up to three years each. Each application for permit renewal shall; however, be processed in accordance with the procedural requirements of the initial special or extended home occupation permit.
  - 5. Reconsideration. Whenever an application for an extended home occupation permit has been considered and denied by the City Council, a similar application for a permit affecting substantially the same property and use shall not be considered again by the Planning Commission or City Council for at least six (6) months from the date of its denial.
  - 6. Extended Home Occupations are subject to review upon complaints from the neighborhood. If the complaints are considered substantial; and upon inspection there has been a change in the conditions associated with the extended home occupation or a breach of the provisions of this Subdivision or the conditions placed upon the approval of the extended home occupation are no longer being recognized, the process for revocation of the Interim Use Permit in accordance with the provisions of Section 21, Article 3 may be initiated.
- C. General and Specific Requirements. All home occupations shall comply with the following general requirements and according to the applicable definition, the additional requirements depending upon the type of home occupation:
  - 1. General Requirements.
    - a. The home occupation shall meet all applicable Fire and Building Codes.
    - b. All home occupations shall comply with the provisions of the City Nuisance Ordinance.
    - c. Home occupations may be allowed to accommodate their parking demand through utilization of on-street parking. In such cases where on-street parking facilities are necessary, however, the City Council shall maintain the right to establish the maximum number of on-street spaces permitted and increase or decrease the maximum number when and where changing conditions require additional review.

- d. The home occupation shall not constitute a fire hazard to adjacent or nearby residences, or a nuisance to neighbors because of excessive traffic, light, glare, noise, odors, vibrations or other circumstances, as determined by the fire marshal or zoning administrator.
  - e. Signage shall comply with Section 16 of this Ordinance.
  - f. Exterior storage or display of equipment, materials, tools, supplies, products or by-products used or produced in conjunction with the home occupation is prohibited.
  - g. Any vehicle used in conjunction with the home occupation shall comply with the Section 17 of this Ordinance and Chapter 227 of the Isanti City Code.
  - h. The home occupation shall not include operations relating to internal sales, or any other objectionable uses as determined by the zoning administrator.
- 2. A contract between the refuse handler and the owner shall be provided for all other waste including but not limited to garbage, recyclable material, decayed wood, sawdust, shaving, bark, lime, sand, ashes, oil, tar, chemicals, offal, and all other substances not sewage or industrial waste which may pollute the waters of the state. The contract shall be provided prior to issuance of the interim use permit and shall cite the destruction of waste and shall be renewed annually on or before January 1<sup>st</sup> of each year.
  - 3. Toxic, explosive, flammable, or other restricted materials used, sold, or stored on the site in conjunction with the home occupation must conform to the Isanti City Code and the Uniform Fire Code.
  - 4. If the owner of an extended home occupation is conducting operations in a detached accessory building, said accessory building must be located on the same parcel as the owners dwelling unit, or a parcel immediately adjacent to the owner's dwelling, to which the owner also has fee title.

#### **Subdivision 7: Farmer's Markets**

- A. When more than twenty (20) vendors are anticipated, trash receptacles and screened dumpsters shall be provided on the site. Such dumpsters shall be picked up the day following the close of the market.
- B. The site shall be maintained and cleaned on a nightly basis to eliminate debris and rodent activity.
- C. The site shall be accessible via a collector or an arterial roadway.
- D. Sales hours will only be permitted from sunrise to sunset.
- E. A parking plan shall be submitted for City Council review and approval.
- F. When more than twenty (20) vendors are anticipated, restroom facilities shall be provided on or adjacent to the property. When provided on an adjacent property, written approval from the neighboring property owner, authorizing the use of restroom facilities from the neighboring property shall be filed with the City.

#### **Subdivision 8: Gas Stations and/or Convenience Stores**

- A. An automobile car wash facility shall be permitted as an accessory use and shall meet the standards as stipulated within this Article.
- B. A minimum of two (2) access points for vehicular traffic shall be provided, so as to avoid conflict with traffic movement on the property.
- C. Fuel pumps shall be installed on pump islands. Canopies covering pump islands shall meet the required setbacks as established within the zoning district in which the use is located.
- D. All design and site plans for a proposed gas station or an expansion of an existing station must be reviewed by the Planning Commission and approved by the City Council. The facilities appearance shall be designed to be compatible with the surrounding residential land uses, if any, and is subject to City Council approval.
- E. There shall be no exterior storage or sales of goods or equipment, except where specifically allowed elsewhere within this Ordinance.
- F. No vehicular sales or repair, other than the dispensing of motor fuel shall be permitted.

- G. All area of the property not devoted to building, parking, or open sales lot area shall be landscaped in accordance with Section 15 of this Ordinance.
- H. Off-street parking and loading shall meet the requirements as stipulated within Section 17 of this Ordinance.

**Subdivision 9: Household Maintenance and Small Engine Repair Facility**

- A. Required off-street parking and loading shall not be used for outdoor sales or storage areas and shall meet the requirements of Section 17 of this Ordinance.
- B. All items awaiting repair or pickup shall be stored on site within an enclosed building.
- C. Disposal of fluids and scrap parts shall comply with MPCA requirements.
- D. All areas of the property not devoted to building or parking areas shall be landscaped in accordance with Section 15 of this Ordinance.
- E. Venting of odors, gas, and fumes shall be directed away from adjacent residential uses.
- F. Sales and display of items associated with the business shall be done within an enclosed building.
- G. Additional conditions may be established to control noise during the operation of the facility, which may include but is not limited to the hours of operation.

**Subdivision 10: Meat Processing Facilities**

- A. Purpose and Intent
  - 1. Recognize that food, in its various forms, is essential to the health and well-being of the City of Isanti, and that the unregulated operation of meat processing facilities and / or slaughter houses may create health hazards, or otherwise jeopardize the public health and welfare of the residents of the City of Isanti.
  - 2. It is the intent of the City of Isanti to attempt to frame this Subdivision consistently with the definitions and regulations already in place in State Statute so as to provide for the consistent and convenient regulation of meat processing facilities and slaughter houses.
  - 3. It shall be unlawful for any person to operate a slaughter house, custom processing facility or meat processing facility for the butchering of animals within the City of Isanti except in conformance with this Subdivision.
- B. Regulations
  - 1. No person may, with respect to any animal or meat food product, slaughter any animal or prepare an article that is usable as human food, at any establishment or place of business within the City of Isanti except in accordance with this Subdivision. Additionally, no person may operate any slaughter house, custom processing activity, or meat processing facility except in compliance with this Subdivision.
  - 2. The operation of a meat processing facility or custom processing activity is allowed as a conditional use only as an accessory use to a meat market within the “B-1” Central Business District. All such uses must, however, be in strict conformance with all Federal and State laws for the operation of such facilities. The following are conditions to govern custom processing and meat processing facility activities within the City of Isanti.
    - a. Slaughter of animals shall take place inside a closed building in a confined area to prevent the transmission of sound associated with the slaughter to the outside.
    - b. The transport of animals and animal by-products from the slaughter shall be pursuant to the conditions set forth in the Conditional Use Permit issued by the City of Isanti.
    - c. Off-street parking and loading shall meet the requirement of Section 15 of this Ordinance.
    - d. Disposal of waste shall be in accordance with all applicable laws and regulations. This is meant to include, but is not limited to, all sewage, processed and unprocessed animal parts, manure, entrails, blood, hides and bones.

- e. The facility must have all necessary federal, state and county licenses and approvals, and shall comply with all state and federal health and safety regulations.
- f. The maximum area (indoor, outdoor or combination thereof) for the keeping and slaughtering of animals shall not exceed the floor area of the meat market. The Conditional Use Permit will limit the size of the facility and the number of animals for keeping or slaughtering.
- g. The facility hours of operations shall be pursuant to those set forth in the Conditional Use Permit issued by the City of Isanti.
- h. Exterior storage areas, including animal storage areas, and vehicle and trailer storage, shall be prohibited within the Central Business District.
- i. Live animals may be held on site for no more than twenty-four (24) hours.
- j. Waste slaughter byproducts shall be disposed of in accordance with all applicable federal, state, and local regulations. At a minimum, waste shall be disposed of within forty-eight (48) hours of being produced. Waste shall be stored in airtight containers and shall be confined in fully enclosed structures. Manure from holding areas shall be removed from the site daily or stored in a manner to control odor as approved by the City of Isanti.
- k. The conditional use permit shall be subject to a facility management plan, waste handling plan, site plan, and noise and odor control plan as approved in writing by the City Council.
- l. All loading and unloading areas shall be screened from view from adjacent properties and public streets.

C. State and Federal Licenses or Permits.

No person shall operate a slaughterhouse, custom processing facility or meat processing facility unless that person has first obtained any required State or Federal licenses or permits.

**Subdivision 11: Motor Vehicle Body Shops and Repair Facilities**

- A. Required off-street parking and loading shall not be used for outdoor sales or storage and shall meet the requirements of Section 17.
- B. All vehicles awaiting repair or pickup shall be stored on site within an enclosed building or within defined parking spaces.
- C. No sales, storage, or display of used automobiles or other vehicles, to include but not limited to motorcycles, snowmobiles, or all-terrain vehicles will be permitted on the property.
- D. Disposal of vehicle fluids shall comply with MPCA regulations.
- E. All areas of the property not devoted to building or parking areas shall be landscaped in accordance with Section 15 of this Ordinance.
- F. Venting of odors, gas, and fumes shall be directed away from adjacent residential uses.
- G. Additional conditions may be established to control noise during the operation of the facility, which may include but is not limited to hours of operation.

**Subdivision 12: Motor Vehicle Sales and Rental/Leasing Facilities**

- A. Services and sales are associated with a principal building with a minimum floor area of at least one thousand (1,000) square feet.
- B. All area of the property not devoted to building, parking, or open sales lot area shall be landscaped in accordance with Section 15 of this Ordinance.
- C. Off-street parking and loading shall meet the requirements as stipulated within Section 17 of this Ordinance.
- D. All new or used vehicles parked or displayed outdoors on the property shall conform to all requirements of the State of Minnesota; shall be operable; shall include all engine, muffler, brakes, and operating parts;



shall be equipped with all exterior body parts as if new (for a passenger vehicle, truck or van, this shall mean four (4) tires, all doors and windows, headlamps and grillwork, mirrors, fenders, trunk, lids, body panels and molding, etc, or if a boat, all windshields, safety railings, hulls, trailer, etc.); shall be uniformly and wholly painted; and shall be free from having any loose or damaged exterior parts.

- E. All repair, assembly, disassembly or maintenance of motor vehicles or motor vehicle parts shall occur within an enclosed building.
- F. A detailed site plan conforming to the requirements of Section 18 of this Ordinance shall be submitted. The site plan shall also illustrate the location of all open sales and storage areas.
- G. No outside speaker system shall be permitted without the approval from the City Council.
- H. A landscaped buffer shall be provided, if the use abuts any residential zoning district. Solid screening to a minimum height of six (6) feet shall be provided along any portion of the open sales lot abutting a residential property or district. Such screening shall consist of a continuous landscape berm, solid wood fence, wall, or other comparable material. Fencing shall be constructed of wood or comparable material and should be of an ornamental or decorative design. If a chain link or wood fence is used, landscaping shall be provided on the outside of the fence facing the abutting residential property or district.

#### **Subdivision 13: Open Sales Lots**

- A. Open sales lots and parking shall be paved with concrete or bituminous before the operation begins and shall be maintained to control dust, drainage, and erosion.
- B. Interior concrete and asphalt curbs shall be constructed on the property to separate driving / parking surfaces from landscaped areas.
- C. A strip of not less than five (5) feet adjacent to the public right-of-way shall be landscaped or screened in accordance with the provisions as set forth in Section 15 of this Ordinance.
- D. Open sales area shall be set back a minimum of ten (10) feet from the property line.
- E. Required off-street parking and loading shall not be used for outdoor sales or storage and shall meet the requirements of Section 17.
- F. Solid screening to a minimum height of six (6) feet shall be provided along any portion of the open sales lot abutting a residential property or district. Such screening shall consist of a continuous landscape berm, solid wood fence, wall, or other comparable material. Fencing shall be constructed of wood or comparable material and should be of an ornamental or decorative design. If a chain link or wood fence is used, landscaping shall be provided on the outside of the fence facing the abutting residential property or district.

#### **Subdivision 14: Outdoor Patios and Decks.**

Are permitted as an accessory use to a bar, restaurant, club, or other assembly use with liquor or food sales, providing the following requirements are met:

- A. The patio or deck shall be contiguous to the principal structure and shall meet the setbacks of the primary structure.
- B. The patio or deck area shall conform to all zoning and building code requirements. If smoking is to be permitted on the patio or deck, such structures shall be in compliance with the Minnesota Freedom to Breathe Act of 2007.
- C. If service of food, alcohol, and non-alcoholic beverages is provided, the liquor liability insurance and license shall stipulate this particular area as well.
- D. The primary access to the patio or deck shall be from the principal building. The area surrounding the patio or deck shall be fenced so as not to allow entrance from the outside and so as to prohibit the free passage of any person or substance from the area.

- E. Signs shall be posted in accordance with State Statute to advise persons of the existence of acceptable non-smoking and smoking permitted areas with the patio or deck area.
- F. An employee shall be assigned to supervise the area during all hours of operation.
- G. Appropriate receptacles for rubbish, garbage, cigarette paraphernalia, etc., shall be provided.
- H. Amplified sound that would disturb the peace of the surrounding area is prohibited.
- I. Patios/Decks shall be a maximum of 800 square feet in area.
- J. The proprietor of an outdoor dining area/patio/deck or bar area of a restaurant may designate for smoking up to fifty (50) percent of the outdoor seating capacity of the restaurant provided this location is appropriately signed.

**Subdivision 15: Outdoor Seating**

Food service businesses, including, but not limited to, bakeries, delicatessens, coffee shops, and restaurants, may provide temporary outdoor seating as an accessory use for their patrons, provided the following requirements are met:

- A. An administrative permit shall be reviewed and approved by the City Planner or his/her designee. If the proposed outdoor seating area abuts a residential district, then a Conditional Use Permit is required.
- B. Seating and furniture shall enhance the appearance of the business.
- C. Seating areas shall be located in a controlled or cordoned area with at least one (1) opening to an acceptable pedestrian walk. When a liquor license is involved, an enclosure is required and the enclosure shall not be interrupted. Access to such area shall be through the principal building only. Signage shall be displayed that restricts the consumption of alcohol outside of the designated outdoor seating area.
- D. Seating shall be located and designed so as not to interfere with pedestrian and vehicular circulation.
- E. Seating areas shall be equipped with trash receptacles and shall be periodically reviewed for litter pick up.
- F. Seating areas shall not have loud speakers or audio equipment that is audible from adjacent property lines. All exterior sound equipment shall be shut off by ten (10) o'clock p.m.
- G. Lighting shall be permitted to the extent that it only illuminates the designated seating area.
- H. Seating areas shall not obstruct required accesses, entrances, and exits into the business establishment; but shall be located adjacent to the principal use.
- I. Seating shall not be located in such a manner as to obstruct parking spaces. No additional parking is required for thirty (30) seats or less. Any additional seating over thirty (30) seats shall provide required parking based on one (1) space per three (3) seats.
- J. Any proposed outdoor seating plan over fifty (50) seats shall be reviewed as a Conditional Use Permit.

**Subdivision 16: Outdoor Storage**

- A. Outside storage areas shall be surfaced with bituminous, concrete, or other surfaces, including but not limited to crushed rock, Class 5, or recycled materials; as recommended by the Planning Commission and approved by the City Council.
- B. Outside storage area shall not be placed within required parking or loading areas, which are deemed necessary to meet code requirements.
- C. Outside storage areas shall be located within the rear yard; however, outdoor storage may be located within the side yard, providing the side yard is not adjacent to or across the street from any residentially zoned property.

- D. All outside storage areas shall be effectively screened year-round, by a wall, fence, or densely planted vegetation in accordance with Section 15 of this Ordinance.
- E. Cars, vans, and pickup trucks parked outside and used by employees and/or visitors in the normal course of business operation will not be construed as outdoor storage. Further, outside parked trucks and semi-trailers used in conjunction with normal business activities will not be construed to be outdoor storage provided (a) the total number of trucks and semi-trailers does not exceed the number of docks and/or bay doors; (b) such vehicles are currently licensed by the State of Minnesota and are in the process of delivering or picking up goods or materials, and (c) such use is not construed as an operation listed as a conditional use in the industrial zone. All other vehicles and/or equipment associated with the business shall meet the fencing and screening requirements as stipulated within this ordinance.

**Subdivision 17: Recreational Vehicle Repair Facility**

- A. Required off-street parking and loading areas shall not be used for outdoor sales or storage and shall meet the requirements of Section 17 of this Ordinance.
- B. All vehicles awaiting repair or pickup shall be stored within an enclosed building or within defined parking spaces.
- C. Disposal of vehicle fluids shall comply with MPCA requirements.
- D. All areas of the property not devoted to building or parking areas shall be landscaped in accordance with Section 15 of this Ordinance.
- E. Venting of odors, gas, or fumes shall be directed away from adjacent residential properties.
- F. Additional conditions may be established to control noise during operation of the facility, which may include but is not limited to hours of operation.
- G. Properties located within the “B-1” Central Business District shall be subject to the following additional standards, due to the unique nature and location of the zoning district:
  - 1. Vehicles awaiting repair or pickup, which is stored within defined parking spaces shall be effectively screened year-round, by a wall or fence in accordance with Section 15 of this Ordinance.
  - 2. No outside storage of damaged vehicles, parts, and equipment shall be permitted.
  - 3. Open sales lots are subject to the provisions as stipulated within this Section and Article of this Ordinance.
  - 4. The maximum number of vehicles either for sale, rent, or awaiting repair on the property shall be limited to four (4).

**Subdivision 18: Smoking Shelters**

Are permitted as an accessory use to a bar, restaurant, club, or other assembly use with liquor or food sales; providing the following requirements are met:

- A. The structure shall be located on the subject property and shall conform to all zoning and building code requirements as well as state statutes.
- B. Smoking shelters shall be a detached accessory outdoor structure and shall be located within the buildable lot area in the rear or side yard. The structure shall meet the setback requirements of the primary structure.
- C. The structure may have a roof and/or partial walls, but must be less than fifty (50) percent enclosed as defined by state statute. All enclosures shall be constructed of materials, which are compatible with the overall architecture of the principal structure or development and shall have a permanent foundation.
- D. Smoking shelters shall not be located closer than twenty-five (25) feet from any entrances, exits, open windows and ventilation intakes of a public place.
- E. Smoking shelters shall not be more than four hundred (400) square feet in area.

- F. The smoking shelter shall be defined or constructed so as to prohibit the free passage of any person or substance from the area.
- G. An employee shall be assigned to supervise the area during all hours of operation.
- H. Amplified sound that would disturb the peace of the surrounding area is prohibited.
- I. Appropriate receptacles for rubbish, garbage, cigarette paraphernalia, etc., shall be provided.
- J. Service of food and alcoholic and non-alcoholic beverages is prohibited in smoking shelters.

**Subdivision 19: Telecommunication and Antenna Towers**

- A. Purpose. The City desires placement of towers to allow for the best telecommunication abilities of its citizens and businesses, but also to limit the number of towers by supporting co-location of carriers on a telecommunications antenna or tower. The City desires that towers not be placed on environmentally sensitive areas.

In order to accommodate the communication needs of residents and business while protecting the public health, safety, and general welfare of the community, the Council finds that these regulations are necessary in order to:

1. Facilitate provision of wireless communications services to the residents and businesses of the city;
2. Minimize adverse visual effects of towers through careful design and siting standards;
3. Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and
4. Maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community. This includes co-locating of telecommunication carriers.

- B. Zoning Districts: The City will allow telecommunication towers and antennas on City Land, areas zoned Industrial, Highway Commercial, and General Commercial with a Conditional Use Permit and a Site plan. Towers in these locations will be allowed in the back and side yards only.

In residential zoning classifications, as noted within this Ordinance, the city will only allow telecommunication towers with a Conditional Use Permit and site plan only if all other options are exhausted. No variance on setbacks is allowed in this zoning. Towers in these locations will be allowed in the back and side yards only.

Towers supporting amateur radio antennas, in residential zoning, and conforming to all applicable provisions of this Code shall be allowed only in the rear yard; the fall zone must not overlay on any primary residential structure.

- C. Performance Standards: Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over one hundred (100) feet in height or for at least one additional user if the tower is between sixty (60) and ninety-nine point nine (99.9) feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying height.

- D. Co-location Requirements: All commercial wireless telecommunication towers erected, constructed, or located within the City shall comply with the following requirements:

A proposal for a new commercial wireless telecommunication service tower shall not be approved unless the City Council finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one mile search radius one half (1.5) mile for towers under one hundred twenty (120) 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 or building, as documented by a qualified and licensed professional 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 and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
  3. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonable as documented by a qualified and licensed professional engineer.
  4. Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
- E. Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over one hundred (100) feet in height or for at least one additional user if the tower is over sixty (60) feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.
- F. Area Wide Analysis / Proof of Need: The applicant shall demonstrate by providing a coverage / interference analysis and capacity analysis that the location of the antenna as proposed is necessary to meet the frequency reuse and spacing needs of the wireless telecommunication facilities and to provide adequate coverage and capacity to areas which cannot be adequately served by locating the antennas in a less restrictive district.
- G. Proof of Non-Interference: Each application for construction of a wireless telecommunication facility shall include either a preliminary or a certified statement that the construction of the tower, including reception and transmission functions, will not interfere with the radio, television, etc., service enjoyed by adjacent residential and nonresidential properties. In the event only a preliminary statement is submitted with the application, a final certified statement of non-interference will be provided and approved by the city prior to issuance of a building permit. An engineer licensed to practice in the State of Minnesota shall prepare the statement.
- H. Setbacks: Setbacks of the parcel shall be equivalent to the setbacks of a principal structure in that zoning district. Setbacks equal to the height of the tower shall be established on sites that are adjacent to churches, schools, gas stations, and residential use zoning. Accessory buildings must meet all zoning setbacks.
- I. Lighting: Towers shall not be artificially lighted unless required by the Federal Aviation Administration or other federal or state authority. Light fixtures to illuminate a ballfield, parking lot, or similar area may be attached to the tower.
- J. Structural, Design, Height, Screening, Access, and Building Requirements
1. Antennas and towers must blend in with the surrounding environment, including locating antennas on roofs of buildings, on the walls of buildings, or on City property.
  2. Maximum height is limited to one hundred fifty (150) above the ground upon which the antenna is placed. The City Council may allow towers up to two hundred (200) high if the applicant can demonstrate that based upon the topography of the site and surrounding area, siting of the antenna, antenna design, surrounding tree cover and structures and / or through the use of screening, that off-site views of the tower will be minimized.
  3. Existing on-site vegetation shall be preserved to the maximum extent possible.
  4. The installation shall be designed compatible with the underlying site plan. The base of the tower and any accessory structures shall be landscaped. Accessory structures will be designed to be architecturally compatible with principal structures on the site.
  5. The tower shall be painted light blue or other color that is demonstrated to minimize visibility. No advertising or identification visible off-site shall be placed on the tower or antennas.
  6. All towers shall be provided with security fencing to prevent unauthorized entry.

- K. Obsolete or Unused Towers: The property owner shall remove all obsolete and unused towers and accompanying accessory facilities within twelve (12) months of cessation of use. The owner placing a new tower must submit and maintain a bond in such amount and for such term as deemed sufficient by the City to assure removal of the tower in case the owner of the tower refuses to comply.

Or

Abandoned or unused towers or portions of tower shall be removed as follows:

1. All abandoned or unused towers and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site unless the City Planner approves a time extension. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower is not removed within twelve (12) months of the cessation of operations at a site, the tower and associated facilities may be removed by the City and the costs of removal assessed against the property.
2. Unused portions of the tower above a manufactured connection shall be removed within six months of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new conditional use permit.

- L. Effect of Ordinance on Existing Towers and Antennas: Antennas and towers in the City as of the publishing of this Ordinance which do not conform to or comply with this Ordinance are subject to the following provisions:

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

- M. Additional Submittal Requirements

In addition to the information required elsewhere in this Code, development application for towers shall include the following supplemental information:

1. A report from a qualified and licensed professional engineer which
  - a. Describes the tower height and design including a cross section and elevation;
  - b. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;
  - c. Describes the tower's capacity, including the number and type of antennas that it accommodate;
  - d. Documents what steps the applicant will take to avoid interference with established public safety telecommunications;
  - e. Includes an engineer's stamp and registration number;
  - f. A site plan clearly indicating a fall-zone equal to the height of the tower / antenna; and,
  - g. Includes other information necessary to evaluate the request.
2. For all commercial wireless telecommunication service tower, a letter of intent committing to tower owner and his or her 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.
3. Before the issuance of a building permit, the following supplemental information shall be submitted:
  - a. Proof that the proposed tower complies with regulations administered by the Federal Aviation Administration; and,
  - b. A report from a qualified and licensed professional engineer which demonstrates the tower's compliance with the aforementioned structural and electrical standards.

#### **Subdivision 20: Temporary Outdoor Sales / Transient Merchants**

The purpose of the temporary outdoor sales and transient merchant sales regulations is to provide a method for merchants to have tent, sidewalk, and similar sales or promotional events for limited periods of time and provide a method for nonprofit organizations to raise funds. Temporary outdoor sales and transient merchant sales are considered an accessory use; however, they do require the approval and issuance of an Administrative Permit prior to their location on a particular parcel.

- A. In General. The following requirements apply to both temporary outdoor sales and transient merchant sales events:



1. Temporary outdoor sales are permitted four (4) times per calendar year, and shall not exceed ten (10) days for each event. No more than the number of permits identified shall be issued to the same business owner in any given calendar year. Transient merchants are permitted two (2) times per calendar year, and shall not exceed five (5) days for each event. No more than the number of permits identified for transient merchants shall be issued to a property in any given calendar year.
  2. Temporary outdoor sales are limited to those parcels in which the underlying zoning district allows general retail sales as permitted, conditional, or interim uses. Transient merchant sales are limited to the "B-1" and "B-2" Districts.
  3. Each tenant or business entity is permitted to have temporary outdoor sales; however, the event shall be clearly accessory to or promoting the permitted, conditional, or interim use approved for the site.
  4. Tents, stands, and other similar temporary structures may be used, provided they are clearly identified on the submitted site plan and provided that it is determined by the City that they will not impair parking, emergency access, or the safe and efficient movement of pedestrian/vehicular traffic on or off-site. Such temporary structures must comply with all applicable building codes and permit requirements.
  5. The submitted plan shall demonstrate that off-street parking for the proposed event can and will be provided for the duration of the event. Parking may be provided on adjacent parcels with written consent of the property owner.
  6. No portion of the sales area or any advertising for the event shall take place within any public right-of-way or vision sight triangle.
  7. Any signage for the event shall comply with Section 16 of this Ordinance.
  8. There shall be no more sales activities other than those specified within the Administrative Permit. The event or sale shall take place on the property as depicted within the approved plan and within the time permitted in the permit.
  9. No buildings, equipment, or materials may be erected or displayed prior to the start date identified in the permit application and all structures, equipment, and displays must be removed by the end date identified on the permit.
  10. Non-profit and civic organizations are permitted temporary outdoor sales, providing the requirements above are met.
  11. Sales activities may be conducted within a required yard provided the activity does not interfere with parking, traffic circulation, or emergency vehicle access.
- B. Transient Merchants. The following shall apply to transient merchants and are in addition to those items required in subsection (A) In General.
1. Transient merchants shall be in conformance with the requirements of Section 245 of the Isanti City Code of Ordinances.
  2. Sales of fireworks shall also be regulated by Section 171 of the Isanti City Code of Ordinances.
  3. The operator and/or owner of a transient merchant sales lot shall have written permission from the property owner on which the sale or event will be located.
  4. Transient merchant locations must be maintained in an orderly and safe manner.
  5. The use of any horn, bell, or any loud or unusual noise to call attention to a transient sale is prohibited.

**Subdivision 21: Temporary Real Estate Offices**

- A. The construction of a temporary real estate office(s) shall require an interim use permit and shall meet the additional requirements as herein stipulated.
- B. No temporary real estate office shall incorporate outside lighting which creates a nuisance due to glare or intensity to surrounding property owners.
- C. All temporary real estate office signage shall comply with the sign regulations as stipulated within Section 16 of this Ordinance.
- D. The interim use permit shall terminate three (3) years from its date of issuance or at such time as eighty-five (85%) of the development is completed, whichever occurs first; unless a different time line is approved by the City Council.

- E. No certificate of occupancy permit shall be issued for a temporary real estate office until such time as the structure has been converted to a residence. Such conversion shall include but not be limited to parking area restoration and the removal of any additional signs or lighting.
- F. Adequate parking areas shall be provided on the site for visitors. The overall design, drainage, and surfacing of any temporary parking facilities shall be subject to the approval of the Building Official and City Engineer.
- G. Additional conditions may be placed upon the interim use permit, in an effort to mitigate for any potential negative effects such a use may have upon the surrounding residential uses.

**Subdivision 22: Wind Energy Conversion Systems (WECS)**

- A. Purpose. This Subdivision is established to regulate the installation and operation of Wind Energy Conversion Systems (WECS) within the City of Isanti, not otherwise subject to siting and oversight by the State of Minnesota under the Minnesota Power Plant Siting Act (MS 116C.51-116C.697).
- B. Interpretations, Conflict, and Separability.
  - 1. Interpretation. In interpreting these regulations and their application, the provisions of these regulations shall be held to be the minimum requirements for the protection of public health, safety, and general welfare. These regulations shall be constructed to broadly promote the purposes for which they are adopted.
  - 2. Conflict. These regulations are not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law except as provided in these regulations. No other provision of these regulations that impose restraints different from any other ordinance, rule or regulation, statute or provision of law, the provision that is more restrictive or imposes higher standards shall control.
  - 3. Separability. If any part or provision of these regulations or the application of these regulations to any developer or circumstance is judged to be invalid by any competent jurisdiction, the judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which the judgment shall be rendered and shall not affect or impair the validity of the remainder of these regulations or the application of them to other developers or circumstances.
- C. Applicability. WECS may be allowed as an accessory use in the B-2, I-I, T1-B, and T1-I Districts as a Conditional Use, subject to the provisions and regulations established within this Subdivision.
- D. Permit Required. It shall be unlawful to construct, erect, install, alter, or locate any wind energy conversion system within the City unless a Conditional Use Permit application has been reviewed and approved in accordance with the provisions as established within Section 21 of the Zoning Ordinance. The Conditional Use Permit may be revoked at any time the approved system does not comply with the rules set forth in this section and/or the conditions imposed by the City Council. The owner/operator of any WECS must also obtain necessary building permits as well as any other permits as required by other federal, state, and local agencies or departments prior to construction.
- E. Declaration of Conditions. City staff and / or the Planning Commission may recommend and the City Council may impose such conditions on the granting of a WECS Conditional Use Permit as may be necessary to carry out the purpose and provisions of this Subdivision.
- F. Submittal Requirements. All applications for a WECS Conditional Use Permit shall be accompanied by a detailed site plan drawn to scale and dimensioned, displaying the information as specified in Section 21 of this Ordinance. Additional information shall be required, which includes but is not limited to the following:
  - 1. Site Plan Drawing:
    - a. Lot lines and dimensions.
    - b. Location and height of all buildings, structures, above-ground utilities and trees on the lot, including both existing and proposed structures.
    - c. Existing and proposed setbacks of all structures located on the property in question.
    - d. Sketch elevation drawing on the premises accurately depicting the proposed WECS and its relationship to structures on the subject site and adjacent lots.
  - 2. Name of the project applicant.

3. Name of project owner.
4. The legal description and address of the project.
5. 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.
6. Engineer's certification.
7. Documentation of land ownership or legal control of property.

G. Specific Standards for Small Wind Energy Conversion System (WECS).

1. Building Mounted Systems.
  - a. For all lots under two (2) acres in size, only building mounted systems are permitted, providing they are mounted on a monopole.
  - b. The height of a building mounted system shall be limited to fifteen (15) feet.
  - c. The building mounted system shall be safely and securely attached to the building in conformance with Building Code requirements. A written certification from a licensed structural engineer that the structure has the structural integrity to carry the weight and wind loads of the WECS and have minimal vibration impacts on the structure shall be submitted prior to construction.
2. Freestanding Monopole Towers.
  - a. Are permitted on lots exceeding two (2) acres in size.
  - b. The height of a freestanding WECS shall not exceed sixty (60) feet on lots between two (2) acres and five (5) acres; and one hundred (100) feet for lots over five (5) acres.
  - c. Electrical wires associated with a freestanding WECS shall be located within the tower and underground.
  - d. Setbacks. No part of a WECS shall be located within or above a required front, side or rear yard setback. WECS shall be setback from the closest property line one (1) foot for every one (1) foot of system height. WECS shall not be located within thirty (30) feet of an above ground utility line or drainage and utility easement. No part of any WECS shall extend across or over any part of a public right-of-way.
  - e. Tower Access. To prevent unauthorized climbing, WECS towers must comply with one of the following:
    - (1) Tower climbing apparatus shall not be located within twelve (12) feet of the ground; or
    - (2) A located anti-climb devices shall be installed on the tower.

H. Development Standards.

1. Number. No more than one (1) WECS is permitted per lot. Wind farms are not permitted.
2. Rotor safety. Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds.
3. Lighting protection. Each WECS shall be grounded to protect against natural lightning strikes in conformance with the National Electrical Code adopted by the City.
4. Signs. WECS shall have one sign, not to exceed two (2) square feet posted at the base of the tower and said sign shall contain the following information:
  - (1) Warning high voltage.
  - (2) Manufacturer's name.
  - (3) Emergency phone number.
  - (4) Emergency shutdown procedures.
5. Lighting. WECS shall not have affixed or attached any lights, reflectors, flashers or any other illumination, except for illumination devices required by FAA Regulations, as amended.
6. Electromagnetic interference. WECS shall be designed and constructed so as not to cause radio and television interference.
7. Noise emissions. Noises emanating from the operation of WECS shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, as amended.
8. Utility company interconnection. No WECS shall be interconnected with a local electrical utility company until the utility company has reviewed and commented upon it. The interconnection of the WECS with a utility company shall adhere to the National Electrical Code as adopted by the City. Verification of such approval shall be provided to the City of Isanti prior to connection.

9. Aesthetics. All WECS shall be maintained in good condition and shall be free from rust and damaged parts to the framework and other components. WECS shall be white or light gray. Other neutral colors may be allowed at the discretion of the City Council. The surface shall be matte or non-reflective. Blades may be black in order to facilitate de-icing.
- I. Code Compliance.
1. Compliance with State Building Code. Standard drawings of the structural components of the wind energy conservation system and support structures, including base and footings shall be provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the State Building Code. Drawings and engineering calculations shall be certified by a Minnesota licensed engineer.
  2. Compliance with National Electrical Code. WECS electrical equipment and connections shall be designed and installed in adherence to the National Electrical Code as adopted by the City.
- J. Manufacturing Warranty. The applicant shall provide documentation or other evidence from the dealer or manufacturer that the WECS has been successfully operated in atmospheric conditions similar to the conditions within Isanti. The WECS shall be warranted against any system failures reasonably expected in severe weather operation conditions.
- L. Ornamental Wind Devices and Windmills. Windmills used for agricultural pumping of water and ornamental wind devices that are less than thirty-five (35) feet in height shall be exempt from the provisions of this Section and shall conform to other applicable provisions of this Ordinance.
- M. Inspection. The City hereby reserves the right upon issuing any WECS Conditional 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 take expeditious action to correct the situation.
- N. Abandonment. Any WECS or tower which is not used for twelve (12) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner; unless the City Council grants an exemption or an extension.

## **ARTICLE THREE: USE REGULATIONS IN ALL ZONING DISTRICTS**

---

### **Subdivision 1: Land Alterations**

- A. City approval shall be required in all cases where excavation, grading, and filling of any land would result in a substantial alteration of existing ground contour or would change existing drainage or would cause flooding or erosion or would deprive an adjoining property owner of lateral support and would remove or destroy the present ground cover resulting in less beneficial cover for present and proposed development. Substantial alteration shall be defined as the extraction, grading or filling of land involving movement of earth and materials in excess of twenty-five (25) cubic yards. The Zoning Administrator or Building Official may exempt cubic yard restrictions for foundation excavation and grading for new residential units and for the landscaping requirements for residential units per City ordinance.
- B. The City Engineer shall review all cases in which more than twenty-five (25) cubic yards of land is altered. In matters of land alteration related to a preliminary plat, final plat or site plan review the Planning Commission will review and recommend to the City Council and the City Council will make a final determination on the grading within the entire development request. A grading permit will be issued upon the City Engineers review of the items detailed in B, C & D below and any other additional information that is requested to ensure that all City, State and other laws and regulations are met. The grading permit will be issued to the property owner after City Council approval of a preliminary plat, final plat or site plan review. The grading permit will be signed by the City Engineer and City Clerk.
- C. In all other requests to alter land in excess of twenty-five (25) cubic yards a conditional use permit shall be required. The application shall be submitted with the required items as detailed in B, C & D below for review along with any other requested additional information, including, but not limited to the requirements of a Conditional Use Permit section of ordinance. The required items are to ensure that all City, State and other laws and regulations are met. The Planning Commission will review and recommend to the City Council and City Council will make the final determination on the request. The signed Conditional Use Permit shall constitute the grading permit.
- D. Applications for a grading permit shall contain the following additional information:
1. Legal description of land to be altered.
  2. Nature of proposed alteration and future use of the property.
  3. Starting date and approximate completion date of the operation.
  4. The names of all owners of the land to be altered.
  5. The names and addresses of all owners and occupants of the adjoining land that may be effected by said land alterations.
  6. A construction plan showing existing and proposed elevations.
  7. The City Council may require adequate proof of bonding in the form of a performance bond, sufficient in value to cover the expense of the completion of the development plan or to bring such portion of the completed project to safe grade and elevation so as to be healthful and safe to the general public and to provide safe and adequate drainage to the site.
- E. If, during the land alteration work, it becomes necessary for the person altering the land to create a condition of grade or drainage not in the interest of health or safety, it shall become the person's duty to correct, immediately, the dangerous situation created, as well as fence or screen the area from the public upon order of the City Engineer.
- F. The person responsible for the proposed land alteration shall agree to replace cover that has been removed, by seeding or sodding, such cover to be replaced in accordance with the MPCA NPDES Phase 2 Permit requirements after completion of grading. The City will require an escrow or letter of credit to cover development related activities before a grading permit will be issued unless the escrow or letter of credited amount is covered within in a Development Agreement and its associated escrow or letter of credited amounts. Where construction of homes or buildings is being done over an extended period of time, the City may require replacement of ground cover on a portion of the area before the entire project is complete.

## **Subdivision 2: Community Gardens**

### **A. Zoning districts.**

Community gardens are permitted in those zoning districts as designated, which include: R-1 Single Family Residential District, R-2 Single Family Residential District, R-3A Low Density Multiple Family District, R-3B Medium Density Residential District, R-4 Multiple Dwelling District, B-1 Central Business District, B-2 General Business District, B-3 Neighborhood Business District, RC Recreational Commercial District, CBT Central Business Transitional District, T1-R Tier One Residential District, and T1-B Tier One Business District.

### **B. Operation standards.**

1. Community gardeners shall have an established set of operating rules addressing the governance structure of the garden, hours of operation, maintenance and security requirements and responsibilities, funding plan, and garden design plan. The garden design plan shall identify the layout and dimensions of garden plots, location of water sources, parking and access locations to the garden, and locations of other buildings, fencing, and obstructions.
2. A garden coordinator to perform the coordinating role for the management of the community garden shall be identified. The name and contact information of the garden coordinator and a copy of the operating rules and other associated materials identified within (B)(1) shall be kept on file with the City of Isanti Parks and Recreation Department.
3. Community gardens are required to have a non-profit entity or neighborhood association group to act as the garden coordinator.
4. The City of Isanti is not responsible for the garden itself; or to anything pertaining to the garden. Each member of the community garden must sign a waiver of liability.
5. Should the community garden group decide to no longer maintain their space, the group is responsible for proposing a plan to restore the area to the satisfaction of the City.

### **C. Site standards.**

1. Overhead lighting is prohibited.
2. A garden must be located within one hundred (100) feet of a functioning water source, to include the public water system or private sand point well. The use of fire hydrants or drinking fountains is not permitted.
3. The site shall be designed and maintained so that water and fertilizer will not drain onto adjacent properties.
4. Nets or other similar types of shade structures are not permitted within the garden area.
5. There shall be no retail sales on-site.

### **D. Signage.**

All signs shall meet the requirements of the zoning district in which the sign is located and shall meet the requirements of Section 16 Signs of the Zoning Ordinance.

### **E. Accessory Buildings, Structures, and Fences.**

No fence or building shall be constructed without review and approval by the City Council, so that best efforts can be taken to ensure that the fence and/or structure are compatible in appearance and placement with the character of surrounding properties.

1. Sheds for the storage of tools limited in size to one hundred seventy (170) square feet.
2. Greenhouses that consist of buildings made of glass, plastic, or fiberglass in which plants are cultivated shall not exceed five hundred eighty (580) square feet in floor area.
3. Benches, bike racks, raised/accessible planting beds, compost or waste bins, picnic tables, and rain barrels or water reservoir systems are permitted on-site.
4. Setbacks for accessory buildings and fencing as defined within this Ordinance are applicable.
5. Fences shall not exceed four (4) feet in height, shall have an opaqueness of no greater than 50%, and shall be constructed of wood or ornamental metal.



## ARTICLE FOUR: ACCESSORY BUILDINGS, STRUCTURES, AND USES

### Subdivision 1: Residential Districts

#### A. Accessory Buildings

##### 1. Number permitted.

- (a) There shall be no more than one (1) detached accessory building or structure per lot within the R-1, R-2, R-3A, R-3B and T1-R Districts, in addition to an attached garage.
- (b) One (1) shed, not to exceed one hundred seventy (170) square feet in area may be permitted in addition to a detached accessory structure; providing all other requirements of the Ordinance are met.

##### 2. Location.

- (a) Accessory structures or buildings shall not be located within any easement, wetland, or stormwater retention/detention ponds.
- (b) Detached accessory structures are prohibited within the front yard.
- (c) Detached accessory structures shall be located within the rear and side yard only.
- (d) No accessory building shall be located closer than ten (10) feet to the principal structure.

##### 3. Size and Setback Requirements.

- (a) All accessory buildings shall meet the lot coverage, size restrictions, setback requirements, and height restrictions as stated within this Section of the Zoning Ordinance.
- (b) Detached accessory garages that will have access onto an alley shall be setback ten (10) feet from the property line adjacent to the alley.
- (c) All detached accessory structures shall comply with the following size and sidewall height requirements as provided below. Calculations are based upon the total useable lot area.

**TABLE 3: Size Requirements for Accessory Structures**

Parcel Size	Maximum Square Feet	Maximum Building Height
Less than 1.0 acres (Ord. No. 592)	580 sq/ft	12 feet (see definition of building height)
Parcel Size	Maximum Square Feet	Maximum Sidewall Height
1.01 to 2.0 acres	960 sq/ft	10 feet
2.01 to 3.0 acres	1,200 sq/ft	10 feet
3.01 to 4.99 acres	1,800 sq/ft	10 feet
5.0 or more acres	2,400 sq/ft plus an additional 240 sq/ft or increment thereof, for each additional acre	10 feet

##### 4. Building Materials.

- (a) Accessory structures shall be compatible with the principal structure with respect to building materials, design, and character. Roof style and colors shall be similar to or compatible with the principal building.
- (b) Buildings of pole type construction are prohibited.

##### 5. Attached Structures.

- (a) An accessory structure shall be considered attached, and an integral part of the principal structure when it is connected by a common wall, an enclosed passageway, breezeway, or

other similar roof structure. The accessory structure attached to the principal structure shall be made structurally a part of the principal building and shall comply with the requirements as established for the principal structure within this Section.

- (b) No additional roofs or appendages shall be permitted as additions to accessory buildings regardless of size.
- 6. Driveways for Accessory Structures.
  - (a) No additional or separate driveway entrances are permitted for access to an accessory structure, unless the property is a corner lot or abuts an alley way where driveway entrances can be provided from each adjacent street or alley.
  - (b) If the property does not have an attached garage, driveway access to the accessory garage shall be provided in accordance with the driveway requirements provided for within the particular zoning district in which the property is located.
- B. **Time of Construction.**

No accessory building, structure or use shall be permitted or constructed on any lot prior to the time of construction of the principal building to which it is accessory.
- C. **Decks.**

A deck shall be considered part of the principal structure and shall be subject to the setbacks of the principal structure.
- D. **Zoning Permits Required.**

Unless a building permit is required, prior to construction and installation of any of the following a zoning permit is required:

  - 1. Accessory structures at 200 square feet or less in floor area. (*Ord. No. 609*)
  - 2. Residential patios and decks not attached to a structure, which are less than thirty (30) inches in height above grade.

## **Subdivision 2: Commercial and Industrial Districts**

- A. Accessory Buildings and Structures.
  - 1. Location.
    - (a) Accessory structures or buildings shall not be located within any easement, wetland, or stormwater retention/detention ponds.
    - (b) Detached accessory structures are prohibited within the front yard.
    - (c) Detached accessory structures shall be located within the rear and side yard only.
    - (d) Separation between the accessory structure and the principal building (if detached) shall meet building code requirements.
  - 2. Size and Setback Requirements.
    - (a) All accessory buildings shall meet the setback requirements as established for the principal structure.
    - (b) The height of an accessory building shall not exceed the height of the principal building.
    - (c) Accessory buildings shall not exceed thirty (30) percent of the floor area of the principal building.
    - (d) Accessory buildings shall meet the lot coverage and open space (green space) requirements as established for the zoning district in which the parcel is located.
  - 3. Building Materials.
    - (a) Accessory structures shall be compatible with the principal structure with respect to building materials, design, and character. Roof style and colors shall be similar to or compatible with the principal building.
    - (b) Buildings of pole type construction are prohibited.
  - 4. Attached Structures.
    - (a) An accessory structure shall be considered attached, and an integral part of the principal structure when it is connected by a common wall, an enclosed passageway, breezeway, or other similar roof structure; and shall be subject to the following requirements:
      - (1) The accessory structure attached to the principal structure shall be made structurally a part of the principal building and shall comply with the requirements as established for the principal structure within this Section.

- (b) No additional roofs or appendages shall be permitted as additions to accessory buildings regardless of size.