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Starbuck - Land Usage

CHAPTER 155: ZONING REGULATIONS

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Section 1.01 and 1.02

SECTION 1.01 INTENT AND PURPOSE.

This Ordinance is adopted for the purpose of (1) protecting the public health, safety, comfort, convenience and general welfare; (2) dividing the area in the City into zones and districts regulating therein the location, construction, reconstruction, alteration and use of structures and land;(3) promoting orderly development of the residential, business, industrial, recreational and public areas; (4) providing for the compatibility of different land uses and the most appropriate use of land throughout the City (5) conserving the natural and scenic beauty and attractiveness of the City; and (6) minimizing environmental pollution;

SECTION 1.02 PLANNING COMMISSION.

Subd. 1. Establishment of Planning Commission. A Planning Commission shall serve in an advisory capacity to the Council and shall have such duties and powers prescribed and limited by the Council in this Chapter. The Planning Commission shall also be responsible to oversee and advise the city on zoning regulations for the City of Starbuck

Subd. 2. Composition. The Planning Commission shall consist of five (5) members, all residents of the City of Starbuck and who shall be appointed for three year terms by the City Council and received such compensation as the Council may see fit and who shall serve at the pleasure of the Council. No sitting member of the City Council maybe a voting member of the Planning Commission.

Subd. 3. Vacancies. Members of the Planning Commission shall continue as such until their successors are appointed. A vacancy in any membership shall occur by the discontinued resident citizenship of the member, by motion or resolution of the Council, by resignation of the member, or by expiration of the member's term. A vacancy shall be filled by appointment of the Council for the unexpired term of the member.

Subd. 4. Duties of the Planning Commission. The planning commission shall:

- A. Prepare and recommend a zoning map of the City.
- B. Prepare and recommend a zoning map of the half mile area beyond the city limits that is within the jurisdiction of the City.
- C. Recommend to the City Council the approval or rejection of all plats or registered land surveys as required in the Subdivision Regulation Chapter of the City Code.
- D. Study future developments, consisting of proposed public buildings, present and future street locations and arrangements, necessity and location of parks and playgrounds and other similar proposed future physical developments.
- E. Prepare, approve and recommend to the Council a comprehensive plan for the City of Starbuck, including amendments of existing and future zoning plans.

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Section 1.03

F. The Planning Commission shall hold regular meetings as deemed necessary. The times and places for meeting shall be as the Commission shall determine, unless otherwise directed by the Council.

1. A majority shall constitute a quorum, which will consist of three members and an affirmative or negative vote of three members shall be necessary for the transaction of any business.
2. At every meeting, the Commission shall take and keep minutes of the meeting, recording the time and place of the meeting, the names of the members present, guests present, motions and resolutions past, the number voting for and against any matter, and other business procedures. As soon after any meeting as may reasonably be done, and in any event before the next regular meeting of the Council, the Commission shall deliver a copy of the minutes of the meeting to the City Administrator as soon as the meeting minutes are accepted.
3. A Chairperson and Vice-Chairperson shall be elected at the first meeting of each year.
4. All such meetings shall be conducted according to the Minnesota open meeting law and notice must be given as provided in that law.

G. Have such other responsibilities as may be assigned the Planning Commission elsewhere in this code.

Subd. 5. **Dissolution of the Planning Commission.** The Planning Commission may at any time be dissolved by majority vote of the Council.

SECTION 1.03. RULES AND DEFINITIONS.

Subd. 1. **Rules.** The language set forth in the text of this Chapter shall be interpreted in accordance with the following rules of construction:

- A. The present tense includes the past and future tenses and the future the present.
- B. All measured distances expressed in feet shall be to the nearest tenth of a foot.
- C. In the event of conflicting provisions, the more restrictive provisions shall apply

Subd. 2. **Definitions.** The following terms, as used in this Chapter, shall have the meanings stated:

"Accessory Use or Structure" - A use or structure, or portion of a structure, subordinate to and serving the principal use or structure on the same lot.

"Alley" - A public right of way not less than 20 feet wide, and not more than 30 feet in width, which affords only a secondary means of access to abutting property-

"Apartment" - A room or suite of rooms with cooking facilities available which is occupied as a residence by a single family, or a group of individuals living together as a single family unit. This includes any unit in buildings with more than two dwelling units.

"Apartment Building" - (See "Dwelling, Multiple")

"Automobile Repair" - General repair, engine rebuilding or reconditioning of motor vehicles; collision service such as body, frame or fender straightening and repair; overall painting of motor vehicles.

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"Automobile Service Station"- A place where gasoline stored only in underground tanks, kerosene or motor oil and lubricants or grease, for operation of motor vehicles is retailed directly to the public on premises, and including minor accessories and services for motor vehicles, but not including motor vehicle repairs and rebuilding. When the dispensing, sale or offering for sale of motor fuels or oil is incidental to the conducts of a public garage, the premises shall be classified as a public garage

"Auto Wrecking Yard" - Any place where two or more motor vehicles not in running condition, or parts thereof, are stored in the open and used for wrecking or stirring of such motor vehicles or parts thereof; and including any farm vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating conditions; and including the commercial salvaging and scavenging of any other goods, articles and merchandise.

"Basement" - A portion of a building located partially or wholly underground.

"Billboard" - A structure which directs attention to a business, commodity, service, activity or entertainment not necessarily conducted or offered upon the premises where the structure is located.

"Block" - A tract of land within a platted subdivision bounded by streets, or a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines, waterways or boundary lines or the corporate limits of the City.

"Boarding House" (Rooming or Lodging House) - A building other than a motel or hotel where, for compensation and by prearrangement for definite periods, meals or lodgings are provided for three or more persons, but not to exceed twenty(20)persons.

"Building" - Any structure, either temporary or permanent, having a roof, and used or built for the shelter or enclosure of persons, animals chattels or property of any kinds. This shall include tents, awnings or vehicles situated on private property and used for purposes of a building.

"Building Height" - The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

"Building Line" - A line parallel to the street right of way line at any story level of a building and representing the minimum distance which all or any part of the building is set back from said right of way line.

"Building, Main or Principal" - A building in which is conducted the principal use of the lot on which it is situated.

"Business" - any occupation, employment or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.

"Carport" - A private garage which is open to the weather on at least two sides, intended for the use of sheltering not more than two motor driven vehicles.

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

"Cottage Industry" - (see Home Occupations)

"Clustering/Cluster Housing" - The development pattern and technique whereby structures are arranged in closely related groups to make the most efficient use of the natural amenities of the land.

"Condominium" - from of individual ownership within a multi-family building with joint responsibility for maintenance and repairs of the common property. In a condominium, its occupant owns each apartment or townhouse outright and each occupant also owns a share of the land and other common property.

"Cooperative" - A multi-unit development operated for and owned by its occupants. individual occupants do not own their specific housing unit outright as in a condominium but they own shares in the total enterprise.

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"Court" - An open unoccupied space bounded on two or more sides by the exteriors walls of a building or buildings on the same lot.

"Curb Level" - The level of the established curb in front of the building measured at the center of such front. Where a building faces on more than one street, the curb level shall be the average of the levels of the curbs at the center of the front to each street. Where no curb level has been established, the engineering staff shall determine a curb level or it's equivalent for the purpose of this Chapter.

"Day Care Center, Nursery" - Means any day care center, nursery as defined by the Minnesota Department of Public Welfare.

"District" - A section or sections of the incorporated area of the City for which the regulations and provisions governing the use of building and land are uniform for each class of use permitted therein.

"Drive-in" - A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle, rather than within a building or structure.

"Drive-In Restaurant" - Any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages or other food, served directly to, or permitted to be consumed by, patrons in automobiles or other vehicles parked on the premises. or permitted to be consumed by patrons elsewhere on the site, outside the main building.

"Dwelling" - A building or portion thereof, including a house, trailer or mobile home designed or used exclusively for residential occupancy, including one-family, two-family and multiple-family dwelling units, but not including hotels, motels, boarding or lodging houses.

"Dwelling Unit" - One or more rooms in a dwelling or apartment hotel designed for occupancy by one family for living purposes and having its own permanently installed cooking and sanitary facilities.

"Dwelling, Attached" - A dwelling joined to other dwellings by part wall or walls.

"Dwelling, Detached" - A dwelling entirely surrounded by open space, said open space being on the same zoning lot as the dwelling.

"Dwelling, One Family" - A detached dwelling designed for or occupied exclusively by one family.

"Dwelling, Two Family" - A dwelling designed exclusively for occupancy by two families living independently of each other.

"Dwelling, Multiple" - A dwelling designed for and containing three or more dwelling units, the occupants of which live independently of each other.

"Earth Sheltered Building" - A building constructed so that fifty percent (50%) or more of the completed structure is covered with earth. Earth covering is measured from the lowest level of livable space in residential units and of usable space in non-residential buildings. An earth-sheltered building is a complete structure that does not serve just as a foundation or substructure for aboveground construction. A partially completed building shall not be considered earth shelter.

"Easement" - A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining walkways, roadways, utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.

"Efficiency Unit" - A dwelling unit with one primary room which doubles as a living room, kitchen, and bedroom

"Essential Services" - Overhead or underground electrical, gas, steam or water transmission or distribution systems and structure or collection, communication, supply or disposal systems and structures used by public utilities or governmental departments or commissions or as are required for the protection of the public health, safety or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes and accessories in connection therewith but not including buildings.

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"Excavation" - Any breaking of ground, except common household gardening and ground care.

"Exterior Storage(Includes Open Storage)" - The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

***Family** - One or more persons related by blood, marriage or adoption. Five(5) or fewer persons not related by blood, marriage or adoption will be considered a family regardless of ownership of the unit amongst the five(5) or fewer person.

"Farm" - A tract of land which is principally used for agricultural activities such as the production of cash crops, livestock or poultry farming. Such farms may include agricultural dwelling and accessory buildings and structures necessary to the operation of the farm.

"Floor Area, Gross" - The gross floor area of a building is the sum of the gross horizontal areas of the several floors of the building, measured from the exterior faces of the exterior walls.

"Floor Area, Livable" - Livable floor area shall be the same as "floor area gross" defined above, excluding all areas occupied by garages, porches, attics, stairways and storage, utility and hearing rooms.

"Floor Area Ratio(F.A.R.)" - the floor area ratio of the building or buildings on any zoning lot is the gross floor area of the building or buildings on the zoning lot divided by the area of such zoning lot, or, in the case of planned developments, by the net site area.

"Frontage" - All the property fronting on one side of a street between the nearest intersecting streets, or between a street and a right-of-way or other barrier.

"Garage, Private" - An accessory building designed to accommodate storage for vehicles having a load rating of one ton or less, used by the occupant of the building to which it is accessory.

"Garage, Public" Any building or premises, except those used as a private or storage garage, used for equipping, repairing, hiring, selling or storing motor driven vehicles.

"Garage, Storage" - Any building or premises used for housing motor driven vehicles and at which automobile fuels are not sold or motor vehicles are not equipped, repaired, hired, or sold.

"Garage, Truck" - A building which is used or intended to be used for storage of motor trucks, truck trailers, tractors, semi-trailers and restricted vehicles exceeding one ton capacity.

"Grade" - The average of the finished level at the center of the exterior walls of the building. For an earth sheltered building, grade means the average of the finished level at the center of the lot. For a building with earth berms but less than fifty percent (50%) earth covering, grade means the average of the finished level at the center of the building at the beginning of the earth berm.

"Group Home" - A group home as defined by the Minnesota Department of Human services.

"High Rise Building" - Any structure designed for a specific use, the height of which exceeds 48 feet.

"Home Occupation" - Any gainful occupation or profession engaged in by the occupant of a dwelling at or from the dwelling when carried on within a dwelling unit. Such uses include professional offices, minor repair services, photo or art studios, dressmaking, barbershops, beauty shops, tourist homes, or similar uses.

"Hospital" - An institution open to the public in which sick patients or injured persons are given medical or surgical care; or for the care of contagious diseases or incurable patients.

"Hotel" - A building which provides a common entrance, lobby, halls and stairway and in which twenty (20) or more people can be, for compensation, lodged with or without meals.

"Industrial Park" - A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries.

"Institution" - A building occupied by a non-profit corporation or a non-profit establishment for public or semi-public use.

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"Junk Yards/Salvage Yards" - An open area including buildings where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed disassembled or handled, including but not limited to scrap iron and other metals, paper, rages, rubber tires, and bottles.

"Kennel, Commercial" - Any lot or premises on which more than three(3) dogs, cats or other household pets with a maximum age of four(4) months, are either permanently or temporarily boarded, bred or sold.

"Laboratory" - A place devoted to experimental study such as research, testing and analyzing. Manufacturing of a product or products is not to be permitted within this definition.

"Loading Space/Dock" - An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

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

"Lot of Record" - A lot which is a part of a platted subdivision, the map of which has been recorded in the office of the County Recorder, or a lot described by metes and bounds, the deed to which was recorded in the office of the County Recorder at the time of the passing of the Zoning Chapter of 1978.

"Lot Area" - The lot area is the square feet of land area within the lot lines.

"Lot, Corner" - The area of the zoning lot occupied by the principal buildings and accessory buildings- Earth berms are not to be included in calculating lot coverage's. Only the above grade portions of an earth sheltered building should be included in lot coverage calculations.

"Lot Coverage" - The area of the zoning lot occupied by the principal buildings and accessory buildings. Earth berms are not to be included in calculating lot coverage. Only the above grade portions of an earth sheltered building should be included in lot coverage calculations.

"Lot Depth" - The mean horizontal distance between the front and rear lot lines.

"Lot Width" - The maximum horizontal distance between the side lot lines of a lot measured with the first thirty (30) feet of the lot depth.

"Lot Double Frontage" - A lot having frontage on two non-intersecting streets as distinguished from a corner lot.

"Lot Interior" - A lot other than a corner or reversed corner lot.

"Lot Line, Front" - That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot it shall be the shortest dimension on a public street. If the dimensions of a corner lot are equal, the front line shall be designated by the owner and filed with the County Recorder.

"Lot Line, Rear" - The rear lot line is the lot line or lot lines most nearly parallel to and most remote from the front lot line. Lot lines other than front or rear lot lines are side lot lines.

"Lot, Non-Conforming" - A lot or parcel of land for which a deed has been recorded in the office of the County Recorder upon or prior to the effective date of this Chapter which does not meet the minimum lot area, structure setbacks or other dimensional standards of this Chapter.

"Manufactured Home" - A manufactured home shall be as defined by MS \$ Sec. 327.31 as it may be amended from time to time.

"Manufactured/Mobile Home Park" - Any site, lot field or tract of land designated, maintained or intended for the placement of two (2) or more occupied homes. It shall include any buildings, structure, vehicle, or enclosure intended for use as part of the equipment of such mobile/manufactured home park.

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"Manufactured, Mobile Home Sales Lot" - A lot, site, field or tract of land on which mobile homes are displayed for sale.

"Metes and Bounds" - A method of property description by means of their direction and distance from an easily identifiable point.

"Mining" - The extraction of sand, gravel, rock, soil or other material from the land in the amount of one thousand (1,000) cubic yards or more and the removal thereof from the site- The only exclusion from this definition shall be removal of materials associated with construction of a building, provided such removal is an approved item in the building permit.

"Modular Home" - A non-mobile housing unit that is basically fabricated at a central factory and transported to a building site where final installations are made, permanently affixing the module to the site.

"Motel (Tourist Court)" - A building or group of detached, semi-detached, or attached buildings containing guest rooms or dwellings, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of automobile transients.

"Motor Home or Recreation Vehicle" - Any vehicle mounted on wheels and for which a license would be required if used on highways, roads or streets, and so constructed and designed as to permit occupancy thereof for dwelling or sleeping purposes and used for recreational purposes.

"Municipal Water and Sewer Systems" - Utility systems serving a group of buildings, lots or an area of the City with the design and construction of such utility systems as approved by the City.

"Non-Conforming Buildings" - A building or structure or portion thereof which lawfully existed prior to the establishment of the zoning district in which it is now located which does not conform to the regulations for the zoning district in which it is now located.

"Nursery, Landscape" – a business growing and selling trees, flowering and decorative plants and shrubs and which may be conducted within a building or without, for the purpose of landscape construction.

"Nursing Home" A building with facilities for the care of children, the aged, infirm, or place of rest for those suffering bodily disorder. Said nursing home shall be license by the State Board of Health as provided for in Minnesota Statute, Section 144.5A.

"Odorous Matter" - Any matter or material that yields an odor which is offensive in any way.

"Open Sales Lot (Exterior Storage)" - any land used or occupied for the purpose of buying and selling any goods, materials, or merchandise and for the sorting of same under the open sky prior to sale.

"Parking Space" - A land area of not less than 180 square feet, exclusive of driveways and aisles, of such shape and dimensions and so prepared as to be usable for the parking of a motor vehicle, and so located as to be readily accessible to a public street or alley.

"Particulate Matter" - Any dust, smoke or other form of airborne pollution in the form of minute separate particles.

"Pedestrian Way" - A public or private right of way across or within a block, to be used by pedestrians.

"Planning Commission " - The city planning commission.

"Planned Unit Development" - A residential development whereby buildings are grouped or clustered in and around common open space areas in accordance with a prearranged site plan and where the common open space is owned by the homeowners and usually maintained by a homeowner's association.

"Plot" - A tract other than one unit of a recorded plat or subdivision and occupied and used or intended to be occupied and used as a home site and improved or intended to be improved by the erection thereon of a dwelling and accessory buildings and having a frontage upon a public street or upon a thoroughfare or upon a highway or upon a traveled or used road.

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“Practical Difficulties,” as used in connection with the granting of a variance, means that (a) the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; (b) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and (c) the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight or solar energy systems

"Principal Structure or Use" - One which determines the predominant use as contrasted to accessory use or structure.

"Property Line" - The legal boundaries of a parcel of property which may also coincide with a right of way line or a road, caraway, and the like.

"Property Owner" - Any person, association or corporation having a freehold estate interest, leasehold interest extending for a term or having renewal options for a term in excess of one year, a dominant easement interest, or an option to purchase any of same, but not including owners of interest held for security purpose only.

"Protective Covenant" -A contract entered into between private parties which constitutes a restriction of the use of a particular parcel of property.

"Public Land" - Land owned or operated by municipal, school district, county, state or other governmental unit.

"Public Open Space" - Any publicly owned open area, including but not limited to parks, playgrounds, school sites, parkways and boulevards.

"Public Utility" - Any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State or Municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

"Public way" - Any sidewalk, bikeway, street, alley, highway or other public thoroughfare.

"Railroad Right-of-Way" - A stripe of land with tracks and auxiliary facilities for track operation, but not including depot, loading platforms, station, train sheds, warehouses, car shops, car yards, locomotive shops or water towers.

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

"Recreational Vehicle" - Includes but is not limited to all motor homes, popup tent campers, campers, 5th wheeled trailers, pickup campers and similar property used primarily for recreational purposes.

"Registered Land Survey" - A survey map of registered land designed to simplify complicated metes and bounds description, designated the same into tract or trusts of Registered Land Survey Number.(See Minnesota Statutes 508.47).

"Restricted Vehicle" - Any motor vehicle or instrument pushed, pulled or driven by a motor vehicle the primary use of which is the production of income of its owners, possessor or lessee. The term "restricted vehicle" shall in no case be deemed to include passenger cars, recreational vehicles and trucks of a load rating of one ton or less.

"Semi-Trailer" - a vehicle of the trailer type so designed and used in conjunction with a truck-tractor that a considerable part of its own weight or that of its load rests upon and is carried by the truck-tractor and shall include a trailer drawn by a truck-tractor semi-trailer combination.

"Setback Line" - The minimum horizontal distance between the lot line and the line of the building or the allowable building line as defined by the regulations of this Chapter.

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

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

"Sign, Billboard" - A sign, the bottom of which is no more than four(4)feet from the ground and the top no more than twelve(12) feet from the ground, which directs attention to a business, commodity, service, activity or entertainment not conducted, sold, or offered for sale upon the premises where such a sign is located.

"Sign, Business or Industrial" - A sign which directs attention to a business, industry, or profession or to the commodity, service, activity or entertainment sold or offered for sale upon the premises where such a sign is located.

"Sign, Display Surface" - That portion of a sign on which information or advertisement may be displayed.

"Sign, Flashing" - A sign illuminated with an artificial light source not constant in intensity or color at all times while in use, excluding public service time and temperature signs, and traffic signs.

"Sign, Home Occupation" - A sign identifying a home occupation permitted as an accessory use in a Residential Zone.

"Sign, Identification" - A sign identifying a school, church, hospital or similar institution and identifying any club, lodge, farm estate, subdivision, home or similar use.

"Sign, Illuminated" - Assign lighted in any way with an artificial light source.

"Sign, Non-Commercial" - A sign setting forth a trespassing regulation, the private nature of a driveway or premises, a danger warning, or similar types of messages,

"Sign, Painted" - A sign painted on a building or some other surface not intended as its primary use to be used as a sign display surface.

"Sign, Political" - A sign urging voters to vote for or support a specific issue(s) or as specific candidate(s).

"Sign, Pylon" - A free standing sign erected upon a pylon(s) or a post(s) with a sign mounted on top thereof.

"Sign, Real Estate" - A sign advertising the sale or rental availability of a parcel of ground or a structure.

"Sign, Rotating" - A sign which revolves or rotates on its axis.

"Sign, Street" - A sign identifying a City street by name.

"Sign, Surface Area of " - The entire area within a single, continuous perimeter enclosing the extreme limits of the actual sign display surface. It does not include any structural elements outside the limits of the display surface and not forming an integral part of the display. Both sides of a double-faced sign or a V-type sign structure shall be used in computing total surface area.

"Sign, Temporary" - A sign indicating the location of or direction to premises in the process of development or indicating the names of contractors, architects, mechanics, or artisans associates with a development.

"Sign, Traffic" - A sign regulating or directing the use of City streets or other public streets in the City.

"Solar, Structure" - A structure designed to utilize solar energy as an alternate for, or supplement to , a conventional energy system.

"Story" - That portion of a building included between the surface of any floor and the surface of the floor next above, including below ground portions of earth sheltered buildings.

"Story, Half " - A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level.

"Street" - A public or private right-of-way which affords a primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, thoroughfare or however otherwise designated but does not include driveways to buildings.

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"Street, Collector" - A street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major street.

"Street, Major or Thoroughfare" - A street which serves, or is designed to serve, heavy flows of traffic and which is used primarily as a route for traffic between communities and /or other heavy traffic generating area.

"Street, Local" - A street intended to serve primarily as an access to abutting properties.

"Street Pavement" - The wearing or exposed surface of the roadway used by vehicular traffic.

"Street Width" - The width of the right of way, measured at right angles to the centerline of the street.

"Structure" - Anything constructed or erected, the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground.

"Structural Alterations" - Any change in the supporting members of a building such as bearing walls, columns, beams or girders or any substantial changes in the roof or exterior walls.

"Subdivision" - means land that is divided, either by plat or by metes and bounds description, for the purpose of sale, rent, lease, or the creation of planned unit developments.

"Townhouse" - A single-family building attached by party walls with other single family buildings, and oriented so that all exits open to the outside.

"Trailer" - Every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle.

"Unit" - A lodging or rooming unit is a room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one lodging room or rooming unit for the purposes of this article.

"Use" - A purpose or activity for which the land or building thereon is designated, arranged or intended, or for which it is or may be occupied, utilized or maintained.

"Use, Accessory" - A use subordinate to and serving the principal use or structure on the same lot and customarily incidental hereto.

"Use, Conditional" - A use classified as conditional generally may be appropriate or desirable in a specified zone, but requires special approval because if not carefully located or designed it may create special problems such as excessive height or bulk or traffic congestion.

" Use, Non-Conforming" - A use of land, building or structure which was lawful prior to the establishment of the zoning district in which it is now located which does not conform to the use regulations for the zoning district in which it is now located.

"Use, Permitted" - A public or private use which of itself conforms to the purposes, objectives, requirements, regulations, and performance standards of a particular district.

" Use, Principal" - The main use of land or buildings as distinguished from subordinate or accessory use. A "principal use" may be either permitted or conditional.

" Use, Temporary" - A use or building permitted by the Board of Appeals to exist during periods of construction of the main building or use, or for special events.

" Variance" - A modification or variation of the provisions of this Chapter in instances where their strict enforcement would create a practical difficulty because of circumstances unique to the individual property under consideration to be granted only when it is demonstrated that such use will be in keeping with the spirit and intent of the ordinance.

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"Veterinary Clinics for Small Animals"- A business, institution or hospital providing medical or surgical treatment for small animals such as dogs, cats, birds, and small pets, in an enclosed building and where boarding may be incidental to such hospital use and where large animals such as sheep, pigs, horses, and the like may be treated on an outpatient basis.

"Yard" - A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest level to the sky except as permitted in this Chapter. The yard extends along the lot line at right angles to such lot line to a depth or width specified in the setback regulations for the zoning district in which such lot is located. For earth sheltered buildings and buildings covered with earth berms, the line of the building is measured from the exterior surface of the building regardless of whether it is above or below grade.

"Yard, Front" - A yard extending along the full width of the front lot line between side lot lines and extending from the abutting street right of way line to depth required in the setback regulations for the zoning district in which such lot is located.

"Yard, Rear" - An open space, unoccupied except for accessory buildings on the same lot with a building between the rear lines of the building and the rear line-of the lot, for the full width of the lot.

"Yard, Side" - The yard extending along the side lot line between the front yard and rear yard to a depth or width required by setback regulations for the zoning district in which such lot is located.

" Zoning Administrator" - The duly appointed person charged with administration of this Chapter.

"Zoning Amendment"- A change authorized by the City either in the allowed use within a district or in the boundaries of a district.

"Zoning District" - An area or areas within the limits of the City for which the regulations and requirements governing use are uniform as defines by this Chapter.

"Zoning Map" -The map or maps incorporated into this Chapter as part hereof, designating the use districts.

SECTION 1.04. GENERAL PROVISIONS.

Subd. 1. **Applicability.** It is the intention of the City that the several provisions of this Chapter are applicable in accordance with the following:

A. If any court of competent jurisdiction shall judge any provisions of this Chapter to be invalid, such judgment shall not affect any other provisions or this Chapter not specifically included in said judgment.

B. If any court of competent jurisdiction shall judge invalid the application of any provision of this Chapter to a particular property, building, or structure, such judgment shall not affect other property, buildings, or structures

Subd. 2. **Nonconforming Uses.** Any structure or use existing upon the effective date of this Chapter may be continued subject to the following provisions:

A. No such use and structure shall be expanded or enlarged except in conformity with the provisions of this Chapter.

B. Non-conforming use of a structure, which has been discontinued for a period of twelve (12) months, shall not be re-established and any further use shall be in conformity with the regulations of this Chapter. 5

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C Non-conforming structure which is damaged by a cause to the extent of more than fifty percent (50%0 of its market value as determined by the current records of the County Assessor, shall not be restored except in conformity with the regulations of this Chapter.

D. Normal maintenance of a non-conforming use and structure is permitted. Maintenance may include necessary non-structural repairs and incidental alterations, which do not enlarge or intensify the non-conforming use.

E. If a building permit has been issued for a non-conforming building or use prior to the establishment of the zoning district in which the new building or use is located, the proposed building or use shall be permitted provided that:

1. Construction is begun within 30 days after the establishment of the zoning district.
2. The construction is continuous until the building is completed.
3. The building permit was issued within 60 days prior to the establishment of the zoning district.

Subd. 3 **Primary & Accessory Buildings.** Primary Building and accessory building will conform to Planning Commissions specifications. All new structures will conform to surrounding structure appearance.

SECTION 1.05 ADMINISTRATION

Subd. 1. **Enforcing Officer.** It will be the City Council duty to cause the provisions of this Chapter to be properly enforced through the proper legal channels. The Planning Commission shall perform the following duties:

- A. Review and approve zoning for zoning permits and approve other permits, and make and maintain records thereof.
- B. Conduct inspections of buildings and use of land to determined compliance with the terms of this Chapter.
- C. Maintain permanent and current records of this Chapter, including but not limited to: maps, Amendments, conditional uses, variances, appeals and applications.
- D. Review, file and forward all applications for appeals, variances, conditional uses or other matters to the designated official bodies.
- E. Institute in the name of the City any appropriate actions for proceedings against a violator as provided for in this Chapter.

Subd. 2. **Board of Zoning Adjustment**

- A. The City Council shall act as the Board of Zoning Adjustment for this city, and as provided by Minn. Stat. Sec. 462.354, subd. 6, and shall have the powers granted there under, as they may be amended from time to time.
- B. The Planning Commission shall act in an advisory capacity to the Board of Appeals and Adjustment.

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C. Meeting by each board shall be held within such times and upon such notice to interested parties as is provided in this Chapter

Subd. 3. **Application fees.** The City Council shall set a fee schedule for all applications for variances and conditional use permits applied for under this ordinance. The application shall be made on a form as prescribed by the City Council. Any fee required shall be paid at the time of the application and is non-refundable.

SECTION 1.06 VARIANCES.

Subd. 1. **Granting.** A variance to the provisions of this Chapter may be granted by the City Council in those cases where this Chapter is found to impose undue hardship to a property owners. A variance may be granted only in the event that the City finds that the current ordinances cause undue hardship to the land and only after all of the following circumstances have been considered and evaluated as part of the decision. "undue hardship" as used in connection with the granting of variance means the following:

- A. The property in question cannot be put to a reasonable use if used under conditions allowed by the provisions of this chapter.
- B. The plight of the landowners due to circumstances unique to the property not created by the landowner.
- C. The variance if granted will not alter the essential character of the locality in which the property is located.
- D. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.
- E. Undue hardship also includes but is not limited to inadequate access to direct sunlight for solar energy systems.
- F. Variances shall be granted for earth sheltered construction as defined in MS. §216C.06 Subd. 2 when in harmony with the ordinance.
- G. A variance may not allow a use that is not permitted under the ordinance for property in the zone where the affected person's land is located.
- H. The City Council may impose conditions in the granting of variances to insure compliance and to protect adjacent properties.

Subd.2. **Procedures for Securing a Variance.** A variance shall be granted subject to the following procedures:

- A. Any person desiring a variance shall make written application providing a preliminary building and site development plan and other information as is necessary to the Planning Commission on a form supplied by the City and make payment of a filing fee as established by Council resolution.

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B. The City Council shall hold a public hearing on the variance. Notice of the hearing shall be published in the official newspaper at least ten days before the hearing. Written notice shall be sent to all affected persons and to all property owners within 300 feet of the property for which a variance has been requested.

C. The City Council, after review of the application and within 14 days after the hearing, shall make a decision on the variance. A copy of the decision shall be mailed to the person applying for the variance, and given to the City Administrator

D. In granting an adjustment or a variance under the provisions of this section, the City Council shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulations or provisions to which the adjustment or variance is granted, as to light, air and the public health, safety, comfort, convenience and general welfare.

SECTION 1.07 CONDITIONAL USE PERMITS

Subd. 1. Criteria for Review of Conditional Use Permit Applications. In review of a conditional use permit application, the City Council of Starbuck shall consider the advice and recommendations of the Planning Zoning Commission. Each application shall be reviewed to determine the effect of the proposed use of the Comprehensive Plan and upon the health, safety, and general welfare of occupants of surrounding lands. At a minimum, the Council shall make the following findings here applicable:

A. The use will not create an excessive burden on existing parks, schools, streets and other public Determine which serve or are proposed to serve the area.

B. The use will be sufficiently compatible or separated by distance or screened from adjacent residentially zoned or used land and there will be no deterrence to development of vacant land.

C. The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.

D. The use, in the opinion of the Council, is reasonable related to the overall needs of the City and to the existing land use.

E. The use is consistent with the purposes of this Chapter and purposes of the zoning district in which the applicant intends to locate the proposed use.

F. The use is not in conflict with the Comprehensive Plan of the City.

G. The use will not cause traffic hazard or congestion.

H. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided.

Subd. 2. Additional Conditions.

A. In permitting a new conditional use or in the alternative of an existing conditional use, the Council may impose, in addition to those standards and requirements expressly specified by this Chapter, additional conditions which the Council considers necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to the following:

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1. Increasing the required lot size or yard distance.
2. Limiting the height, size or location of buildings.
3. Controlling the location and number of vehicle access points.
4. Increasing the street width.
5. Increasing the number of required off street parking spaces-
6. Requiring decking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
7. Designation sites for open space.
8. Establish a time limit.

B. The Zoning Administrator shall maintain a record of all conditional use permits issued including information on the use, location, and conditions imposed by the Council, time limits, review dates, and such other information as may be appropriate.

Subd. 3. Procedures for Securing a Conditional Use Permit. A conditional use permit shall be granted subject to the following procedures:

A. Any person desiring a conditional use permit shall make written application providing a preliminary building and site development plan and any other information as is necessary to the Zoning Administrator on a form supplied by the City and make payment of a filing fee as established by Council Resolution.

B. Prior to the Council's consideration of a request for a conditional use permit, the City Council shall:

1. Hold at least one public hearing thereon. Notice of the hearing shall be published in the official newspaper at least ten days before the hearing. Written notice shall be sent to all affected persons and all property owners within 300 ft of the property for which a conditional use permit has been requested.
2. Forward to the Council a report containing the Commission's findings and conclusions concerning the request for a conditional permit.

C. The Council shall, within 30 days from the date of application and upon receipt of the Planning Commission's report, approve or reject the request for a conditional use permit with stipulations if desired.

D. Upon issuance of a conditional use permit by the Zoning Administrator the terms of the conditional use permit shall serve to regulate the use for which the conditional use permit was issued.

E. Where a conditional use permit has been issued pursuant to the provisions of this Chapter, such permit shall become null and void without further action by the Planning Commission or the Council unless work thereon commences within one (1) year of the date of granting such conditional use. A conditional use permit shall be deemed to authorize only one particular use and shall expire if that use shall cease for more than twelve (12) consecutive months. in the event that the applicant violates any of the conditions set forth in this permits, the Council may revoke the conditional use permit. A public hearing shall be held prior to any revocation action.

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SECTION 1.08. ZONING AMENDMENTS.

The Council may adopt by ordinance amendments to this Chapter and the zoning map in relation both to land uses within a particular district or to the location of the district line. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the City.

Subd. I. Kinds of Amendments.

- A. change in a district's boundary (rezoning).
- B. change in a district' regulations
- C. A change in any other provision of this Chapter.

Subd. 2. **Initiation of Proceedings.** Proceedings for amending this Chapter shall be initiated by at least one of the following three methods:

- A. By petition of an owner or owners of property which is proposed to be rezoned, or for which district regulation changes are proposed.
- B. By recommendation of the planning Commission.

Subd. 3. **Required Exhibits for Rezoning or District Regulation Changes Initiated by property Owners.**

- A. An accurate listing showing property owners' names and addresses within the affected zone and within three hundred fifty (350) feet of the outer boundaries of the property in question.
- B. An accurate boundary survey and preliminary development plan.

Subd. 4 **Procedures for Initiating an Amendment Based upon Petition by property Owners.** The procedure for a properly owners to initiate a rezoning or district regulation change applying to his property is as follows:

- A. A preliminary building and site development plan. The Council may also require a boundary survey of the property.
- B. Evidence of ownership or enforceable option on the property.
- C. The City Council shall set the date for a public hearing and prepare notices of such hearing for publication in the legal newspaper at least once, not less than ten (10) days and not more than thirty (30) days prior to said hearing. A similar notice shall be mailed at least ten (10) days before the day of the hearing to each owner of affected property and property situated wholly or partly within three hundred fifty (350) feet of the property to which the amendment relates. Failure of a property owner to receive such notification shall not invalidate the proceedings, provided a bona fide attempt to comply with these provisions has been made.
- D. Prior to the scheduled public hearing, the Zoning Administrator shall prepare the appropriate exhibits for distribution to the Planning Commission and to interested parties.
- E. The City Council shall hold the public hearing, adopt findings based upon the evidence established during the hearing, and recommend and transmit a recommendation to the council.

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F. Upon enactment of an amendment to this Chapter requiring a change in the zoning map, the Zoning Administrator shall record the change on the map.

Subd. 5. Procedure for Initiating an Amendment Based upon a Recommendation by the planning Commission.

A. The Planning Commission shall pass a motion recommending an amendment to this Chapter.

B. The Planning Commission shall submit the proposed amendment to the council for review and comment.

C. The City Council shall set the date for a public hearing and prepare notices of such hearing for publication in the legal newspaper at least once, not less than ten (10) days and not more than thirty(30) days prior to said hearing. A similar notice shall be mailed at least ten (10) days before the day of the hearing to each owner of affected property and property situated wholly or partly within three hundred fifty (350) feet of the property to which the amendment relates. Failure of a property owner to receive such notification shall not invalidate the proceedings, provided a bona fide attempt to comply with these provisions has been made-

D. Prior to the scheduled public hearing, the Zoning Administrator shall prepare the appropriate exhibits for distribution to the City Council and to interested parties.

E. The Planning Commission shall hold the public hearing, adopt findings based upon the evidence established during the hearing, and shall make and transmit a recommendation to the Council.

F. Upon enactment of an amendment to this Chapter requiring a change in the zoning map, the Zoning Administrator shall record the change on the map.

Subd. 6. Procedure for Initiating an Amendment Based Upon a Recommendation by the Council.

A. The council shall pass a resolution of intent to amend this chapter.

B. The Council shall submit the proposed amendment to the Planning Commission for review and comment.

C. The City Council shall set the date for a public hearing and prepare notices of such hearing for publication in the legal newspaper at least once, not less than ten (10) days and not more than thirty (30) days prior to said hearing. A similar notice shall be mailed at least ten (10) days before the day of the hearing to each owner of affected property situated wholly or partly within three hundred fifth (350) feet of the property to which the amendment relates. Failure of a property owner to receive such notification shall not invalidate the proceedings, provided a bona fide attempt to comply with these provisions has been made.

D. Prior to the scheduled public hearing, the Zoning Administrator shall prepare the appropriate exhibits for distribution to the city council and to interested parties.

E. The City Council shall hold the public hearing, adopt findings based upon the evidence established during the hearing, and make and transmit a recommendation to the Council.

F. Upon enactment of an amendment to this Chapter requiring a change in the zoning map, the Zoning Administrator shall record the change on the map.

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SECTION 1.09 ZONING DISTRICT.

The zoning districts are so designed as to assist in carrying out the intents and purposes of the Comprehensive Plan and are based upon the Comprehensive plan, which has the purpose of protecting the public health, safety, convenience and general welfare. For the purposes of this Chapter, the City is hereby divided into the following Zoning District.

Subd. 1. Zoning Districts

- A. R-F Farm Residence District
- B. R-1 Single and Two Family Residence District
- C. R-2 Multiple Family Residence District
- D. H-B Highway Business District
- E. B-D Business District
- F. I-D Industrial District
- G. PUD Planned Unit Development District (including Mobile/Manufactured Homes)

SECTION 1.10 ZONING DISTRICT MAP

Subd. 1. The location and boundaries of the district established by this Chapter are hereby set forth on the zoning map and that map is hereby made a part of this Chapter. The map shall be known as the "City of Starbuck - Zoning Map of 2012". The map and all notations, references and data shown a pan of it as if all were fully described herein. It shall be the responsibility of the Zoning Administrator to maintain the map, amendments thereto shall be recorded on the zoning map within 10 days after official publication of amendments. The official zoning map shall be kept on file in the City Hall. Copies of the official zoning map may be obtained from the-City Office upon request and at cost.

Subd. 2. Whenever any uncertainty exists as to the boundary of any use district as shown on the zoning map incorporated herein, the following rules shall apply:

- A. Where district boundary lines are indicated as following streets, alleys, railroads, or similar right-of-way, they shall be construed as following the center line thereof.
- B. Where district boundary lines are indicated as approximately following lot lines or section lines, such lines shall be construed to such boundaries.

Subd. 3. All streets, alleys public ways and railroad right-of-ways, if not otherwise specifically designated, shall be deemed to be in the same zone as the property in the most restrictive classification immediately abutting upon such alleys, streets, public ways and railroad right-of-ways. Where the center line of a street, alley public way or railroad right-of-way serves as a district boundary, the zoning of such area, unless otherwise specifically designated shall be deemed to be the same as that of the abutting property up to such center line.

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Subd. 4. **Whenever any street, alley** or other public way is vacated by official action of the City, the zoning district adjoining each side of such street, alley, or public way which has been vacated shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

Subd. 5. **Any land annexed to the city** in the future shall be placed in the RF, Farm Residence District, until placed in another district by action of the council amending this Chapter as outlined elsewhere in this Chapter.

SECTION 1.11. RF- Farm Residence District.

Subd. 1. **Purpose.** The RF, Farm Residence District is intended to provide a district which will allow suitable areas of the City to be retained and utilized in open space or agricultural uses and will secure economy in government expenditures for utilities and service.

Subd. 2. **Use Regulations.** In an RF, Farm Residence District, no building or land shall be used or divided, and no building shall be erected, converted or structurally altered in any manner, unless otherwise provided herein, except for one or more of the following uses and others of a similar nature:

A. Permitted Uses(Principal).

1. Single family dwellings.
2. Orchards
3. Temporary stands for the sale of agricultural products produced on the premises
4. Public parks and playgrounds
5. Veterinary clinics for small animals.

B. Permitted Uses (Accessory).

1. Farm buildings, stables.
2. Private garages, private swimming pools.
3. The renting of rooms or the providing of table boards to not more than three persons per single family dwelling.
4. Recreation, refreshments and service buildings in public parks and playgrounds.
5. Home occupations utilizing not more than one third of the gross floor area of the dwelling.

C. Conditional Uses (Requires a Conditional Use permit).

1. Churches, private school, including music and dance schools and day care centers and child nurseries.
2. Nurseries and greenhouses
3. Cemeteries
4. Hospital and rest homes.
5. Publicly owned buildings or structures, utility buildings, telephone exchange transformer stations and electrical substations, but not to include maintenance yards or facilities.
6. Golf courses, tennis courts, parks and playgrounds.
7. Country clubs, private clubs and lodges.
8. Excavation and removal of sand, gravel, black dirt and other types of soil and mineral products.

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- 9. Airports
- 10. Commercial recreation
- 11. Solar energy systems and solar structures.

D. Restrictions. All uses in the RF, Farm Residence District, shall be subject to the following restrictions:

- 1. Lot Area - No lot shall be smaller than 3 acres.
- 2. Lot Width - A lot for a single family dwelling connected to the city sanitary sewer system shall be at least 100 feet wide. A lot for a single family dwelling not connected to the city sanitary sewer system shall be at least 100 feet wide.
- 3. Lot Coverage - Buildings or structures may cover no more than 25 percent of the gross lot area.
- 4. Height Restriction - No structure shall be erected which is greater than 2.5 stories or 30 feet in height.
- 5. Setback Requirements - All principal and/or accessory used shall comply with the following setback requirements:
 - a. Front yard, a minimum of 50 feet
 - b. Rear yard, a minimum of 40 feet
 - c. Interior side yard, a minimum of 15 feet
 - d. Street side yard, a minimum of 50 feet
 - e. Where lots have a double frontage, the required front yard setback shall be provided on both streets.
 - f. On a corner lot there shall be a front yard setback on each street side of such lot.
 - g. When more than 30 percent of the frontage on the side of the street between intersections is occupied by structures having setbacks from street right-of-way of greater or lesser an amount than herein required, the average setback of all existing buildings between the intersections shall be maintained by all new or relocated structures. In the event a building is to be built where there is such an established setback different from that required hereinafter and there are existing buildings on both sides of the new building, the front setback shall not be required to be greater than that which would be established by connecting a straight line between the forward most portions of the first adjacent building on each side.
 - h. In such case where a lot of record with sewer has less than the width required, the required side yard setback from the side yard property line shall be reduced to ten percent of the width of the lot, except that in no case shall an interior side setback line be less than five feet nor a side street setback line be less than 25 feet. There shall be no deviation for lots of record without sewer.

Subd. 5. General Regulations. Additional requirements for parking, signs, fencing, sewage systems and other items are set forth in this Chapter.

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SECTION 1.12. R1 Single and Two Family Residence District.

Subd. 1. Purpose. The R1, Single and Two Family Residence District is intended to provide a district of low density residential dwelling units and directly related complimentary uses.

Subd. 2. Use Regulations. In a Residential District, no buildings or land shall be used and no building shall be erected, structurally altered, converted, or enlarged unless otherwise provided herein, except for one or more of the following uses and others of a similar natures.

A. Permitted Uses Principal).

1. Single-family dwellings.
2. Two family dwellings.
3. Public parks and playgrounds.
4. Manufactured Homes.

B. Permitted Use (Accessory).

1. Private garages, private swimming pools or other private recreation facilities. "Only if a principle dwelling has been constructed or is in the process of being constructed." Garage wall limited to a maximum height of 12 feet.
2. Gardens and conservatories for plants and flowers, not as a business, trade or industry.
3. The renting of rooms or the providing of table board to not more than three people per single-family dwelling.
4. Building for the storage of yard care equipment. "Only if a principle dwelling has been constructed or is in the process of being constructed"
5. Recreation refreshment and service buildings in public parks and playgrounds.
6. Home occupations utilizing not more than one third of the gross floor area of the dwelling.

C. Conditional Uses (Requires a Conditional Use permit).

1. Churches, private schools, including music and dance schools and day care centers and child nurseries.
2. Nurseries and greenhouses.
3. Cemeteries
4. Hospitals and rest homes
5. Publicly owned buildings or structures, utility buildings, telephone exchange transformer stations and electrical sub-stations but not to include maintenance yards or faculties.
6. Neighborhood grocery
7. Public schools, colleges and universities.
8. Veterinary clinic for small animals
9. Solar energy systems and solar structures.

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D. District Requirements. All uses in the R1, Single and Two Family Residence District shall be subject to the following restrictions:

1. Lot Area. No lot for a single family dwelling shall be smaller than 7500 square feet or 50 x 150; no lot for a two family dwelling shall be smaller than 15,000 square feet.
2. Lot Width. A lot for a single family dwelling shall be at least 50 feet wide. A lot for a two family dwelling shall be at least 100 feet wide.
3. Lot Coverage. Buildings or structures may cover no more than 25 percent of the gross lot area of a lot.
4. No structure shall be erected which is greater than 2.5 stories or 30 feet in height and all dwellings and manufactured homes must meet the following minimum standards:
 - a. Exceeds 24 feet in width
 - b. Has a minimum of 800 sq. ft. of living floor space
 - c. That said home is placed on permanent concrete poured foundation or concrete block or permanent wood foundation around the perimeter of structure with frost footings.
 - d. City Ordinance may require that said structure be connected to all utilities.
 - e. That manufactured homes be built in compliance with MS 327.31 to MS 327.35.
 - f. That all structures within this district must have a minimum of a 4-12 pitched roof.
 - g. That all other requirements of state law and city code provisions are met.
 - h. Siding to be approved by the Planning Commission.

5. Setback Requirements. All principal and/or accessory uses shall comply with the following setback requirements.

- a. Front yard, a minimum of 30 feet
- b. Rear yard, a minimum of 20% of the lot depth
- c. Interior side yard, single family, a minimum of 10 feet.
- d. Interior side yard, two family, a minimum of 15 feet
- e. Street side yard: existing city lots-a minimum of 30 feet. In a new development a minimum of 25 feet
- f. Where lots have a double frontage (**corner lots**), the required front yard setback shall be provided on both streets.
- g. On a corner lot there shall be a front yard setback on each street side of such lot. No accessory building shall project beyond the front yard setback of either street.
- h. When more than 30 percent of the frontage on the side of the street between intersections is occupied by structures having setbacks from street right-of-way of greater or lesser an amount than herein required, the average setback of all existing buildings between the intersections shall be maintained by all new or relocated structures. In the event a building is to be built where there is such an established setback different from that required herein and there are existing buildings on both sides of the said new building, the front shall not be required to be greater than that which would be established by connecting a straight line between the forward most portions of the first adjacent building on each side. In such cases where lot of record has less than the width required, the required side yard setback for a single family dwelling from the side yard property line shall be reduced to ten percent of the width of the lot, except that in no case shall an interior side setback line be less than five feet nor a side street setback line be less than 25 feet. Similarly the area requirements shall be reduced to not less than 67.50 square feet. There shall be no deviation for a two-family dwelling.

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E. General Regulations.. Additional requirements for parking, signs, fencing, sewage systems and other items are set forth in this Chapter.

SECTION 1.13 R2-MULTIPLE FAMILY RESIDENCE DISTRICT.

Subd. 1. **Purpose.** The R2, medium density housing in Multiple Family Residence District is intended to provide a district of multiple family structures and directly related complimentary uses.

Subd. 2. **Use Regulations.** In a R2, Residence District, no building or land shall be used and no building shall be hereafter erected, structurally altered, or converted or enlarged unless otherwise provided herein, except for one or more of the following uses and others of a similar nature:

A. Permitted Uses (principal).

1. Single family dwellings.
2. Two family dwellings.
3. Multiple dwellings and apartment buildings.
4. Attached dwellings.
5. Boarding and lodging houses.
6. Fraternity and sorority houses.
7. Public parks and playgrounds.

B. Permitted Uses (Accessory)

1. Private garages, private swimming pools or other private recreation facilities. "Only if a principle dwelling has been constructed or is in the process of being constructed,"
2. Gardens and conservatories for plants and flowers not as a business trade or industry.
3. The renting of rooms or the providing of table board to not more than three person, per single family dwelling. "Only if a principle dwelling has been constructed or is in the process of being constructed,"
4. Buildings for the storage of yard care equipment. "Principle swelling has been constructed or is in the process of being constructed."
5. Recreation, refreshments and service buildings in public parks and playgrounds.
6. Home occupations utilizing not more than one third of the gross floor area of the dwelling.

C. Conditional Uses (Requires a Conditional Use permit).

1. Churches, private schools, including music and dance schools and day care centers and child nurseries.
2. Nurseries and greenhouses.
3. Cemeteries
4. Hospital and rest homes.
5. Publicly owned buildings or structures, utility buildings, telephone exchanges, transformer stations and electrical sub-stations.
6. Neighborhood grocery.
7. Public schools, colleges and universities.
8. Public parks and playgrounds and recreation refreshment and service buildings.
9. Home occupations utilizing not more than one third of the gross floor area of the dwelling.

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- 10. Mobile home parks.
- 11. Hotels and motels
- 12. Solar energy systems and solar structures

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D. District Requirements All uses in the R2-Multiple Family Residence District shall the following restrictions in addition to those set forth in District Requirements, R1, Single and Two Family Residence District

- 1. Lot Area. No lot for a multiple dwelling of two units shall be smaller than 15,000 square feet. For each additional dwelling unit the required minimum lot are (area) shall be increased 2,000 square feet.
- 2. Lot Width. A lot for a multiple dwelling of two units shall be at least 100 feet wide. For each additional dwelling unit five feet shall increase the required minimum lot width.
- 3. Lot Coverage. Not more than 30 percent of the gross lot area of a lot may be covered by building or structures.
- 4. Height Restrictions. No structure shall be erected which is greater than 3 stories of 36 feet in height.
- 5. Setback requirements. All principal and/or accessory uses shall comply with the following setback requirements:
 - a. Front yard, a minimum of 25 feet
 - b. Rear year, a minimum of 30 feet
 - c. Interior side yard for a multiple dwelling of two units, a minimum of 20 feet. For each additional dwelling unit the required minimum interior side yard setback shall be increased by one foot. In no event shall the interior side yard setback be less than the height of the structure.
 - d. Street side yard, a minimum of 25 feet
- 6. Livable Floor Area Requirements. Each unit of a multiple dwelling shall meet the appropriate minimum livable floor area requirement as herein set forth:
 - a. Efficiency units-----400 sq. ft.
 - b. 1 Bedroom Apartment -----800 sq. ft.
 - c. 2 Bedroom Apartments -----850 sq. ft.
 - d. 3 Bedroom Apartment -----1040 sq. ft.
 - e. Row houses, condominium ----960 sq. ft. for 2 bedroom, and 1040 sq. ft. for 3 bedroom units in townhouses and apartments to be sold as individual units.

Land Use	Min. Lot Area/sq. ft	Min. Lot width/ft	Max. Lot coverage%	Max Height	Front	Rear	Side	Side
Multiple dwelling. Units(1st two)	10,000	100	30%	3 stores-36'	25	30	20*	25
Each Additional Dwelling unit	2,000	add 5'	30%	N/A	N/A	N/A	add 1'	N/A

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SECTION 1.14. HB - HIGHWAY BUSINESS DISTRICT.

Subd. 1. Purpose. The HB, Highway Business District, is intended to provide a district of centralized areas for service oriented enterprises, and for quasi-industrial and wholesale enterprises that do not require an industrial setting but have considerable contact and a dependence on transient trade and traffic.

Subd. 2. Use Regulations. In a HB, Highway Business District, no buildings or land shall be used and no bundling shall be hereafter erected, structurally altered, or converted or enlarged unless otherwise provided herein except for one or more of the following uses and others of similar nature:

A. Permitted Uses (Principal)

1. Single family and two family dwellings.
2. Multiple dwellings and apartment buildings.
3. Attached dwellings.
4. Boarding and lodging houses.
5. Fraternity, sorority houses whose chief activity is a service carried on as a business.
6. Automotive agencies selling and displaying new and used vehicles.
7. Automotive accessory stores service stations, and car wash establishments
8. Bowling alleys and roller skating rinks.
9. Drive-in restaurants, retail stores or service uses.
10. Agricultural implement and other construction sales and showrooms.
11. Motels and camp grounds
12. Professional businesses and governmental office
13. Travel trailer, motor home, recreational equipment, arsine and boat sales lots.
14. Public and truck garage.
15. Warehouses and wholesale businesses.
16. Parking lots, malls and transient corridors.
17. Automobile repair shops and establishments
18. Liquor Stores, lounges and private clubs.
19. Veterinary clinics for small animals.
20. Taverns, restaurants and night clubs.
21. Seasonal produce stands.
22. Cafes and restaurants
23. Bart and sporting good shops.
24. Lumber yards and construction materials sales.
25. Garden and landscaping sales and service
26. Parks.

B. Permitted Uses (Accessory).

1. Private garage
2. Gardens and conservatories for plant and flowers not as a business trade or industry.
3. The renting of rooms or the providing of table board for not more than three person, per single family dwelling.
4. Buildings for the storage of yard care equipment.
5. Bus or taxi loading and unloading facilities
6. Home occupations utilizing not more than one third of the gross floor area of the dwelling.
7. Storage of merchandise, solely intended to be retailed by a related established principal use.
8. Parking lots, malls and transient corridors.

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C. Conditional Uses (Requires a Conditional use permit).

1. Churches, private schools, including music and dance schools and day care centers and child nurseries.
2. Nurseries and greenhouses.
3. Cemeteries
4. Hospitals and rest homes.
5. Publicly owned buildings, telephone exchange transformer stations and electrical substations, but not to include maintenance.
6. Neighborhood grocery.
7. Public schools, colleges and universities
8. Public parks and playgrounds and creation, refreshment and service buildings.
9. Mobile home parks and sales lots.
10. Billboards
11. Distributing station for milk and other beverages, carting or hauling stations.
12. Outdoor or drive-in theatre.
13. Fabricating and light manufacture.
14. Privately owned commercial outdoor recreational uses including, but not limited to, auto and go-cart racing tracks, golf driving ranges, skating rinks and tennis clubs.
15. Retail establishments not listed under permitted uses which may meet the purpose of the district.
16. Solar energy systems, solar and earth-sheltered structures.
17. Office and other highway businesses, which in the opinion of the Planning Commission and Council will not have a detrimental effect on the Central business

D. District Requirements. All uses in the HB. Highway Business District, shall be subject to the following restrictions :

1. Lot Coverage. Not more than 30 percent of the gross lot area of a lot may be covered by buildings or structures.
2. Height Restrictions. No structure shall be erected which is greater than two and one half stories of 30 feet in height.
3. Setback requirements. All uses shall comply with the following setback requirement:
 - a. No front yard shall be required except that on every lot in the district the front of which is directly opposite any of the classes of residential districts(across the street) there shall be a front yard of not less than 25 feet which shall not be used to provide off-street parking or loading spaces.
 - b. No rear yard shall be required except that on every lot in the district the rear of which abuts or adjoins any of the classes of residential district, there shall be a rear yard of a depth equal to not less than twice the width of a side yard required in the residential district.
 - c. No side yard shall be required except that along that side of every lot in the district that abuts or adjoins any of the classes of residential districts there shall be a side yard of a width not less than twice that required in the residential district it borders, which may not be used to provide off-street parking and loading space.

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4. Vehicular and pedestrian Traffic Requirements.

a. All commercial buildings or structures and their accessory uses shall be accessible to and from nearby public streets and sidewalks by driveways and walkways surfaced with a hard, all-weather durable, dust-free material and property drained.

b. Vehicular traffic generated by a commercial use shall be channeled and controlled in a manner that will avoid congestion on the public street, traffic hazards, and excessive traffic through residential area, particularly truck traffic. The adequacy of any proposed traffic circulation system to accomplish these objective shall be determined by the City Engineer who may require such additional measures for traffic control as he may deem necessary, including but not limited to the following" 1) directional; 2) signalization; 3) canalization; 4) standby turn lanes; 5) illumination; and 6) storage area and distribution facilities within the commercial site to prevent back-up of vehicles on public streets.

c. No area used by motor vehicles other than driveways serving an ingress and egress to the commercial site shall be located within the public street right-of-way.

5. Screening Requirements. All principal and accessory uses, except business signs, which are situated within 50 feet of a residential district, shall be careened from such district by a wall or fence of not less than 90 percent opacity and not less than five nor more than seven feet in height above the level of the residential district property at the district boundary. Walls or fences of lesser heights or planting screens may be permitted if there is a finding by the Planning Commission that the nature or extent of the use being screened is such that a lesser degree of screening will as adequately promote and protect the use and enjoyment of the properties within the adjacent residential district, or there is a finding that a screening of the type required would interfere with the providing of adequate amounts of light and air to the properties. Loading docks in the H-B Highway Business District, shall be screened so as not to be visible from any public street within a residential district.

6. Landscaping Requirements. All exposed ground area surrounding or within a principal or accessory use including street boulevards, which are not devoted to drives, sidewalks, patios and parking lots or other uses shall be landscaped with grass, shrubs, trees or other ornamental landscape materials. All landscaped areas shall be kept neat, clean and uncluttered. No landscaped area shall be used for the parking of vehicles or the storage or display of materials, supplies merchandise.

7. Storage and Display Requirements. All materials, supplies, merchandise and other similar matter not on display for direct sale, rental or lease to the ultimate consumer or user shall be stored within a completely enclosed building within the HB, and within the confines of a 100 percent opaque wall or fence not less than five feet high. Merchandise which is offered for sale may be displayed beyond the confines of a building in the HB district. No storage will be permitted in violation of the setback requirements.

E. General Regulations. Requirements and standards for signs, parking, etc., as set forth in this Chapter.

SECTION 1.15. BD BUSINESS DISTRICT.

Subd. 1. **Purpose.** The Business District is intended to provide a district designed to serve an area of urban functions that are enhanced by central location, ease of access and -" the type of activates that gain economic advantage from close proximity.

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Subd. 2. **Use Regulations.** In the BD, Business District, no building or land shall be used, and no building shall be hereafter erected, structurally altered or converted or enlarged unless otherwise provided herein except for one or more of the following uses and others of a similar nature:

A. Permitted Uses (Principal).

1. Single family dwelling on the second floor with a store front or behind the building with a store front. Two families dwelling only on the second floor with a store front.
2. Multiple dwellings and apartment buildings.
3. Attached dwellings.
4. Boarding and lodging houses.
5. Commercial establishments offering merchandise or services to the general public in return for compensation. Such establishments to include but not be limited to the following:
 - a. Retail establishments such as groceries, hardware, drug, clothing and furniture stores, eating and drinking places, and bakeries.
 - b. Personal services such as laundries, barber and beauty shops, shoe repair shops and photography studios.
 - c. Professional services such as medical and dental clinics, architect and attorney office.
 - d. Repair services such as jewelry, radio and television repair shops.
 - e. Finance, insurance and real estate services.
 - f. Entertainment and amusement services such as motion picture theaters, bowling alleys.
6. Automotive accessory stores, service stations and car wash establishments.
7. Business and government offices.
8. Public and semi-public buildings such as post office, city hall, fire, police stations.
9. Private clubs.
10. Apartments and condominiums, provided they are located above the first floor.
11. Automobile parking lots.
12. On and off-sale liquor establishments.
13. Automobile service stations.
14. Mortuaries.
15. Motels and Hotels.

B. Permitted Uses (Accessory).

1. Private garages.
2. The renting of rooms or the providing of table board for not more than three persons per single family dwelling.
3. Bus or taxi loading or unloading facilities.
4. Public rest rooms.
5. Telephone booth.
6. Storage of merchandise, solely intended to be retailed by a related and established principal use.

C. Conditional Uses (Requires a Conditional Use Permit).

1. Churches, private schools, including music and dance schools and day care centers and child nurseries.
2. Nurseries and greenhouses.

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3. Publicly owned buildings or structures, utility buildings, telephone exchange transformer stations and electrical substations, but not to include maintenance yards or facilities.
4. Home occupations when located in an area not to exceed one third of the gross floor area of the dwelling.
5. Wholesale businesses
6. Warehouses
7. Automobile repair shops and establishments
8. Privately owned commercial recreational uses.
9. Solar energy systems and solar structure.

D. District Requirements. All uses in the BD, Business District, shall be subject to the following restrictions :

1. Lot Coverage. The floor area ratio (F.A.R.) shall be not greater than 2.0.
2. Height restrictions. Structure heights shall be governed by the floor area ratio as established in this Chapter.
3. Setback Requirements. All uses shall comply with the following setback requirements:

- a. There shall be no required minimum front yard or exterior side yard setback requirements except that there shall be a required setback from the BD boundaries when the district boundaries are adjacent to the residential zone. The setback shall be the same as required on the adjacent residential lot line.
- b. There shall be no required minimum interior side yard setback requirements except that when a side yard is provided there shall be a minimum interior side yard of five feet provided that the structure contains a solid, fireproof wall. In the case where the structure contains windows and doors on the interior building side yard, a setback equal to one-half the height of the structure shall be required.

E. Building Design and Construction. To provide a BD, Business District, with a pleasant visual or aesthetic environment while promoting beauty, order, continuity and restraint, the following provisions shall regulate the design and construction of buildings in the BD, Business District.

1. All exterior wall finishes on a building shall be any single one or combination of the following:
 - a. Face brick.
 - b. Natural stone.
 - c. Especially designed pre-cast concrete units if the surfaces have been integrally treated with an applies material or texture.
 - d. Factory fabricated and finished framed panel construction, if the panel materials be any of these named above, glass, pre-finished metal (other than unpainted, galvanized iron) wood, or plastic.
 - e. Other material as may be recommended by the Planning Commission and approved by the Council.
 - f. All subsequent additions and outbuildings constructed after the erection of an original building or buildings shall be designed in a manner harmonizing with the original architectural design and general appearance.

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2. The Building Inspector upon receipt of a request for a building permit for construction in the BD, Business District, may, after review of plans and specifications, issue the building permit or refer the application to the Planning Commission.
3. The Planning Commission when reviewing an application for a building permits for construction in BD, shall act only in an advisory and review capacity. However, the Planning Commission may make recommendations to the official issuing the building permit or to the owners or persons requesting the building permit related to the design of the proposed construction.
4. Any changes in the design of a proposed construction which has been reviewed by the Planning Commission shall be approved by the Planning Commission.

F. General Regulations. Requirements and standards for signs, parking and other items, as set forth in this Chapter.

SECTION. 1.16. ID INDUSTRIAL DISTRICT

Subd. 1. **Purpose.** The ID, Industrial District, is intended to provide a district for light industrial uses which do not detract from an adjacent area of less intense land use or become a blighting influence to the area.

Subd. 1. **Use Regulations.** In the ID, Industrial District, no building or land shall be used and no building shall be hereafter erected, structurally altered or converted or enlarged unless otherwise provided herein, except for one or more of the following uses and others of similar nature:

A. Permitted Uses (Principal).

1. Assembly plants.
2. Bottling works, including milk bottling or distribution station.
3. Cold storage plants and warehousing.
4. Carpet cleaning, dry cleaning and dyeing, laundry employing any number of persons, provided the cleaning fluid used has a base which is of non-explosive material.
5. Custom shop for making articles or products sold at retail on the premises.
6. Electric appliance assemble.
7. Growing, handling, crating, sorting and shipping nursery stock.
8. Dry cleaning establishments.
9. Laboratory, research, experimental and testing.
10. Manufacture or assembly of medical or dental equipment, drafting, optical and musical instruments, watches, clocks, games, toys and electronic and electrical items.
11. Storage and sale of lumber, coal, brick, stone, contractors supply yard, provided such use is entirely enclosed within a substantial fence not less than eight feet in height.
12. Plumbing, heating, glazing, painting, paperhanging, roofing, ventilating, and electrical contractors; blacksmith shop, carpentry, soldering, and welding establishments.
13. The manufacturing, compounding, processing and packaging of treatment of food products such as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, and toiletries.
14. The manufacturing, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvass, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semi-precious metals or stones, textiles, tobacco, wood, (excluding planing mill), yarns, and paint not requiring a boiling process.

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15. Any other manufacturing or industrial enterprise, operation or process, whether making, assembling, repairing, buffing, finishing, plating, polishing, tempering, packing, shipping, or storing, provided that any resulting cinders, dust, flashing, fumes, gas, noise, odor, refuse, matter, smoke, vapor or vibration is confined effectively to the premises and no extra fire hazard is created.
16. Printing shop, newspaper plant.
17. Railway and motor freight depot or trucking terminal, provided that the truck entrance is from an exit to a street where railway is at least 30 feet between curbs.
18. Storage in bulk of, or warehouse for, such material as building material, contracts equipment, furniture, food fabrics, hardware, and similar goods when entirely contained in an enclosed roofed building; provided that such permitted storage buildings shall not store junk metals, petroleum and other inflammable fluids in above-ground tanks, paint and paint materials, discarded or salvaging material, or be used for wrecking or dismantling of motor vehicles
19. Sheet metal shop, plumbing supply shop.
20. The sale or distribution, storage and distribution of supplies, equipment and goods not including bulk petroleum, gasoline or explosives.
21. Automobile repairs shops and establishments
22. Veterinary clinics for small animals.

B. Permitted Uses (accessory).

1. Buildings for the storage of yard care equipment.
2. Bus or taxi loading or unloading facilities.
3. Storage of merchandise solely intended to be retailed by a related established principal use.
4. Parking lots.

C. Conditional Uses (Requires a Conditional Use permit).

1. Feed mills and elevators.
2. Billboards.

(additional)

D. District Requirements. All uses in the ID, Industrial District, shall be subject to the following restrictions :

1. Lot Width. No lot shall be less than 100 feet width.
2. Lot Coverage. No more than 50 percent of the gross lot area of a lot may be covered by buildings or structures.
3. Setback Requirements. All principal uses shall comply with the following setback requirements:
 - a. Front yard, a minimum of 25 feet.
 - b. Rear yard, a minimum of 15 feet
 - c. Interior side yard, a minimum of 15 feet.
 - d. Street side yard, a minimum of 25 feet.
 - e. No building shall be erected closer than 30 feet to any boundary line which separates an ID, Industrial District, from an RF, R or RM. Residence District. The area between buildings in the 11 District and such streets and boundaries of an RF, R or RM Residence District shall be a buffer strip which is planted with grass, shrubs, or trees and shall be continuously maintained by the ID property owner.

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f. No Building shall be erected closer than 30 feet to the right-of-way line of any State Highway, major or secondary thoroughfare, or to any county Highway or road uses by the public prior to the creation of an ID, Industrial District, which serves as the boundary line of such a district.

4. Landscaping Requirements. All open areas of any site, lot, tract or parcel shall be graded to provide proper drainage, and except for areas used for parking, drives, or storage, shall be landscaped with trees, shrubs, ornamental landscape materials, or planted ground cover. Plans for the landscaping and screening shall be submitted for approval to the City before any permit shall be issued. The plan shall show the location, type, quality and size of all existing and proposed trees and plantings in or proposed for the Landscaping area. No certificate of occupancy shall be issued until the landscaping is completed in accordance with the approved plans. It shall be the owner's responsibility to see that this landscaping is maintained in an attractive and well maintained condition. All vacant lots, tracts or parcels shall also be properly maintained.

5. Storage of Materials. No accessory building shall be constructed to permit the keeping of articles, goods or materials in the open or exposed to public view. When necessary to store or keep such materials in the open, the lot or area shall be fenced with a fence at least six feet high. Such storage shall be limited to the rear two-thirds of the property.

6. Noise. Noise emanating from manufacturing processes shall not be audible beyond 300 feet from the boundary limits of the district.

7. Glare, Fumes, Heat. No glare, fumes, or heat shall be produced in any building in this district which is noticeable at a distance of more than 50 ft from the building in which it is produced.

8. Exterior Lighting. Any lights used for exterior illumination shall be directed away from adjacent properties.

9. Waste Material. Waste material shall not be washed into the public storm sewer system without first having received a permit to do so from the director of utilities. If the permit is not granted, a method of disposal shall be devised which will not require additional land for continual operation, will not cause a detrimental effect to adjacent land and the waste disposal plan shall be submitted to the Planning Commission and City Council for approval. All solid waste material, debris, refuse or garbage shall be kept within a completely enclosed building or properly contained in a closed container and stored in racks designed for such purpose.

10. Drainage. In the development, improvement or alteration of land, the natural direction of drainage shall not be changed unless plans for the development are submitted to the City and unless the change is approved by the Council. Run-off shall be properly channeled into a storm drain, water course, or pending area.

11. Erosion and Sediment Control. In any development, improvement, or alteration of land, a plan will be presented with the site plans which will show the measures to be taken before, during, and after construction to prevent erosion and to control any sedimentation that may occur on or adjacent to the site because of the development. This plan may include seeding or lay of sod procedures, special grading for berms, terraces, setting ponds, dikes or channels or other appropriate procedures.

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12. Inspections and Testing for Compliance. In order to assure compliance with the standards set forth above, the Council may require the owner or operator of any permitted use to make such investigations and tests as may be required to insure adherence to the standards. Such investigation and tests as are required to be made shall be carried out by an independent testing organization as may be selected by the Council after 30 days' notice. The costs incurred in having such investigations or tests disclose non-compliance with the performance standards, shall be paid by the owner or operator. The procedure above stated shall not preclude the City from making any tests and investigations it finds appropriate to determine compliance with these performance standards.

13. Additional District Requirements.

14. Additional District Requirements may be imposed to establish an ID, Industrial District, which will best serve the general welfare and benefit of the entire City.

E. General Regulations. Requirements and standards for signs, parking, and other items as set forth in this Chapter.

Conditional Uses (Require a Conditional use Permit). The following uses having accompanying hazards, such as fire, explosion, noise, dust, vibration, lint or the emission of smoke, odor or toxic gas may, if not in conflict with any law of the State of Minnesota or City Code provision be located in the ID Industrial District, only after the location and nature of such use shall have been approved by the council, after a public hearing and recommendation by the Planning Commission:

1. Conditional uses as permitted in the ID, Light Industrial District.
2. Automobile wrecking and junk yards, provided such use as conducted is entirely enclosed within a solid substantial fence, except for gates, not less than eight feet in height. The term "solid" as herein used shall mean a fence having an opacity of 100 percent.
3. Battery manufacture, tire recapping or retreading.
4. Brewery or malt houses.
5. Brick, pottery, tile or terra cotta manufacture.
6. Cement products and ready mix plants.
7. Foundry or metal fabricating plant.
8. Food processing, smoking, curing, canning.
9. Freight terminal and yard.
10. Glass and plastics manufacture.
11. Grain elevator and grain drying or food manufacture from refuse, mash or grain.
12. Iron, steel, brass or copper.
13. Oiled or rubber goods manufacture.
14. Power forge riveting, hammering, punching, chipping, drawing, rolling iron, or rumbling of steel, brass or copper.
15. Quarrying, extracting, grinding, crushing processing of minerals and earths.
16. Acid, alcohol and gas manufacture.
17. Ammonia breaching powder or chlorine manufacture.
18. Asphalt manufacture or refining.
19. Cement, lime, gypsum or plaster of Paris manufacturing.
20. Paint, oil, petroleum manufacturing and storage.
21. Meat process and tanning of hides.
22. Slaughter of animals.

Additional District Requirements. Additional district requirements may be imposed to establish a 12, Heavy industrial District, which will best serve the general welfare of the entire City.

General Regulations. Requirements and standards for signs, parking and other items as set forth in this Chapter.

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SECTION 1.17 PUD - PLANNED UNIT DEVELOPMENT DISTRICT.

Subd. 1. **Purpose.** The purposes of this Section are:

- A. To encourage a more creative and efficient development of land and its improvements than is possible under the more restrictive application of zoning requirements such as lot sizes and building setbacks, while at the same time meeting the standards and purposes of the comprehensive Plan and preserving the health, safety and welfare of the citizens of the City.
- C. To allow for a mixture of residential units in an integrated and well planned area.
- D. To ensure concentration of open space into more usable areas, and the preservation of the natural resources of the site including wetland, woodland, steep slopes and scenic areas.
- E. To facilitate the economical provision of streets and public utilities.

Subd. 2. **Permitted Uses** - Dwelling units in detached, clustered, semi-detached, attached or multi-storied structures or combinations thereof and customary accessory uses.

Subd. 3. **General Requirements.** A conditional use permit shall be required of all planned unit developments' The city may approve the planned unit development only if it is found that the development satisfies all the following standards:

- A. The proposed planned unit development is allowed only in residential districts. The City may approve the planned unit development only if it is found that it does not conflict with the following:
 - 1. The use will not create an excessive burden on existing parks, schools streets, and other public facilities and utilities which serve or are proposed to the area.
 - 2. The use is reasonable and related to the overall needs of the City and is compatible with the surrounding land use.
 - 3. The planned unit development is an effective and unified treatment of the development possibilities on the project site and the development plans provide for the preservation of unique natural amenities such as streams, stream banks, wooded cover, rough terrain, and similar area.
 - 4. The uses proposed will not have an undue and adverse impact on the reasonable enjoyment of neighborhood property, and will not be detrimental to surrounding uses.
- B. The planned unit development meets or exceeds the following development criteria:
 - 1. A minimum of two (2) principal structures is proposed
 - 2. The tract is at least five (5) acres in size.
- C. The use is consistent with the requirements of this chapter.
- D. The planned unit development can be planned and developed to harmonize with any existing or proposed development in the areas surrounding the project site.

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D. Each phase of the proposed development is of sufficient size, composition, and arrangement so that its construction, marketing, and operation are feasible as to complete unit, and that provision for and construction of dwelling units and common open space are balanced and coordinated. In addition, the total development is designed in such manner as to form a desirable and unified environment within its own boundaries.

E. Financing is available to the applicant on conditions and in an amount which is efficient to assure completion of the planned unit development. To evidence this finding, a written statement of financial feasibility which is accepted by the City shall be submitted by the applicant.

F. One (1) individual has been designated by the property owners (2) to be in control of the development.

G. It is reasonable to anticipate that the entire planned unit development will be fully platted in final form within five (5) years of approving the preliminary development plan.

Subd. 4. Density Transfer.

A. In order to encourage the protection of natural resources, to allow limited development in an area with unusual building characteristics due to subsoil characteristics or to encourage creative land use, a density transfer system may be allowed whereby lot sizes smaller than that normally required in a district will be on the developable land in return for leaving the natural resource areas open from development.

B. The Planning Commission shall determine the number constructed of dwelling units which may be within the planned unit development by dividing the gross acreage of the project area by the maximum allowable density as set forth in this chapter.

Subd. 5. Coordination with Subdivision Chapter.

A. It is the intent of this chapter that subdivision review under the Subdivision Chapter is carried out simultaneously with the review of a planned unit development under this Section.

B. The plans required under this Section must be submitted in a form which will satisfy the requirement of the Subdivision Chapter for the Preliminary and Final plats required under the Subdivision Chapter.

Subd. 6. Preliminary Development Plan

A. An applicant shall make an application for a conditional use permit following the procedural steps as set forth in this Chapter.

B. In order to grant approval to a Conditional Use Permit as required by this section, or to grant approval to a preliminary development plan, the council shall find that the planned unit development complies with the requirements as established in this Chapter.

Subd. 7. Preliminary Development Plan Documentation. The following exhibits shall be submitted by the developer as part of the application for a Conditional Use Permit, as required by the Planning Commission.

A. An explanation of the character and need for the planned development and the manner in which it has been planned to take advantage of the planned development regulations.

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- B. A statement of proposed financing of the planned unit development.
- C. A statement of the present ownership of all of the land included within the planned development and a list of property owners within three hundred (300) feet of the outer boundaries of the property.
- D. A general indication of the expected schedule of development including sequential phasing and time schedules.
- E. A map giving the legal description of the property including approximately total acreage and also indicating existing property lines and dimensions, ownership of all parcels, platting easements, street right of way, utilities (see PUD utilities), and buildings for the property, and for the area three hundred fifty (350) feet beyond.
- F. Natural features map or maps of the property and area three hundred fifty (350) feet beyond, showing contour lines at no more than two (2) foot intervals, drainage patterns, wetlands, vegetation, soil and subsoil condition.
- G. indicating proposed land uses including housing units and types, vehicular and pedestrian circulation, and open space uses.
- H. Full description as to how all necessary governmental services will be provided to the development including sanitary sewers, storm sewers, water systems, streets and other public utilities.
- I. An engineering report resending result of a soils review of the site. If conditions warrant, boring of soil on the site may also be required.
- J. Any additional information requested by the Planning Commission and Council that may be required for clarification of the proposed project.

Subd. 8. **Preliminary Plat** The applicant shall also submit a preliminary plat and all the necessary documentation of all or that portion of the project to be platted as required under the Subdivision Chapter. For purposes of administrative simplification, the public hearings required for the conditional use Permit and Preliminary Plat may be combined into one hearing or may be held concurrently.

Subd. 9. **Final Development Plan.**

- A. Within sixty (60) days of Council approval of the preliminary development plan and the Preliminary Plat, the applicant shall file with the Planning Commission a final development plan and the Final Plat shall contain those changes as recommended by the Planning Commission and approved by the Council during the preliminary review process.
- B. The Commission shall review the final development plan and Final Plat and make its recommendation to the Council within sixty (60) days of receiving the final development plan and Final Plat.
- C. The Council shall review the final development plan and act on the Final Plat within sixty (60) days of receiving the recommendation of the Planning Commission. The Council shall be given notice and provide opportunity to be heard on the final development plan to any person who has indicated to the Council in writing that he/she wishes to be notified.

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D. If the final development plan is approved by the Council, the Council shall issue a Conditional Use Permit for the total development to the applicant; said permit to include any and all conditions as required by the preliminary development plan and the final development plan.

E. Once the final development plan and the Final Plat have been approved, the Final Plat shall be filed with the County Recorder's Office.

F. A building permit may thereafter be issued for the area which is in compliance with the approved plans without further review of the plans by the City.

Sub. 10. Enforcing Development Schedule

A. The construction and provision of all of the common open spaces and public and recreational facilities which are shown on the final development plan must proceed at the same rate as the construction of dwelling units. At least once every six (6) months following the approval of the final development, the Planning Commission shall review all of the building permits issued for the planned development and examine the construction which has taken place on the site.

If he/she shall find that the rate of construction of dwelling units is faster than the rate at which common open space and public and playground facilities have been constructed and provided, he/she shall forward this information to the Council, which may revoke the Conditional Use Permits. If the developer or landowners fail to complete the open spaces and recreation areas within sixty (60) days after the completion of the remainder of the project, the City may finish the open space area and assess the cost back to the developer or landowner.

Subd. 11 Conveyance and Maintenance of Common Open Space

A. All land shown on the final development plan as common open space must be conveyed under one of the following methods at the discretion of the City:

1. It may be conveyed a public agency which will agree to maintain the common open space and any buildings structures or improvements which have been placed on it.
2. It may be conveyed to a corporation, developer, homeowner association (incorporated or non-incorporated) or trustee provided in an indenture establishing association or similar organization for the maintenance of the planned development. The common open space must be conveyed to the party involved subject to covenants approved by the Council which restrict the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended space.

B. If the common open space is conveyed to a private party and is not maintained properly to standards established by the City, the City shall have the authority to maintain the property and assess the costs incurred back to the land benefited by the improvement.

Subd. 13. Standards for Common Open Space. No open area may be accepted as common open space under the provisions of this Chapter unless it meets the following standards:

A. The location, shape, size and character of the common open space must be suitable for the planned development.

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B. Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned development, considering the size, density, expected populations, topography, and the number and type of dwellings to be provided.

C. Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space having regard to its topography and unimproved condition.

Subd. 14. PUD Review and Amendments

A. Annual Review The Planning Commission shall review all PUDs within the City by March 1 of each year and shall make a report to the Council on the status of the development in each of the PUD Districts. If the Commission find that development has not occurred within one (1) year after the original approval of the conditional use for the PUD, the Commission may recommend that the Council revoke the Conditional Use Permit as set forth in this Chapter.

B. Revision to the PUD.

1. Changes in the location, placement and heights of buildings or structures may be authorized by the Planning Commission if required by the Planning Commission.
2. If required by engineering or other circumstances not foreseen at the time the Final Plan was approved.
3. Approval of the Planning Commission and the Council shall be required for other changes such as rearrangement of lots, blocks and building tracts. These changes shall be consistent with the purpose and intent of the approved final development Plan.

C. Amendments to the PUD. Any amendment to the PUD shall require the same procedures as for the application for a Conditional Use Permit as set forth in this Chapter.

SECTION 1.18. PERFORMANCE STANDARDS.

The performance standards established in this Section are designed to encourage a high standard of development by providing assurance that neighboring land uses will be compatible. The performance standards are designed to prevent and eliminate those conditions that cause blight or are detrimental to the environment. These performance standards apply to all districts.

Subd. 1. Access Drives and Access.

A. Access drives may be placed adjacent to property lines except that drives consisting of crushed rock or other non-finished surfacing shall be no closer than five (5) feet to any side or rear lot line. The number and type of access drive onto major streets may be controlled and limited in the interests of public safety and efficient traffic flow.

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B. Access drives onto county roads shall require a review by the county Engineer. The county Engineer shall determine the appropriate location, size and design of such access drives and may limit the number of access drives in the interests of public safety and efficient traffic flow. Access drives onto City streets shall require approval by City Council.

C. The Planning commission shall review all access drives (driveways) for compliance with accepted community access drive standards.

D. All lots or parcels shall have direct adequate physical access for emergency vehicles along the frontage of the lot or parcel from either an exiting dedicated public roadway, or an existing private roadway approved by the City Council.

Subd. 2. **Accessory Buildings or structures** (unattached) unattached accessory buildings in any zone shall be subject to the following conditions:

A. Dwelling Unit. No accessory building or structure shall be constructed on any lot unless the principle building on said lot already exists or is being constructed simultaneously. No accessory building or structure shall be used for living purposes or as a dwelling unit. Siding must match principal building.

B. Area. No detached accessory building or structure shall occupy more than thirty percent of the area of a required yard. Limit of 3 accessory buildings permitted per property.

C. Height. No detached accessory building or structure shall exceed the height of the principal building or structure. All structures in city residential districts, except churches and non-residential agricultural structures, must not exceed 25 feet in height.

D. Setbacks.

1. Front yard. Detached accessory buildings shall have the same front yard setback requirement as the principal building or structure, and in no case shall be allowed to encroach upon the front yard or beyond the front building line.
2. Rear Yard (No Alley). No detached accessory building shall be closer than five feet from the rear lot line where no alley exists.
3. Rear Yard (Alley). No detached accessory building shall be closer than two feet from the rear lot line where an alley exists.
4. Side yard. No detached accessory building shall be closer than ten feet from the side lot line.

E. Minimum clearance. The minimum distance between the principal building and an unattached accessory building shall be five feet.

F. Double Frontage. In the case of a double frontage lot, no detached accessory building shall be erected or altered so as to encroach upon the one-fourth of the lot nearest either street or in any case nearer than the established building lines on either street frontage.

G. Corner Lot. The setback requirement listed under (4) shall apply to all types of corner lots as well.

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H. Swimming Pool. Where non-commercial swimming pools are constructed as accessory structures in residence districts, a safety fence shall be required subject to the requirements of section?

I. Air conditioning units. Air conditioning units, excluding window units shall be located a minimum of five (5) feet from all lot lines but not within the front yard.

J. The foregoing rules shall not require:

1. Any detached accessory building to be more than 75 feet from any street line bounding the lot.
2. The street side of any detached accessory building to be nearer to the lot line opposite the street line than 20 feet.

Subd. 4. Agricultural Operations

A. All farms in existence upon the effective date of this chapter within the city limits shall be permitted use where the operator may conduct a farming operation. However, all regulations contained in these performance standards shall apply to all changes of the farming operation which will cause all or part of the area to become more intensively used or more urban in character. The State Building Code shall not apply to agricultural buildings except with respect to State inspections required or rule-making authorized. The Council may require any farm operator to secure a Conditional Use Permit to expand or intensify said operations in the event of the following:

1. The farm is adjacent to, or within four hundred (400) feet of any dwelling unit and may be detrimental to living conditions by treating safety hazards or by emitting noise, odor, vibrations or similar nuisances.
2. The farming operations are so intensive as to constitute an industrial type of use consisting of the compounding, processing, and packaging of products for wholesale or retail trade.

Subd.5. Apartments, Townhouses and other Multi-Family Structures.

A. All multi-family structures shall be subject to the following standards:

B. All requests for zoning or conditional use permits shall be accompanied by a series of site plans and data showing:

1. Building locations, dimensions and elevations, all signs, structures, entry areas, and other structural improvements to the site.
2. Circulation plans for both pedestrian and vehicular traffic.
3. Fences and screening devices.
4. Solid waste disposal provisions and facilities.
5. Storm drainage Plans.
6. Firefighting and other public safety facilities and provisions such as hydrant locations and fire lanes.
7. Data pertaining to numbers of dwelling units, size, lot area, ratios, etc.
8. Exterior wall materials and design information.
9. A two (2) foot contour topographical map of the existing site.

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10. A grading plan illustrating the proposed grade changes from the original topographical map. All site area, when fully developed, shall be completely graded so as to adequately drain and dispose of all surface water, storm and groundwater in such a manner as to preclude large scale erosion, unwanted pounding and surface chemical runoff.

11. A recreation plan illustrating in detail all recreational facilities and structures.

12. A landscape plan specifying the size, type and location of all trees and shrubbery and the location of all seeded and sodded area. The site, when fully developed, shall be landscaped according to a plan approved by the Planning Commission.

C. Performance standards. Same as those listed in the RM District

D. Parking Requirements:

1. One and one-half (1-1/2) parking spaces per unit shall be provided on the same site as the dwelling unit. Each space shall not be less than nine (9) feet wide and twenty (20) feet in length, or as approved by the Planning Commission, and each space shall be served adequately with access drives.

2. Bituminous concrete driveways and parking areas with concrete curbing shall be required.

E. Landscape Provisions.

1. Design shall make due use of all land contained in the site. All of the site shall be related to the circulation, recreation, screening, building, storage, landscaping, etc., so that no portion of the site remains undeveloped.

2. A minimum of twenty percent (20%) of the site shall be landscaped.

F. Screening.

1. Screening to a height of at least five (5) feet shall be required where:

a. Any off street parking area contains more than six (6) parking spaces and is within thirty (30) feet of an adjoining residential zone; and

b. Where the driveway to a parking area of more than six (6) parking spaces is within fifteen (15) feet of an adjoining residential zone.

2. All exterior storage shall be screened. The exterior storage screening required shall consist of a solid fence or wall not less than five (5) feet high, but shall not extend within fifteen (15) feet of any street, driveway or lot line.

3. Sidewalks shall be provided from parking lot, loading zones and recreation areas to the entrances of the building.

4. Outdoor swimming pools or other intensive recreation shall observe setbacks required for the principal structure.

G. Appearance. All buildings within an apartment development shall be so planned that they have the equivalent of a front appearance of each exterior vertical surface.

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H. General Building or Structural Requirements.

1. Each multiple family dwelling development containing more than four (a) dwelling units shall include a play area, part of which shall be a paved surface.
2. Any blighting or deteriorating aspects of the multiple family dwelling developments shall be placed or absorbed by the site itself, rather than by neighboring residential uses. This provision particularly applies to the location of parking areas.
3. The design shall use all of land contained within the site. All of the site shall be related to the multiple family use, either by parking, circulation, recreation, landscaping, screening, building, storage, etc., so that no portion remains undeveloped.
4. Trash Incinerators and Garbage. Except with townhouses and multiple family dwellings of four (4) or less units, no exterior trash or garbage disposal or storage shall be permitted. In the case of row housing and multiple family dwellings of four (4) units or less, there shall be no exterior incineration and all storage shall be completely enclosed by walls and roof.

Subd. 6. **Auto Service Station Standards.**

A. Lot Size. A service station site shall be a minimum of twenty thousand (20,000) square feet in size.

B. Setbacks. The building or buildings shall be set back at least thirty-five (35) from the street right of way. Near residential district, the service station buildings, signs and pumps shall be a minimum of twenty-five (25) feet from adjoining property. In commercial area the structures shall be set back at least ten (10) feet from adjoining property.

D. Curbs and Gutters. Curbs and gutters shall be installed on all streets giving access to the station. There shall be a six (6) inch curb along all interior driveways.

E. Vehicles. No vehicles shall be parked on the premises other than those utilized by employees or awaiting service. No vehicle shall be parked or be waiting for service longer than fifteen (15) days.

F. Exterior storage. Exterior storage besides vehicles shall be limited to service equipment and items offered for sale. Exterior storage of items offered for sale shall be within yard setback requirements and shall be located in containers such as racks, metal trays, and similar structures designed to display merchandise.

G. Screening. All areas utilized for the storage or disposal of trash, debris, discarded parts, and similar items shall be fully screened. All structures and grounds shall be maintained in an orderly, clean and safe manner.

H. Outdoor Displays. The storage of used tires, batteries, and other such items for sale outside the building shall be controlled to protect public safety and prevent nuisances.

Subd. 7. **Bulk Storage (Liquid).** Must conform to Minnesota Pollution Control Agency and State Fire Code Regulations.

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Subd. 8. **Drive-In Business Standards.** The following standards shall apply to drive-in businesses in all districts:

A. Design Standards.

1. The entire area of any drive-in business shall have a drainage system approved by the City Engineer.
2. The entire area other than that occupied by structures or planting shall be surfaced with a hard surface material which will control dust and drainage.
3. A fence or screen of acceptable design not over six and one-half (6) feet in height or less than four (4) feet shall be constructed along the property line abutting a residential district, and such fence or screen shall be adequately maintained.

B. General

1. Any drive-in business serving food or beverages may also provide, in addition to vehicular service area, indoor food and beverage service seating area.
2. Each drive-in business serving food may have outside seating.
3. Each food or beverage drive-in business shall place refuse receptacles at all exits as well as one (1) refuse receptacle per ten (10) vehicle parking spaces within the parking area.
4. Electronic devices such as loudspeakers, automobile service odor devices, drive-in theatre car speakers and similar instruments shall not be located within three hundred (300) feet of any residential district.
5. No service shall be rendered, deliveries made, or sales conducted within the required front yard; customers served in vehicles shall be parked to the sides and /or rear of the principal structure.
6. No access drive shall be within fifty (50) feet of intersecting street curb lines.
7. In the case of a drive-in theatre, a solid fence no less than eight (8) feet in height and extending at least to within two (2) feet of the ground shall be constructed around the property.
8. The lighting shall be designed so as to have no direct source of light visible from the public right of way or adjacent land in residential use.

C. Locations.

1. No drive-in business serving food or beverage shall be located within two hundred fifty (250) feet of a public or parochial school, church, or any residential use.
2. No drive-in shall be located on any street other than one designated as a principal arterial or business service road.

D. Site Plan.

1. The site plan shall clearly indicate suitable storage containers for all waste materials. All commercial refuse containers shall be screened.
2. A landscaping plan shall be included and shall set forth complete specifications for plant materials and other features.
3. Adequate area shall be designated for snow storage such that clear visibility shall be maintained from the property to any public street.

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Subd. 9. **Dwelling Units Prohibited.** No garage, tent, trailer, recreational vehicle or accessory building shall at any time be used as a residence, seasonal or otherwise. Existing uses shall comply with this provision within six (6) months following the effective date of this Chapter.

Subd. 10. **Exterior Storage.**

A. In residential districts, all materials and equipment shall be stored within a building or be fully screened so as not to be visible from adjoining properties, except for the following in good order: laundry drying and playground equipment, construction and landscaping materials and equipment currently being used on the premises, agricultural equipment and materials, if these are used or intended for use on the premises, off-street parking of licensed passenger automobiles and pick-up trucks. Boats are permissible. Existing uses shall comply with this provision within twelve (12) months following the effective date of this Chapter.

Subd. 11. **Fences**

A. The following provisions shall regulate fences in all district.

1. In any residence zone any corner lot, no fence or accessory structure or planting shall rise over 2 feet in height above the level of the public sidewalk, in a triangular area, two sides of which are the lines running along the side street lines between the street intersection and a point of 20 feet from the intersection and the third of which is the line between the latter two points.
2. The required front yard of a corner lot shall not contain any wall, fence, or other structure, tree, shrub or other growth which may cause danger to traffic on a street or public road by obscuring the view.
3. No fence or wall or shrub planting of more than three feet in height above the level of the public sidewalk shall be erected on any interior lot within ten (10) feet of the front property line or 3 feet set back from side lot lines where it will interfere with traffic visibility from a driveway.
4. No fence or wall, other than a retaining wall, along a side line of a lot in a residence zone shall be higher than six (6) feet.
5. Fences may be wood, concert, block, stone, steel, chain-link, or plantings or other ornamental materials. All such fences shall be kept in good repair, painted, trimmed and well maintained. In the event a front yard fence is adjacent to and parallel with the front lot line (or side lot line on the street side of a corner lot), such fence shall be set back at least five feet from the street right of way or property line.

B. Barbed wire fences may be erected and maintained in the RF District for the control of livestock.

Subd. 12. **Glare.** In all district, any lighting used to illuminate an off street parking area, sign, or other structure, shall be arranged so as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, whether from flood lights or from high temperature processes, such as combustion or welding, shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right of way.

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Subd. 13. **Height Regulations.** The following provisions in addition to any regulations prescribed for any district shall regulate the height of buildings in all district.

A. Where the average slope of a lot is greater than one foot rise or fall in seven feet of horizontal distance from the established street elevation at the property line, one story in addition to the number permitted in the district in which the lot is situated shall be permitted on the downhill side of any building.

B. In any district with a height limit of less than 50 feet, public and semi-public buildings, schools and churches, hospitals and other institutions permitted in the district may be erected to a height not exceeding 50 feet. The front, rear and side yards shall be increased one foot for each one foot by which the building exceeds the height limit hereinafter established for such district.

C. Height limitations set forth elsewhere in these provisions may be increased with no limitation when applied to the following: Chimney, cooling towers, elevator bulkheads, fire towers, monuments, silos, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless or broad-casting towers, masts or aerials and necessary mechanical appurtenances.

D. Where more than one half of a basement is above the average level of the adjoining ground, a basement shall be counted as a story for the purpose of height measurement.

Subd. 14. **Home Occupations.** Customary home occupations shall be allowed if they meet the following conditions:

A. Such occupation is carried on in the principal building.

B. Not more than 33 1/3% of the gross floor area of the principal residence is used for this purpose.

C. Only articles made or originating on the premises shall be sold on the premises, unless such articles are incidental to a permitted commercial service.

D. No articles for sale shall be displayed so as to be visible from any street.

E. No person is employed other than a member of the house hold residing on the premises.

F. No mechanical or electrical equipment is used if the operation such equipment interferes unreasonably with the desired quiet residential environment of the neighborhood, or if the health and safety of the residence is endangered.

G. Such occupation does not generate more than two (2) customer vehicles at one time.

H. A person having a home occupation shall provide proof of meeting the above seven (7) requirements if complaints are received by the Council.

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Subd. 15. Landscaping and Screening.

A. Landscaping

1. In all districts where setbacks exist or are required, all developed uses shall provide a landscaped yard, including grass, decorative stones, or shrubs and trees along all streets. This yard shall be kept clear of all structures, storage, and off street parking. Except for driveways the yard shall extend along the entire frontage of the lot, and along both streets in the case of a corner lot; such yard shall have a depth of at least ten (10) feet.
2. In all district, all structures and areas requiring landscaping and fences shall be maintained so as not to be unsightly or present harmful health or safety conditions.
3. All vacant lots, tracts or parcels shall be properly maintained in accordance with their natural or existing characteristics.
4. Erosion control. All disturbed areas must be sodded or seeded. Appropriate ground cover is required in all disturbed areas to control erosion. The developer shall submit an erosion control plan for review by the City Engineer as part of the preliminary plat review process. Developer shall acquire a general storm water permit as required by law.

B. Screening.

1. Screening shall be required in residential zones where any off street parking area contains more than four (4) parking spaces and is within thirty (30) feet of an adjoining residential use or zone.
2. Where any business or industry (structure, parking or storage) is located adjacent to property zoned or developed for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business, parking lot or industry is located across the street from a residential zone, but not on that side of a business or industry considered to be the front as determined by the Planning Commission.
3. All exterior storage shall be screened. The exceptions are merchandise being displayed for sale and materials and equipment presently being used for construction on the Premises.
4. The screening required herein may consist of a fence, trees, shrubs and berms, but shall not extend within fifteen (15) feet of any street or driveway. The screening shall be placed along the property lines or in case of screening along a street, twenty (20) feet from the street right of way with landscaping between the screening and the pavement. Plantings of a type approved by the City Council may also be required in addition to or in lieu of fencing.

Subd. 16. Lots.

A. Lot Building Relationship. There shall be no more than one principal building and the customary accessory buildings on any lot except in the case of PUD. Planned Unit Development District.

B. Lot Area Regulations. No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this article, nor shall the density of population be increased in any manner except in conformity with the area regulations as hereinafter provided, nor shall the area of any lots be reduced below the minimum requirement herein established.

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Subd. 17. Manufactured/Mobile Home Parks

A. Public Health.

1. Soils and Topography. Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or to the health and safety of the occupants. The site should not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion shall be subject to unpredictable and/or sudden flooding.
2. Sewage Disposal and Water Supply. All mobile homes shall be properly connected to a city water supply and a city sanitary sewer system.
3. Refuse The storage, collection, and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding, accident or fire hazards, or air pollution.
4. Fuel Systems. All fuel systems shall be maintained from a common central source metered to the individual mobile home site and maintained in accordance with applicable codes and regulations governing such systems.

B. Fire Protection.

1. Mobile home parks shall be kept free of litter, rubbish, and other flammable material.
2. Fire hydrants shall be installed if the park water supply system is capable to serve them in accordance with the following requirements: fire hydrants, if provided, shall be located within five hundred (500) feet of any mobile home, service building or other structure in the park. Fire hydrant location and water main size shall be approved by the engineer.

Subd. 18. Parking.

A. The following regulations and requirements shall apply to all off-street parking and loading facilities in all zoning districts in the City:

1. Off-street parking spaces and loading spaces or parking lot areas existing upon the effective date of these provisions shall not be reduced in number or size unless the number or size exceeds the requirements set forth herein for a similar new use.
2. Should a non-conforming structure or use be damaged or destroyed by fire, it may be re-established if elsewhere permitted in these zoning regulations, except that in doing so, any off-street parking or loading space which existed before shall be retained.
3. No change of use or occupancy of land already dedicated to a parking area, parking spaces, or loading spaces shall be made, nor shall any sale of land, division or subdivision of land be made which reduces area necessary for parking, parking stalls, or parking requirements below the minimum prescribed by these zoning regulations.
4. Any change of use or occupancy of any building or buildings, including additions thereto requiring more parking area shall not be permitted until there is furnished such additional parking spaces as required by these zoning regulations.

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5. In computing the number of parking or loading spaces required, the following rules shall govern:

- a. Floor space shall mean the gross floor area of the specific use.
- b. Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.
- c. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar as determined by the Planning Commission.

6. It shall be the joint and several responsibility of the lessee and the owner of the principal use, uses or buildings to maintain in a neat and adequate manner, the parking space, access ways, striping, landscaping and required screening.

B. Off-Street Parking Area. All off-street parking and loading spaces required by these provision, shall be designated as follows:

1. Off-street parking areas shall be so designated that vehicles are parked in an orderly fashion. Site plans shall show proposed parking spaces, driveways, loading areas, landscaping and screening, and the parking area shall conform to such site plans. Aisle entrance shall be kept clear by appropriate design.
2. Each parking space shall be not less than nine feet wide and twenty feet in length and shall in no case be less than 180 square feet in area. Each space shall be served adequately by access aisles.
3. All areas intended to be utilized for parking space and driveways shall be surfaced with materials suitable to control dust and drainage. Off-street parking areas, except for single family residences, shall be paved with concrete or plant mixed bituminous surface. In addition to the minimum number of required parking spaces, three percent of the gross parking area lying more than 20 feet from the street right-of-way shall be improved and maintained with landscaping of grass and evergreens or other approved plants or ornamental materials.
4. Except for single, two family and town houses, all parking stalls shall be marked with white painted lines not less than four inches wide.
5. All lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining property, abutting the residential uses and public right-of-ways.
6. Except for single, two family and town houses, all open off-street parking shall have a perimeter curb barrier around the entire parking lot, said curb barrier shall not be closer than five feet to any lot line. Grass, plantings, or surfacing material shall be provided in all area bordering the parking area.
7. In any off-street parking area providing parking spaces for more than 20 vehicles, traffic safety islands shall be installed at the ends of each parking tier. Additional traffic safety islands may be required to maintain a safe and orderly flow of traffic within the parking lot.
8. All required parking spaces shall be off-street and located on the same lot as the building or use to be served. Required off-street parking spaces may be provided within the principal building for which they are required. Except in the case of single two family and town houses parking areas requiring backing into the public street is prohibited.

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C. Off-Street Loading Areas.

1. The first required loading space shall be not less than 55 feet long, and additional required loading spaces shall be not less than 30 feet in length. All loading spaces shall be not less than 10 feet in width and 14 feet in height.
2. Off-street loading areas shall be paved with concrete or plant mixed bituminous surface.
3. No required loading space shall be used for the storage of goods, inoperable vehicles or snow and shall not be counted as required parking space.
4. Except in the case of multiple dwellings, all loading areas shall be screened from abutting and surrounding residential uses in compliance with other provisions of this code.
5. All required loading spaces shall be off-street and located on the same lot as the building or use to be served.

D. Schedule of Off-Street Parking and Loading Space Requirements:

Use	Number of Parking Spaces Required	Off-Street Loading & Unloading Spaces Required
1. Single Family/Two Family	one space for each family	N.A.
2. Multiple Family	1.5 spaces per dwelling Unit	N.A.
3. Hotel, Motel Tourist cabin, court	1 space per lodging unit	1 space for each structure over 20,000 sq. ft. over gross floor area
4. Drive-in, Restaurant or similar use	Minimum of twenty (20) spaces	N.A.
5. Restaurant, café, tea room lounge or similar use	1 space for each 200 sq ft of floor space	1 space for each structure over 10,000 sq. ft. gross floor area
6. Auditorium, theatre, churches or other places of public assemblage	1 space for every 10 seats. High schools and colleges must have a minimum of 1 space for every 20 seats in the main auditorium or three spaces for each classroom whichever is greater	1 for each structure over 100 sq. ft. of gross floor area.
7. Assembly or exhibition hall without fixed seats	1 space for each 100 sq.ft of gross floor area	N.A.
8. Filling or gasoline service stations	1 space for each 100 sq. ft. of building space devoted strictly to automobile service	N.A.

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9. Retail stores and other commercial establishments	2 spaces for each 500 sq. ft. of gross floor area over 1,000 sq. ft.	1 space for each 10,000 Sq. ft. of gross floor area
10. Office building, medical or dental	2 spaces plus 1 additional space for each 500 sq. ft. of gross floor area over 1,000 sq. ft.	N.A.
11. Manufacturing and warehousing buildings	1 space for each 3 employees based on peak employment of the largest shift, but no less than 1 space for each 1,000 sq ft of floor area	N.A.
12. Buildings and other structures in the I-1 and I-1, Industrial District	1 space for each 500 sq ft of gross floor area or 1 space for every 1.5 employees based on peak employment, whichever is greater	N.A.
13. Rest homes, nursing homes, sanitariums, homes for the aged and for children	1 space for each four beds plus one space for each person during the shift when the maximum number of staff are present	N.A.
14. Uses not covered by this schedule	Spaces as required for the most similar use or as determined by the Zoning Administrator	As determined by the Zoning Administrator

E. Off-Street Parking and Loading Special Restrictions. The following special off-street parking and loading requirements shall apply:

1. Open sale slots for cars, trucks and other equipment shall be graded, drained and paved but interior landscaping is not required.

2. A snowmobile or other recreational equipment may be parked on any lot in the city provided that:

- a. No recreational equipment may be occupied for a period exceeding 30 days and
- b. Any snowmobile or recreational equipment parked for a period exceeding 48 hours shall conform with the setback and yard requirements for the zone in which it is located.

3. No restricted vehicles or equipment, such as contractors' equipment, supplies or tools, shall be parked, stored or otherwise continue on residential property in a residential district for a period greater than one hour unless in a completely enclosed structure or unless they are being used in conjunction with a legitimate service being rendered for the benefit of the residential premises except as provided elsewhere in the chapter.

F. Exemptions. Establishments in any business or industrial district which have paid an assessment for the provision of off-street City parking lots may be exempted from the provisions of this section which refer to off-street parking.

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Subd. 19. PUD Utilities

A. In any PUD, all utilities, including telephone, electricity, gas and telephone and cable lines shall be installed underground.

B. PUD Utility Connections.

1. Water Connections. Where more than one property is served from the same service line, a shut off valve must be located in such a way that each unit's service may be shut off by the city, in addition to the normally supplies shut off at the street.

2. Sewer Connections. Where more than one unit is served by a sanitary sewer lateral which exceeds 300 feet in length, provision must be made for the manhole to allow adequate cleaning and maintenance of the lateral. All maintenance and cleaning shall be the responsibility of the property owners.

Subd. 20. Recreational Vehicles.

A. Recreation vehicles shall not be parked or stored on the premises of any occupied dwelling or any residential lot for more than six (6) months of any calendar year.

B. Public Property. Recreation trailers, boats, campers, or associated equipment shall not be allowed on any public property overnight except in those public area specifically designed for that purpose.

Subd.21. Refuse.

A. In all districts, all waste material, debris, refuse, or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes, with the exception of crop residue. The owner of vacant land shall be responsible for keeping such land free of refuse. Existing uses shall comply with this provision within twelve (12) months following enactment of this Chapter.

B. Passenger vehicles and trucks in an inoperative state shall not be parked in "any" district for a period exceeding seven (7) days. "Inoperative" shall mean incapable of movement under its own power and in need of repairs. All exterior storage material not included as a permitted use, accessory use, conditional use, or otherwise permitted by provisions of this Ordinance, shall be considered as refuse.

Subd. 22. Sewer Systems, Private. The standards as found in Minnesota Rules Chapter 7080. Individual Treatment Systems Program are hereby adopted by reference. If there are any inconsistencies between the standards found in this Chapter and the State standards, or if the State standards are amended, the State standards as amended shall govern.

Subd. 23. Signs and Billboards.

A. Sign Permit Required. It is unlawful for any person to erect or maintain any sign except traffic signs, street signs, real estate signs, non-commercial, temporary signs, or identification signs of less than one (1) square foot, even though erected as required by law, without first securing a permit to do so from the Planning Commission.

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B. Application for Sign Permit. Any person desiring a sign shall submit to the Planning Commission a written application containing the following information:

1. The name and permanent address of the person desiring the permit:
2. The location, the legal description, and the name and address of the owners of the premises on which the sign is to be erected and maintained.
3. The size of the sign's display surface, the material of which the sign is to be constructed and the nature of the information to be displayed on the sign.
4. The proposed location of the proposed sign on the premises.
5. The total surface area and types of existing signs on the premises.

C. Issuance of Permit. The Planning Commission may issue a sign permit if he or she is satisfied that all conditions have been met, and that the sign will be constructed and maintained in compliance with law.

D. Sign Regulations. All signs whether permitted or exempt from the permit requirement shall conform with the requirement and regulations set forth in this section.

1. Maximum surface area and maximum number of signs per premises.

Types of Sign	Maximum Surface area in square feet per premises	Maximum Number of signs per premises
A) Home Occupation	3	1
B) Non- Commercial	3	1
C) Real Estate In Residential Zone	6	1
D) Real Estate In CBD, HB, I-1 or I-2 Zones	No Limit	1
E) Political	No Limit	1
F) Identification	1/10 per lineal foot of lot width or 30 feet whichever is less	1
G) Temporary	30	1
H) Business or Industrial In CBD Districts:		
i) Pylon	1 per lineal foot of lot width	1 per street frontage
ii) Attached or painted on premises	No Limit	No Limit
J) Advertising	same as (H) and (I) above	2

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E. General Regulations.

1. Permitted signs which become rotted, unsafe or unsightly shall be repaired.
2. The owners of the land on which a sign is located shall keep grass or weeds and other growth cut, and debris and rubbish cleaned up and removed from the lot on which the sign is located.
3. The City reserves the right to regulate the illumination of any sign in the event the public health, safety, and general welfare are adversely affected.
4. The City reserves the right to regulate the hours of operation of illuminated signs as a condition to a sign permit.
5. No illuminated signs are permitted in a Residence District of the City, and no illuminated signs in other districts shall be directed into a Residence District.
6. No revolving or flashing signs are permitted in the city with the exception of time/temperature or message signs.
7. No signs shall be displayed which resemble any official marker erected by a governmental agency, and no signs shall display such words as "stop" and "danger" unless they are non-commercial signs serving to warn the public.
8. Only non-commercial signs, identification signs, home occupation signs and temporary signs are permitted in a Residence District of the City.

F. Location of Signs.

1. No sign shall be located so that traffic visibility is affected. On corner lots no sign shall rise more than three (3) feet in height above the level of the public sidewalk in a triangular area, two sides of which are the lines running along the side street lines between the street intersection and a point thirty (30) feet from the intersection and the third of which is the line between the latter two points.
2. No sign shall be located so that it will disrupt traffic on a street.
3. A sign in the HB, I-1, or I-D Districts may project to public right of way line.
4. In the Business District, a sign attached to a building, a canopy sign, or a pylon sign may project a distance of four (4) feet into the public right of way, but in no case project any closer than two (2) feet from the face of the street curbing. The bottom of such a sign so situated shall be at a height of at least seven (7) feet above the public sidewalk or public walkway. Said sign shall otherwise be in compliance with all other provisions of this Subdivision.
5. Signs must be attached to buildings so as to insure maximum secure attachment to said building and must be constructed in such a way as to not permit "swaying" caused by wind.
6. No sign shall be attached or adjacent to a structure to which attached or adjacent.
7. No sign shall violate the side or rear yard setbacks of the district in which it is placed.
8. No sign shall be permitted to physically obstruct any window or door of a dwelling nor any fire escape stairway or opening intended to provide air, ingress or egress to any building or structure.

G. Lifetime of Signs.

1. Temporary signs are permitted during construction and shall be removed promptly upon completion of work.
2. Signs not expressly limited in lifetime in this subsection may be limited by other parts of this Subdivision.

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H. Non-Conforming Signs. Signs which do not conform to the regulation herein set forth shall be declared a non-conforming use and as such may continue and be maintained until taken done, replaced, destroyed or damaged to the point that reparation would equal or exceed the cost of replacement.

I. Billboards.

1. Billboards, Generally. A billboard shall be a structure which is a special use of a lot or premises and as such shall not be erected or maintained by any person who has not first obtained a special use permit and a building permit.
2. Lot Size Requirement. No billboard may be located on any premises which is smaller than the billboard's total display surface area.
3. Display Surface Size. The display surface of one side of any billboard shall not exceed 275 square feet. The total display surface of billboards on a particular premises shall not exceed 825 square feet and shall decrease by two (2) square feet for each square foot of other sign area displayed.
4. Location and Maintenance of Billboards. All billboards shall be located and maintained in the manner prescribed in this section.

- a. Billboards may be located only in the HB, Highway Business District I-1, Light Industrial District, and ID, Heavy Industrial District.
- b. Billboards which become rotted, unsafe or unsightly shall be repaired or removed by the person to whom the appropriate permits have been issued immediately upon notification to do so by the Planning Commission.

Subd. 24. Solar Energy Systems and Solar Structures

A. Solar energy systems and solar structures shall be a permitted use in all districts except Commercial, provided that the system is in compliance with minimum lot requirements and setbacks.

B. Solar energy systems and solar structures may be exempted from setback, height and lot coverage restrictions in residential districts by a Conditional Use Permit.

C. Solar energy systems and solar structures shall be permitted in commercial districts by a Conditional use Permit

C. In a residential zone no owner, occupier, or person in control of property shall allow vegetation or structures to be placed or grow so as to cast a shadow on a solar energy system which is greater than the shadow along the boundary line of said property between the hours of 8:30am and 2:30 pm. Central Standard Time on December 21 provided, however, this standard shall not apply to vegetation or structures which cast a shadow upon the solar energy systems or to vegetation existing at the time of installation of said solar energy system.

Subd. 25. Towers and Antennas

A. No tower and /or antenna shall be established within the City of Starbuck without first making application for a zoning permit that must be accompanied by the usual application fee as established by the City Council. All technical data and construction data shall be submitted in connection with the application. All such applications shall be considered an application for a Conditional Use Permit.

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B. Proposed towers and/or antennas shall meet the following requirements:

1. Towers and antennas shall be designed to blend in to the surrounding environment through the use of color and camouflaging architectural treatment except in instances-where the color is dictated by Federal or State authorities.
2. No tower or antenna shall contain any signage, including logos, except as may be required by any State and/or Federal regulations.
3. No guide wires shall be used.
4. The setbacks shall equal the height of the tower.
5. The applicant shall present a letter in writing passing the structural integrity of the antenna from a certified engineer.
6. The City Council may require fencing enclosing the area on which the tower is located as well as any accessory structures related to the tower.
7. Any lighting of the tower shall be placed so as not to project onto surrounding property.
8. All accessory and utility buildings to be used in connection with the tower and/or antenna shall meet the applicable setback requirements for the district in which said buildings are located.
9. The applicant shall provide substantial proof that the use of the tower/antenna will not interfere with any establish public safety communications.

C. Should the owner or user of the tower engage in any activity that violates any of these standards, or endangers public health, safety and welfare or violates any other ordinance of the City of Starbuck, the City may require the abatement of said tower from its current site.

D. Any tower/antenna that is not used for a period of six consecutive months shall be removed from the property together with all accessory facilities unless a time extension is approved by the City Council.

Subd. 26. Traffic Control and Sight Distance.

A. Intersections with Traffic Controls. On any corner lot at a street intersection which has some form of traffic control (stop or yield signs), there shall be no obstruction to traffic visibility within the clear sight triangle which is formed by the intersection streets and a straight line joining the two said centerlines at points thirty-five (35) feet distant from their point of intersection.

B. Intersections without Traffic Controls. On any corner lot, in all district, at a street intersection which does not have any form of traffic control, there shall be no obstruction to the traffic visibility within the clear sight triangle which is formed by the intersection of the center line of the two intersecting streets and a straight line joining the two said centerlines at points a given number of feet distant from their points of intersection. The distances from said points of intersection are specified in the following table for various speeds in miles per hour of enforced speed limit.

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C. Distance Measurement for Clear Sight Triangle

Miles Per Hour	Distance Measurement
30	88 feet
40	120 feet
50	156 feet
55	174 feet

Subd. 27. **Vacated Streets.** Whenever any street, alley, easement or public way is vacated by official action, the zoning district abutting the centerline of said vacated area shall not be affected by such proceeding.

Subd. 28. **Yard Regulations.** The following general provisions, in addition to the regulations prescribed for each district, shall apply to all districts:

A. Yard size measurements shall be taken from the nearest point of the wall of the building to the lot line in question.

B. Except as may be herein provided:

1. Architectural features of principal or accessory buildings may extend into the required front, rear or side yard a distance not exceeding four feet, six inches.
2. Fire escapes may extend into the required front, rear or side yard a distance not exceeding four feet six inches.
3. A landing place or uncovered porch may extend into the required front, rear or side yard a distance not exceeding six feet if the landing place has its floor no higher than the entrance floor of the building. An open railing may be placed around such place.

C. None of the above enumerated items may project within two feet of a property line when a yard is required.

SECTION, 1.19. UNLAWFUL ACTS.

It is unlawful for any person to construct, enlarge, alter or repair, demolish or move any building or structure on any lot or parcel until all requirements of this Chapter have been fully met.

SECTION 1.20. VIOLATION, A MISDEMEANOR.

Every person violates a section, subdivision, paragraph or provision of this Chapter when s/he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof. Each day that a violation is permitted to exist shall constitute a separate offense. All violations shall be considered a nuisance. The City may, through the issuance of an injunction, stop any violation of this Ordinance.

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Presented to Planning Commission on June 3, 2014

Members of the Planning Commission voting in favor of the changes:

against:

Approved:

