

**Planning and Zoning Commission**  
**Agenda for Monday, October 20<sup>th</sup>, 2025**  
**5:30pm**

1. **Planning and Zoning Call to Order**
2. Roll call: **White, Hernesmaa, Councilor Roose, Heil, Palcher, Anderson.** *Staff Kochendorfer.*  
  
Excused: **Burke**
3. **Approval of Minutes from September 17<sup>th</sup>, 2025.** (1-9)
4. **Additions or Deletions from Agenda**
5. **Requests to Appear**
6. **Reports**
  - a. Planning and Zoning Administrator –
  - b. Projects Committee –
  - c. Council –
7. **New Business**
  1. 900 E Miners Drive Subdivision **(10-20)**
  2. Ely Marathon Communication **(21-27)**
  3. Northern Lights Glow Run **(28-31)**
  4. KJ's Hardware Parking **(32-39)**
8. **Old Business:**
  - a. IUP Process Update
  - b. Permissible Uses List
  - c. Fence Ordinance
9. **Adjournment**

**Planning and Zoning Commission**  
**Meeting Minutes for Wednesday, September 17<sup>th</sup>, 2025**

Planning and Zoning Called to Order @ 5:37 PM

Roll call: **White, Hernesmaa, Councilor Roose, Heil, Palcher.** *Staff Kochendorfer.*  
**Excused: Anderson, Burke**

**Approval of Minutes from August 25<sup>th</sup>, 2025.**

**Motion Hernesmaa to approve the August 25<sup>th</sup>, 2025 Minutes/ Second White. Motion carried.**

**Additions or Deletions from Agenda**

**Requests to Appear**

1. Doug Whitney (City Building Official) – Whitney expressed a concern about KJ’s True Value on Sheridan St, specifically related to the overtaking of parking control on the City Street (3<sup>rd</sup> Ave E). Whitney also expressed that some of there fencing may be to close to the property line. The no parking signs are facing the street, which would make appearance that people can’t park on the street. The city already has limited parking for visitors.

Further discussion from the board indicated that street parking is for public use, and no private entity owns the street parking.

Whitney asked for feedback/input on this issue, and any recommendations can be emailed to he or Kochendorfer. The commission suggests trying to schedule a meeting with the owners to resolve this concern. Kochendorfer mentioned that there has been outreach with the owners, but no response has been received. Kochendorfer and Whitney will continue to work with the owners to resolve the concerns.

**Reports**

- a. Planning and Zoning Administrator – Kochendorfer reported that his office is still busy processing permits and working on projects.
- b. Projects Committee – Hernesmaa reported the Depot project is still moving forward with new windows, and the dirt removal project is estimated to cost \$140 per yard.
- c. Council – Roose reported that the Dog Park signs were approved, which PZ originally had approved. No comments were made relating to the most recent variance that was approved.

**New Business**

**Old Business:**

a. IUP Process Update-

b. Permissible Uses List- Kochendorfer explained that the permissible uses list, as a whole, can be looked and updated, but a lot of items need to be better defined. The intent for tonight's meeting is to establish the Animal Rescue designation being added to the list. Kochendorfer explained the rationale behind adding this to the zoning designation, and compared other animal zonings.

There was discussion related to the allowance of geothermal energy, and if this could potentially be an issue, or if it needs to be added to the permissible uses list. Consensus was that this would not fall under the permissible uses list, but if a project was proposed for a commercial enterprise, this could be revisited, if need be, in the future.

Roose added that if Animal Rescues is going to be added to the permissible uses list, Dog Boarding should also be updated to reflect this as the same. Roose recommends the Dog and Cat Boarding, and Animal Rescue be by conditional use only in C1, C2, and M. The conditional use would allow to set limits on the number of Dogs/Cats being allowed.

Kochendorfer further discussed that this list is for primary uses, and secondary uses can be approved by other means, such as Home Occupation permits, etc.

**Motion Heil, to add Animal Rescue to the permissible uses list, by Conditional Use Permit, under C1, C2, and M Zoning, and add Dog/Cat Boarding to C1, and C2 by Conditional Use Permit/ Second Palcher. Motion carried without objection.**

Kochendorfer explained that this list can be looked at and changed as needed, and as definitions and the needs change, but we shouldn't be looking to change it at every meeting as this then has to go to public hearings for the city council, as these are ordinance changes. If an individual proposes something this isn't on this list, PZ can then look at adding it at that time. As the IUP process is changed, items on this list may also change in the future.

c. Business Park Covenant- Kochendorfer explained that in our last meeting, we discussed repealing the covenant ordinance or making changes to it. After Clerk Langowski spoke to the commission at the last meeting, it was apparent that the originally Business Park Plan was much different than we see it today, as there are more commercial style spaces than industrial/manufacturing. Kochendorfer recommends repealing the ordinance, versus making changes. The ordinance has a lot of stricter requirements such as signage, set-backs, which makes building proposals much more difficult.

Further discussion on what repealing the ordinance would mean. If repealed, all other city ordinances would be applicable to this area, and no longer governed by this ordinance. There was also discussion on how this would affect the future zoning. Kochendorfer explained that this wouldn't affect any of the zoning, that would be a separate issue. Some explanation of the current zoning was also had, explaining that many of the spaces

have changes from Industrial (M) to Commercial (C1).

**Motion Heil to Repeal Ordinance 11.02 Ely Business Park Covenants/ Second White. Motion carried without objection**

Roose made mention that repealing this ordinance will be of benefit as the current ordinance is restrictive, and no longer applicable to the city.

- d. 900 Miners Drive- Kochendorfer is still working on the survey, but explained where the current proposal sits, and some of the challenges that have been presented. The original plat included part of the roadway, as well as the recreational center. Correcting this plat may also lead to correcting the plat by the rec center.

Kochendorfer will work on getting the plat corrected, and once that is complete, we can move forward with potential re-zoning.

- e. Fence Ordinance- Kochendorfer explained the redline changes that were made, which is included in the agenda packet. There is also an example ordinance that is included in the packet. A lot of the variances we have seen in the last few years are for fence heights on streets and avenues (corner lots) where fence heights are restricted to 4 feet. Some changes included, increasing the max fence height to 7 feet, allowing taller fences in the front yard, so long as they are transparent, removing the street/avenue restriction, so long as the 20-foot vision triangle still exists, as well as some definition changes. Building permits are required once a fence height reaches 7 feet or more. Whitney explained that the amount of engineering once you exceed a 7-foot-high fence, becomes expensive, and elaborate.

There was discussion about adding “retaining wall blocks” under this ordinance. This could be included with the permitting process. Kochendorfer will look at adding some language. Language could also be added for “patio screens”.

- f. Update City Comprehensive Plan from 2016- Kochendorfer discussed current challenges with review of the comp plan. In the past, there were steering committees that took this on, otherwise EUC, Projects, and other groups would still have to look at it, and this might not be completed in a timely matter. There was discussion on how we should proceed forward to have this complete in a timely matter.

Kochendorfer will look at simplifying the document, with input from the commission, and Roose will also start looking at it, and will bring ideas back to future meetings.

**Adjournment at 6:53 PM without objection.**

**Board of Adjustment Public Hearing (Unapproved)**  
**Minutes For Wednesday, September 17<sup>th</sup>, 2025 for 48 E James St Variance**

1. **Called to Order at 5:19 PM by Chair Roose.**
2. **Roll Call: White, Hernesmaa, Councilor Roose, Heil, Palcher.** Staff Kochendorfer.  
**Excused: Anderson, Burke**
3. **Additions or Deletions from Agenda**

4. **Public Hearing for the consideration of a Variance request for 48 E James St.**

The Variance public hearing procedure was read by chair Roose.

The Public hearing notice was read by Planning and Zoning Administrator Kochendorfer

5. **The applicant, Emily Tschida explained the request**

Tschida explained that her and her husband are requesting zero feet set-back on the E James St side of the address, as well as the S 1<sup>st</sup> Ave E Side. The retaining wall is roughly 4 feet from the side of the house. The intent is to install a fence on top of the retaining wall, which may encroach on the city ROW. The fence is needed to keep the dogs in the yard.

6. **Letters received/ and or phone call comments read into record**

- David and Jan Merhar, 108 E Boundary St- Support the fence variance.

7. **Those in support may comment**

- Dr. Catherine Clark, 21 E James St – Supports the fence variance. The homeowners have done some great improvements to the lot, and there is no reason not to grant the variance.

8. **Those opposed may comment**

- None

9. **Comments from those who wish to provide additional information**

- None

10. **Applicant will have the opportunity to answer additional questions**

11. **Closure of the hearing @ 5:26 PM**

12. **Reading of the Finding of Facts**

Planning and Zoning Administrator Kochendorfer read the finding of the facts (included in the agenda packet). **Planning and Zoning Administrator recommends approval of the variance on the following finding of facts:**

- **FACT:** The property in question will be used in a reasonable manor
  - **FINDING:** The Property is currently being used as a residential dwelling, and will continue to be used as such. The fence will only be 3 feet in height, and will be used to provide safety and security to owner's pets.
- **FACT:** The Plight of the owner of the property in question is due to circumstances unique to their property and not created by the landowner
  - **FINDING:** The owner did not build the house or design the layout of the property. Being a corner lot, it presents the unique challenge. The lot size is currently non-conforming, as it is only 25 feet wide, which is what the original plat was. The house was built within 3-4 feet of the property line to the E. There is a cement sidewalk that sits on top of the retaining wall that runs parallel with the E side of the house. The retaining wall has been fixed from time to time, but it appears the original retaining wall was installed many years ago, possibly before any zoning restrictions were in place. The house was built in 1938, prior to any zoning codes.
  - The retaining wall sits roughly 20 feet from the edge of S 1<sup>st</sup> Ave.
  - The fence on the north side of the property will be roughly 10 feet from the edge of the sidewalk, and will not inhibit any access to the city utilities.
- **FACT:** If the variance is granted, it will not alter the essential character of the locality
  - **FINDING:** The proposal is in the Residential (R1) Zoning District. The property will continue to be used as a residential dwelling, and will not alter the character of the property. The fence is being erected to securely contain the dogs within the yard, and also prevent falls off the retaining wall on the east side of the property.
- **FACT:** Economic considerations alone do not constitute a practical difficulty. Practical difficulties include but are not limited to: inadequate access to direct sunlight for solar energy systems.
  - **FINDING:** The placement of the house, and the fact that the house is on a corner, limits where the fence can be placed, as well as the sidewalk on the east side of the residence.

- Digging up the sidewalk could create further issues, as well as being costly to the homeowners.
- **FACT:** A Variance may not be granted for any use that is not a permitted use under this chapter for property in the district where the affected land is located.

**FINDING:** The property will not change uses, and will continue to function as a residential dwelling.

**13. Decision rendered by the Planning Commission**

**Motion Heil to approve the variance, a zero set-back from the right of way property line on 1<sup>st</sup> Ave E and E James St, as well as a city encroachment of 0-6” on the E James St side, with the following conditions: If the city needs to reconstruct S 1<sup>st</sup> Ave E, or needs access to any of the utilities in the right of way, and the fence restricts the ability to do so, any extra costs to remove the fence will be the sole responsibility of the homeowner. If the current homeowner sells the property, all non-conforming aspects of the fence must be removed prior to sale of the property.  
/ Second White. Motion carried without objection.**

**14. Adjournment at 5:34 PM**

**Board of Adjustment Public Hearing (Unapproved)**  
**Minutes For Wednesday, September 17<sup>th</sup>, 2025 for 134 N 5<sup>th</sup> Ave E Variance**

1. **Called to Order at 5:01 PM by Chair Roose.**
2. **Roll Call: White, Hernesmaa, Councilor Roose, Heil, Palcher.** Staff Kochendorfer.  
**Excused: Anderson, Burke**

3. **Additions or Deletions from Agenda**

4. **Public Hearing for the consideration of a Variance request for 134 N 5<sup>th</sup> Ave E.**

The Variance public hearing procedure was read by chair Roose.

The Public hearing notice was read by Planning and Zoning Administrator Kochendorfer

5. **Planning and Zoning Administrator Kochendorfer explained the request**

Kochendorfer explained the variance request submitted by Tatiana Riaboken. The applicant would like to add a 6-foot fence on the north side of the property, off of E Camp St. The property was surveyed, and the depiction of the property boundary on Land explorer is mostly accurate. The fence will still be 18” off the property line, and she wants the 6-foot fence to allow for a garden space, and to keep the animals out of the garden area. The fence will be further back from the 20-foot vision triangle from the corner, and will come back from the corner of the house, due to there being a shrub there as well. The fence will not be closer than 20 feet on that corner. Kochendorfer explained that ample vision for the corner will be maintained, and the owner will still be required to receive a Fence Permit, with the approval subject to a plan review by Kochendorfer.

6. **Letters received/ and or phone call comments read into record**

- Jean Zaverl, 509 E Sheridan St- Supports the fence variance.

7. **Those in support may comment**

- None

8. **Those opposed may comment**

- None

9. **Comments from those who wish to provide additional information**

- None

10. **Applicant will have the opportunity to answer additional questions**

11. Closure of the hearing @ 5:12 PM

12. Reading of the Finding of Facts

Planning and Zoning Administrator Kochendorfer read the finding of the facts (included in the agenda packet). **Planning and Zoning Administrator recommends approval of the variance on the following finding of facts:**

- **FACT:** The property in question will be used in a reasonable manor
  - **FINDING:** The Property is currently being used as a residential dwelling, and will continue to be used as such. The property borders the commercial zoning district. The variance will not alter the use of the property, but will actually create a buffer from the roadway.
- **FACT:** The Plight of the owner of the property in question is due to circumstances unique to their property and not created by the landowner
  - **FINDING:** The owner did not build the house or design the layout of the property. Being a corner lot, it presents the unique challenge of having two sides of the house border a street and avenue, which restricts the height that the fence can be to 4 feet, versus the standard 6 feet.
- **FACT:** If the variance is granted, it will not alter the essential character of the locality
  - **FINDING:** The proposal is in the Residential (R2) Zoning District. The property will continue to be used as a residential dwelling, and will not alter the character of the property. The 6 feet high fence will provide better safety and security to the property, and the owner, by lessening vehicle noise, as well as allowing the owner to maintain a garden space. The fence will help keep animals out of the garden space.
- **FACT:** Economic considerations alone do not constitute a practical difficulty. Practical difficulties include but are not limited to: inadequate access to direct sunlight for solar energy systems.
  - **FINDING:** The placement of the house, and the fact that the house is on a corner, limits the height of the fence. A large portion of the useable yard space is on the Camp St side of the house.
- **FACT:** A Variance may not be granted for any use that is not a permitted use under this chapter for property in the district where the affected land is located.

- **FINDING:** The property will not change uses, and will continue to function as a residential dwelling.

**13. Decision rendered by the Planning Commission**

**Motion White to approve the variance, a 6 feet high fence on the Camp St side of the house / second Heil. Motion carried without objection.**

**14. Adjournment at 5:18 PM**

§ 11.01

**Subd. 13. "Junk or Salvage Yard"** - Any place where two or more motor vehicles not containing current license plates are stored in the open; and including the commercial salvaging and scavenging of any other goods, articles or merchandise not contained entirely within enclosed buildings.

**Subd. 14. "Lot"** - For zoning purposes, as covered by this Chapter, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street and may consist of:

- A. A single lot of record.
- B. A portion of a lot of record.
- C. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.
- D. A parcel of land described by metes and bounds.

**Subd. 15. "Lot Frontage"** - The front of a lot shall be construed to be the portion nearest the street or a body of water if the lot has water frontage. For the purpose of determining yard requirements on corner lots and through lots (through lots are lots running from street to street), all portions of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this Section.

**Subd. 16. "Lot Measurements"** - Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 per cent of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where the 80 per cent requirement shall not apply.

**Subd. 17. Repealed by Ordinance No. 92, Second Series, Adopted 2-16-99.**

**Subd. 18. Repealed by Ordinance No. 92, Second Series, Adopted 2-16-99.**

(06-20-14)

**SEC. 12.05. MINIMUM DESIGN STANDARDS.**

**Subd. 1. Suitability of the Land.** No preliminary plan shall be approved if, considering the best interests of the public, the site is not suitable for plat and development purposes of the kind proposed by reason of flooding, wetland conditions, or adverse earth or rock formation. Lots subject to flooding and lots deemed uninhabitable because of adverse earth or rock formation shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate the flood hazard, but such land within a plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.

**Subd. 2. Streets and Alleys.** All streets and alleys within a subdivision must meet the following minimum standards:

**A. Conformity to the Official Plans.** The location and width of all streets within the planning area shall conform to the official City, County or regional plans and the provisions herein.

**B. Street Widths.** The minimum width of a street shall be as shown on the official plans or, if not shown on such plan, shall not be less than as follows:

- |                           |   |          |
|---------------------------|---|----------|
| 1. Major Thoroughfare     | - | 100 feet |
| 2. Secondary Thoroughfare | - | 80 feet  |
| 3. Collector Street       | - | 70 feet  |
| 4. Minor Street           | - | 66 feet  |
| 5. Alley                  | - | 20 feet  |

**C. Additional Width on Existing Streets.** Subdivisions that adjoin existing streets shall dedicate additional right-of-way if necessary to meet the minimum street width requirements set forth in this Section, as follows:

1. The entire additional right-of-way shall be provided where the subdivision is on both sides of the existing street.

2. When the subdivision is located on only one side of the existing street, one-half of the required additional right-of-way shall be provided. In no case shall the resulting right-of-way width be less than sixty-six feet.

**D. Restriction of Access.** When a subdivision or portion thereof adjoins a major thoroughfare, no lot shall have direct access thereto. Said lots shall be provided with frontage on a marginal access street or street other than a thoroughfare with adequate depth for screen planting of the portion of any such lot contiguous with said major thoroughfare.

(4-20-99)

**E. Street Grades.** Grades on major or secondary thoroughfares shall not exceed six percent. Grades on other streets shall not exceed ten percent.

**F. Horizontal Curves.** Where a deflection angle of more than ten degrees in the alignment of a street occurs, a curve of reasonably long radius shall be introduced, to-wit: on streets sixty feet or more in width, the center line radius of curvature shall be not less than three hundred feet; on other streets not less than one hundred feet.

**G. Vertical Curves.** All changes in grade shall be connected by vertical curves of minimum length in feet equal to fifteen times the algebraic difference in rates of grade for major thoroughfares and one-half this minimum length for other streets. Profiles of all streets showing natural and finished grades drawn to a scale of not less than one inch equals one hundred feet horizontal, and one inch equals twenty feet vertical, may be required by the City Engineer if topographic conditions warrant.

**H. Intersections.** Street intersections shall be as nearly at right angles as is possible, and no intersection shall be at an angle of less than seventy degrees.

**I. Street Jogs.** Street jogs with centerline offsets of less than one hundred twenty-five feet shall not be allowed.

**J. Dead-End Streets.**

1. Minor residential streets that are also dead-end streets shall be no more than five hundred feet long unless necessitated by topography. They shall be provided at the closed end with a turnaround having an outside roadway diameter of at least eighty feet and a street right-of-way diameter of one hundred feet.

2. Provisions shall be made for the proper projection of streets into adjoining unsubdivided land. Where it is necessary to provide for street access to adjoining property not yet subdivided, proposed streets shall be extended by dedication to the boundary of such unsubdivided property. Such temporary dead-end streets shall be provided with a temporary turnaround having a roadway diameter of at least eighty feet wherever lots face upon such street.

**K. Private Streets and Reserve Strips.** There shall be no private streets platted in any subdivision. Every unsubdivided lot shall be served from a publicly dedicated street. There shall be no reserve strips controlling access to streets, except where the control of such strips is definitely placed with the City under conditions approved by the Council.

(4-20-99)

**L. Street Names.** A proposed street which is in alignment with and joins an existing and named street shall bear the name of the existing street. In no case shall the proposed name of a street duplicate the name of an existing street within the area covered by this Section. The use of suffix "street", "avenue", "boulevard", "driveway", "place" or "court" or similar description shall not be a distinction sufficient to constitute compliance with this Subparagraph.

**M. Alleys.** Alleys shall be provided to the rear or side of all lots to be used for commercial or industrial uses.

**Subd. 3. Blocks.** Blocks shall meet the following standards:

A. In residential areas, blocks shall not be less than 600 nor more than 1320 feet in length measured along the greatest dimension of the enclosed block area unless necessitated by topography. Block length in commercial or industrial areas shall be as determined by the Planning Commission to be suitable for the intended use.

B. In blocks over 600 feet in length the Planning Commission may require one or more public walkways within an easement not less than ten feet in width to extend entirely across the block and at locations deemed necessary at intervals not closer than 400 feet.

C. Blocks shall be wide enough to allow two tiers of lots with a minimum depth of 100 feet except adjoining a railroad or major thoroughfare or where one tier of lots is necessary because of topographic conditions.

**Subd. 4. Arrangements of Lots.**

A. Side lot lines shall be at right angles to straight street lines or radial to curved street lines.

B. Each lot must front upon a public street not less than 66 feet in width.

C. Through lots or double frontage lots shall be avoided when possible. Residential lots shall be separated from major thoroughfares and railroad rights-of-way by a landscape buffer strip not less than 25 feet in width.

**Subd. 5. Size of Lots.** No lot shall have less area or width than is required by the zoning provisions of the City Code applying to the area in which it is located. If not within the jurisdiction of zoning provisions the following minimum provisions shall apply:

A. Residential lots with public sewer and water: Area, 6,000 square feet; Width, 50 feet; Depth, 120 feet.

(4-20-99)

B. Residential lots without public sewer and water: Area, 20,000 square feet; Width, 100 feet; Depth, 200 feet.

C. Corner lots shall be platted at least 15 feet wider than the minimum otherwise required.

D. Lots abutting a drainage course, channel, stream or lake shall have additional depth or width as required to assure building sites not subject to flooding.

E. Lots designed for commercial or industrial purposes shall be adequate for off-the-street service, loading and parking facilities.

**Subd. 6. Building Setback Line.** Unless otherwise required by the Zoning Chapter, minimum building setback lines shall be as follows:

A. Front yard - 20 feet.

B. Side street - 20 feet.

C. Lakeshore - 75 feet - unless other distance is dictated by topography, soil conditions and type of sanitation facilities to be used.

**Subd. 7. Public Use and Service Areas.** Due consideration shall be given to the allocation of areas suitably located and of adequate size for playgrounds and parks for local or neighborhood use as well as public service areas.

**A. Public Open Spaces.** Where a proposed school, neighborhood park or recreation area or public access to water frontage, shown on the official City, County or regional plan, is located in whole or in part in the applicant's subdivision, the Council may require as a condition of final approval that such space within the subdivision be reserved and not developed for a period not to exceed one year from the date of such final approval so that within said period the appropriate public agency may acquire said land in the manner provided by law and before it is developed for some purpose not conforming to the official plan. If it is not so acquired and no legal action is filed by such public agency within such period, said reservation shall be of no further effect and such lands then may be used for other purposes.

**B. Easements for Utilities.** Except where alleys are provided for the purpose, utility easements not less than 20 feet in width shall be provided along rear or side lot lines for conduits, storm sewers, sanitary sewer, surface drainage, water mains, electrical lines and other public utilities reasonably required for an urban structure. Such easements shall be placed along rear lot lines wherever possible. No building shall be erected on said easements

(4-20-99)

SEC. 11.41 ZONING DISTRICT SCHEDULE.

DISTRICTS	EXAMPLES OF BASIC PROVISIONS (See Classification List)	MINIMUM REQUIREMENTS									
		FOOTPRINT (SQ. FT.)	SIDE WALL DIMEN SION	LOT WIDTH	LOT AREA (SQ. FT.)	FRONT SETBACK	SIDE * YARD SETBACK	CORNER SIDE YARD	REAR * YARD SETBACK	TOTAL BUILDING COVERAGE	HEIGHT **
PUBLIC P1	Parks, Recreation, Public schools, Hospitals, Clinics	N/A	N/A	N/A	N/A	25'	25'	25'	25'	35%	2 Stories or 35'
P2	P 1 Uses, Public Works, Utilities, Cemetery	N/A	N/A	N/A	N/A	25'	25'	25'	25'	35%	2 Stories or 35'
OPEN O	Swampy, rocky or other sites unsuitable for development, forest & conversation areas, P 2 uses	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
RESIDENTIAL TRANSITION RT	Transition area between residential to commercial or industrial uses. One & Two family residential. Home Occupation. Conditional Use permitted.	768 for 1 <sup>st</sup> unit 750 for 2 <sup>nd</sup> unit	22'	50'	6000 (1 <sup>st</sup> unit)	20'	10'	20'	20'	35%	2 Stories or 35'

Note:

\* In a R-1 and R-2 District, accessory structures may be constructed within four (4) feet of the side and rear lot lines, provided, that no portion of the accessory structure shall extend or overhand within two (2) feet of a lot line. Further provided, the sum of the total square footage of all structures, including accessories and principal structures must not exceed 35% of the square footage of the entire lot or contiguous lots. Accessory structures may be constructed not exceeding twelve hundred (1200) square feet. Accessory structures may only be constructed if there is a primary structure on the parcel. In R-1, R-2 and RT Districts, accessory structure heights cannot exceed the height of the primary structure.

\*\* Not including TV, radio, antenna, church steeple, smoke stacks, broadcasting towers, siren and bell towers. Accessory structures may be constructed to a maximum height of 28 feet.

Source: Ordinance No. 282, Second Series

Effective Date: January 6, 2014

(01-06-2014)

§ 11.41

		MINIMUM REQUIREMENTS									
DISTRICTS	EXAMPLES OF BASIC PROVISIONS (See Classification List)	FOOTPRINT (SQ. FT.)	SIDE WALL DIMEN SION	LOT WIDTH	LOT AREA (SQ. FT.)	FRONT SETBACK	SIDE * YARD SETBACK	CORNER SIDE YARD	REAR * YARD SETBACK	TOTAL BUILDING COVERAGE	HEIGHT **
RESIDENTIAL R-1	Single and Two-family dwellings, churches, schools, accessory use or structure, home occupation	768 for 1 <sup>st</sup> unit 750 for 2 <sup>nd</sup> unit	22'	50'	6000 (1 <sup>st</sup> unit)	20'	10'	20'	20'	35%	2 stories or 35'
R-2	R-1 uses plus multiple-family dwellings, rest homes	768 for 1 <sup>st</sup> unit 200 for ea. additional unit	22'	50'	6000 (1 <sup>st</sup> unit) 2000 (ea. add'l unit)	20'	8'	15'	20'	50%	2 stories or 35'
COMMERCIAL C-1	Central Business District Shops, General Commercial Uses, Services, On-Site Signs (not to exceed 3 units or 25 sq. ft. for ea. 25 ft. of frontage.	N/A	N/A	N/A	N/A	N/A	N/A	N/A ***	N/A	90%	3 stories or 45'
C-2	Tourist Services, Roadside uses for Travelers Convenience, Grocery Store, Limited Shopping Facilities, On-Site Signs, Drive-ins.	N/A	N/A	N/A	N/A	25'	8'	15'	15'	50%	2 stories or 35'
INDUSTRIAL & RELATED M	Limited Industry, Warehouses, Small Repair Shops, General Manufacturing, On-Site Signs	N/A	N/A	75'	10,000	35'	N/A	15'	15'	50%	2 stories or 35'
ADULT BUSINESS AB	See Classification List	N/A	N/A	N/A	45,000	N/A	N/A	N/A	N/A	50%	1 story, not to exceed 25'

\*\*\* There will be a fifteen foot (15') vision triangle created on corners to allow for corner visibility, where no ground structure will be allowed. This triangle will be formed by measuring back from the intersection of the corner, fifteen feet (15') along the property lines that create the corner of the property. This equates to an approximately twenty-one foot (21') hypotenuse. The entire structure, including any overhanging features of the structure, will be contained within the property lines, and any drainage from the property will be taken care of on the property.

LEGAL DESCRIPTION for the City of Ely  
(Part of Lot 5, Block 2 "Ely Business Park")

September 24, 2025

That part of Lot 5, Block 2 of the plat of "Ely Business Park" located in Section 27, Township 63 North, Range 12 West of the Fourth Principal Meridian, St. Louis County, Minnesota, described as follows:

Assuming the West line of said Lot 5, Block 2 to bear North 00° 12' 30" West and from the Southwest Corner of said Lot 5, Block 2, being the POINT OF BEGINNING, run North 00° 12' 30" West along said West line, a distance of 145.67 feet to the Northwest corner of said Lot 5, Block 2; thence North 83° 53' 09" East, a distance of 400.67 feet; thence South 00° 07' 42" East, a distance of 131.45 feet to the southerly boundary of said Lot 5, Block 2; thence South 70° 33' 48" West along said southerly boundary, a distance of 213.15 feet; thence North 27° 10' 02" West along said southerly boundary, a distance of 81.41 feet; thence South 69° 56' 17" West along said southerly boundary, a distance of 170.59 feet to the POINT OF BEGINNING.

Said parcel contains 1.3 acres, more or less.

(City of Ely 15-des)

LEGAL DESCRIPTION for the City of Ely  
(Lot 5, Block 2 "Ely Business Park" Residual)

September 24, 2025

All of Lot 5, Block 2 of the plat of "Ely Business Park" located in Section 27, Township 63 North, Range 12 West of the Fourth Principal Meridian, St. Louis County, Minnesota, EXCEPT that part described as follows:

Assuming the West line of said Lot 5, Block 2 to bear North 00° 12' 30" West and from the Southwest Corner of said Lot 5, Block 2, being the POINT OF BEGINNING, run North 00° 12' 30" West along said West line, a distance of 145.67 feet to the Northwest corner of said Lot 5, Block 2; thence North 83° 53' 09" East, a distance of 400.67 feet; thence South 00° 07' 42" East, a distance of 131.45 feet to the southerly boundary of said Lot 5, Block 2; thence South 70° 33' 48" West along said southerly boundary, a distance of 213.15 feet; thence North 27° 10' 02" West along said southerly boundary, a distance of 81.41 feet; thence South 69° 56' 17" West along said southerly boundary, a distance of 170.59 feet to the POINT OF BEGINNING.

Said parcel contains 0.3 acres, more or less.

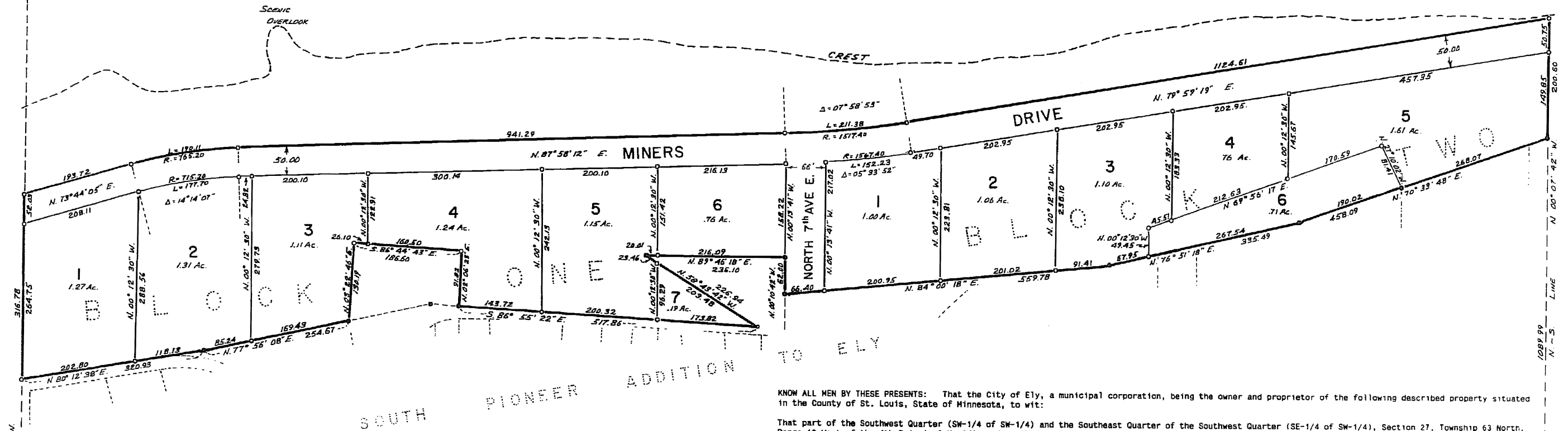
(City of Ely 16-des)



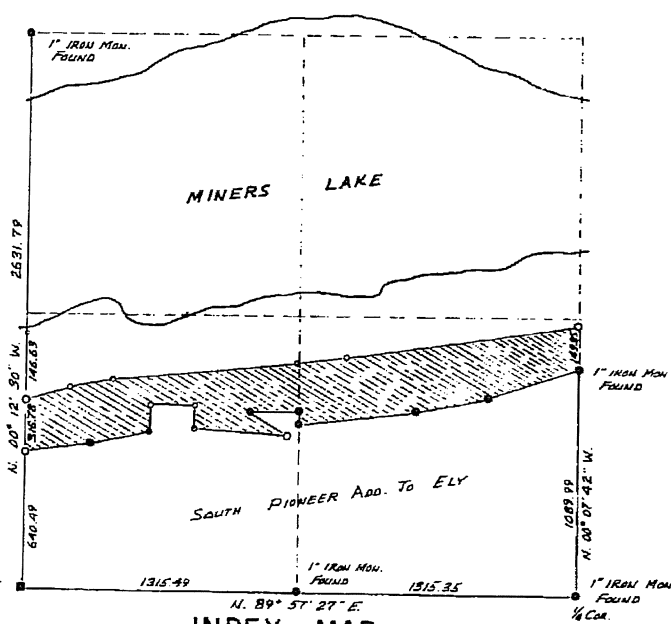
All Taxes Paid  
Dec 22 1988  
Russell Petersen, County Auditor  
By *J. P. Walsh*  
DEPUTY

DECEMBER 16 1988  
*Robert C. Besch*  
1166

OFFICE OF COUNTY RECORDER  
STATE OF MINNESOTA }  
County of St. Louis } SS.  
I hereby certify that the within instrument was filed in this office for record as Document No. 0467584  
DEC 12 1988 at 1 P M  
MARK A. MONACELLI  
County Recorder  
By 79 Rich  
Deputy



NOTE:  
THE WEST LINE OF THE SW 1/4, SEC. 27 IS ASSUMED TO HAVE A BEARING OF N. 00° 12' 30" W.



INDEX MAP  
S.W. 1/4 SEC. 27 T. 63 N. R. 12 W.  
SCALE: 1" = 500'

KNOW ALL MEN BY THESE PRESENTS: That the City of Ely, a municipal corporation, being the owner and proprietor of the following described property situated in the County of St. Louis, State of Minnesota, to wit:

That part of the Southwest Quarter (SW-1/4 of SW-1/4) and the Southeast Quarter of the Southwest Quarter (SE-1/4 of SW-1/4), Section 27, Township 63 North, Range 12 West of the 4th Principal Meridian, described as follows:  
Assuming the West Line of said SW-1/4 of SW-1/4 to lie North 00° 12' 30" West, and from the Southwest Corner of said SW-1/4 of SW-1/4, run North 00° 12' 30" West along said West Line, 640.49 feet to the Point Of Beginning; Thence continue North 00° 12' 30", 316.78 feet; Thence North 73° 44' 05" East, 193.72 feet to a tangential curve to the right, which has a central angle of 14° 14' 07" and a radius of 765.20 feet; Thence along the curve 190.11 feet; Thence North 87° 58' 12" East, 941.29 feet to a tangential curve to the left, which has a central angle of 07° 58' 53" and a radius of 1,517.40 feet; Thence along said curve a distance of 211.38 feet; Thence North 79° 59' 19" East, 1,124.61 feet; Thence South 00° 07' 42" East, 200.60 feet; Thence South 70° 33' 48" West, 458.09 feet; Thence South 76° 51' 18" West, 335.49 feet; Thence South 84° 00' 18" West, 559.78 feet; Thence North 00° 10' 42" West, 62.00 feet; Thence South 89° 46' 18" West, 236.10 feet; Thence South 58° 43' 42" East, 226.94 feet; Thence North 86° 55' 22" West, 517.85 feet; Thence North 02° 06' 23" East, 91.82 feet; Thence North 86° 44' 43" West, 186.60 feet; Thence South 03° 22' 46" West, 130.19 feet; Thence South 77° 56' 08" West, 254.67 feet; Thence South 80° 12' 38" West, 320.93 feet to the Point Of Beginning.

Have caused the same to be surveyed and platted as ELY BUSINESS PARK and do hereby donate and dedicate to the public for public use forever the thoroughfare as shown on the plat.

In witness whereof said City of Ely has caused these presents to be signed by its proper officers and have hereunto set their hands this 12th day of December 1988.  
Signed by Jack P. Grahek, Mayor  
Lee F. Tessler, City Clerk - Treasurer

STATE OF MINNESOTA  
COUNTY OF ST. LOUIS  
The foregoing instrument was acknowledged before me this 12th day of December 1988 by Jack P. Grahek, Mayor and Lee F. Tessler, City Clerk of the City of Ely, a municipal corporation.  
Patricia M. Walling  
Notary Public, St. Louis County, Minnesota  
My Commission Expires June 1, 1991

I hereby certify that I have surveyed and platted the property described on this plat as ELY BUSINESS PARK, that this plat is a correct representation of the survey, that all distances are correctly shown on the plat in feet and hundredths of a foot, that all monuments have been correctly placed in the ground as shown, that the outside boundary lines are correctly designated on the plat and that there are no wet lands or public highways to be designated other than as shown.

Calvin A. Lindbeck  
Calvin A. Lindbeck, Land Surveyor  
Minnesota Registration No. 18163

STATE OF MINNESOTA  
COUNTY OF ST. LOUIS  
The foregoing Surveyor's Certificate was acknowledged before me this 28th day of November 1987 by Calvin A. Lindbeck, Minnesota Registration No. 18163.

Jean Green  
Notary Public, St. Louis County, Minn.  
My Commission Expires October 8th, 1993

OFFICIAL PLAT

ELY BUSINESS PARK  
LOCATED IN THE SW./SW. 1/4, THE SE./SW. 1/4, SEC. 27 T. 63 N.  
R. 12 W. OF THE 4th P.M. ST. LOUIS CO., MINN.

SCALE: 1" = 100' SEPT. 1987

o = 3/4" REBAR SET      • = 1" IRON MON. FOUND  
SURVEYING SERVICES INC.      ELY, MINN.  
C.A. LINDBECK      R.L.S. 18163

October 2, 2025

City of Ely  
209 East Chapman  
Ely, MN 55731

Dear Planning Commission,

Thank you again for the City of Ely's help during the 2025 Ely Marathon. We had over 1000 runners, 350 volunteers, and an estimated 4000 spectators participate in this year's events.

Per the Interim Use Permit for the Ely Marathon, I am submitting the requested information following the event.

A summary of all complaints has been requested to be submitted to the Planning Commission. As of October 3, 2025 we received 1 emailed complaint. That is attached.

Please let me know if you have any additional questions and/or concerns.

Thank you,

Wendy Lindsay, Race Director

## Subject: from website



**Mike Gemberling** <glitchmo@icloud.com>

Sat, Sep 20, 1

to run

Have we forgotten that some people have to work on Saturday? Forgotten that Saturday is a day that people who all week need to get around town and run the errands that they can't get to during the week? Apparently you don't damn. Getting pretty tired of all these "Events" that ride on the backs of the people who live downtown. Wife has a migraine condition and what did we have to listen to FULL VOLUME in front of my house (Camp Street) last night? LOUD music and people cheering endlessly. It's good that you folks want to have these events but not while sacrific the rights of the citizens of this town. Was there any PUBLIC discussion on route planning? Something besides or Facebook? Some of us are adults and don't visit such forums. There is a growing number of downtown residents (TAXPAYERS) who have about had it with a lot of these events. I guess it's time for us to organize.

Sent from my iPad

# CITY OF ELY

209 E. Chapman St.  
Ely, Minnesota 55731  
218-365-3224

July 1<sup>st</sup>, 2019

Wendy Lindsay  
229 E. Sheridan Street  
Ely MN 55731

RE: Interim Use Permit for Ely Marathon, Half Marathon, and 5K Glow Runs

Dear Wendy,

On Wednesday June 19<sup>th</sup>, 2019 the Ely Planning Commission passed a Motion clarifying the status of the 25-Year Interim Use Permit issued for the Ely Marathon, Half Marathon, and 5K Glow Runs.

The Official Minutes of the Ely Planning Commission September 6<sup>th</sup>, 2017 were corrected and now state for the record that the **25-Year Interim Use Permit for the Ely Marathon, Half Marathon, and 5K Glow Runs was applied for by, and granted to, Wendy Lindsay not to Ely Events Coordination Bureau.**

Ely City Code Sec. 11.43B Subd. 1 states that an Interim Use Permit must be applied for by and granted to an individual not to their organization.

The permit will run 25-years from September 6<sup>th</sup>, 2017 under the same conditions as originally issued.

Please contact me if you have any concerns or questions. Keep up your good work!

Sincerely,

Tim Riley  
Planning & Zoning Administrator  
City of Ely



September 14<sup>th</sup>, 2017

Wendy Lindsay  
Ely Event Coordination Bureau  
229 East Sheridan Street  
Ely, MN 55731

Dear Wendy,

Thank you for appearing at the September 6, 2017 City of Ely Planning Commission hearing to discuss the Interim Use Permit for Ely Glow Run 5K, Ely Marathon, and Ely Half Marathon events.

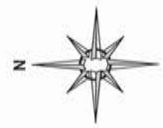
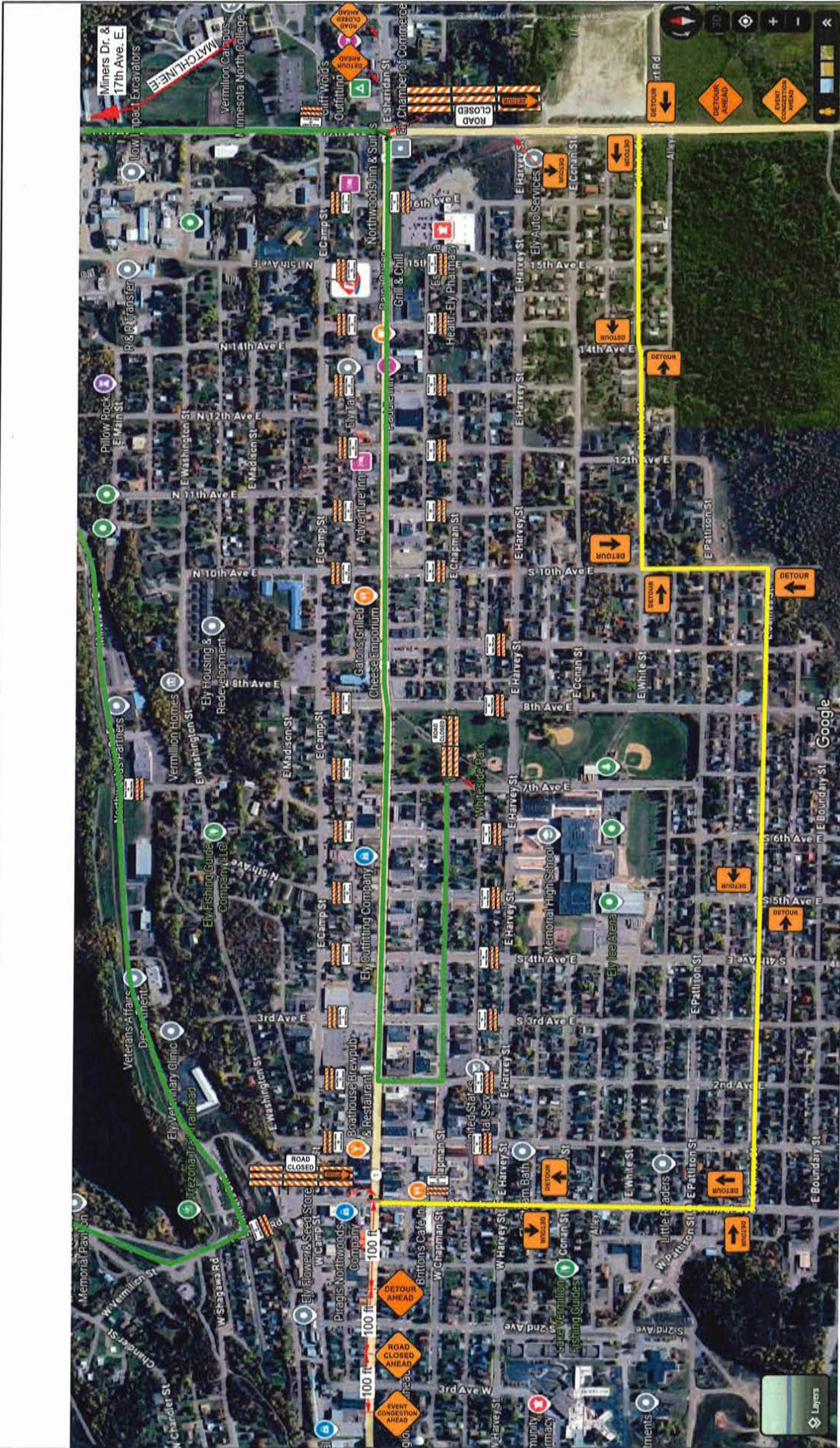
The Planning Commission has granted an Interim Use Permit to Ely Event Coordination Bureau for an interim period of Twenty Five (25) years, with permit fees waived, under the following conditions:

- Ely Event Coordination Bureau will provide a summary of their event(s) annually, including any material changes, to Planning Commission at least 45 days prior to the event.
- Ely Event Coordination Bureau will provide a summary of any complaints received from the community about the event and Ely Event Coordination Bureau's response to Planning Commission at least 45 days prior to the event.
- Planning Commission will continue Public Notice in the newspaper annually accepting comments in person, written, e-mailed, and by phone and will weigh any relevant information with respect to continuation of the interim use permit.
- Ely City Council or Planning Commission can withdraw the permit at any time should they decided it is in the interests of the City of Ely to do so.

Please contact our office with any questions or concerns.

Tim Riley

Planning & Zoning Administrator  
(Interim)



NOTE: ANY SCHEDULING OF EQUIPMENT MUST BE DONE THROUGH WARNING LITES OF MN, INC-FRONT OFFICE 612-521-4200

**ELY MARATHON**  
 CONTACT: WILL KEARNEY  
 PHONE: 218-205-0388  
 PROJECT:  
 START DATE: DURATION:  
 WORK TYPE: SPECIAL EVENT-MARATHON  
 HOURS OF OPERATION:

AUTHOR: JOSEPH TABIOS  
 MN TCS CERT#: 2906  
 MAP PAGE:  
 DATE: 6/2/2021  
 PAGE: 1 OF 1  
 SCALE: NONE  
 GOV. AGENCY: ELY

**WARNING LITES**  
 4700 LYNDALE AVE N  
 MINNEAPOLIS, MN 55430  
 TEL: 612-277-4703  
 FAX: 612-521-0646  
 jtabios@warninglitesmn.com

**LEGEND**  
 Marathon Route  
 Detour Route





# Well Being DEVELOPMENT

City of Ely  
209 E. Chapman St.  
Ely MN 55731

August 13, 2025

Dear Madam Mayor and City Council,

The Northern Lights Clubhouse, a program of WBD, will be holding it's annual 5K Glow Run again on September 19<sup>th</sup>, 2025.

A MNDot permit has been obtained for the purpose of closing Sheridan St. between 7<sup>th</sup> and 8<sup>th</sup> Ave. from 6:45 pm until 8:15 pm to allow participants to safely access and exit the race course.

We humbly request the following support from the City of Ely inasmuch as you are able:

- Barricades for the cross streets as indicated by race map
  - NLC will provide the volunteers to man those cross streets and will erect and take down the barriers in the same time frame as above.
- A squad car (as available) at the junctions of 7<sup>th</sup> and 8<sup>th</sup> avenues on Sheridan St. for the same time frame
- The big "DETOUR" sign on Sheridan St. at 7<sup>th</sup> avenue directing traffic down 7<sup>th</sup> to Pattison. The detour will direct drivers to turn left on Pattison behind the ball field, then left again on 8<sup>th</sup> back to Sheridan.
  - We have been in touch with the Marathon race director and she assures us the marathon will be procuring the additional necessary barricades to accommodate the detour.
  - We are also working to find additional volunteers to facilitate the detour safely.
- The ability to cross Harvey St. at 7<sup>th</sup> and 8<sup>th</sup> to utilize the detour.

Please let us know if you have any questions or concerns regarding this request.

Sincerely,

Robyn Bertelsen; Program Director – Northern Lights Clubhouse

*Well Being Development is a 501(c)(3) nonprofit organization located in Ely, Minnesota.  
Your contribution is tax-deductible to the extent allowed by law.  
No goods or services were provided in exchange for your financial donation.*

Jeff Schultz

108 E Washington St

Ely, MN 55731

To:

Scott Kochendorfer, Planning and Zoning Admin

209 E Chapman St

Ely, Mn 55731

10/01/2025

Dear Mr. Kochendorfer:

I am writing to call attention to the large quantity of neon-blue paint that has been applied to my front lawn, curb, and ~100' of public street in front of my home at the address listed above. It is my understanding that this is an outcome from the recent "Glo-run" that took place while I was out of town. This is the second year in a row that I have returned from trips in September to find the street, curb, and grass in front of my house covered in neon paint colors.

The fact that an organized run is taking place outside my home is perfectly acceptable; however, I am confident that if I went around the neighborhood and applied neon blue paint to the street in front of everyone else's home, I'd be arrested and fined for vandalism--and probably would be asked to clean it up too (or face even more more serious charges).

Please advise:

1. Who is responsible for this mess?
2. How I can get the paint removed from the street?
3. How I can prevent this from happening again in future years?

Please understand that it is not my intent to disrupt this event. I am OK with it happening in front of my house anytime. The problem is the paint. There is no reason I should have to look at this vandalism every day. Putting it charitably, it is an eyesore. At worst, this is quite possibly a serious environmental pollution issue. I have no idea what chemicals are in the paint and what effect they may have on the public waters that the paint is (very slowly) being washed into when it rains (that public water body is also known as Miners Lake, where the storm sewer drains to from my home).

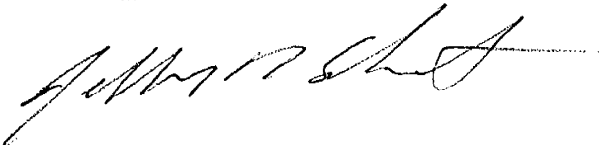
To be clear, I am willing to do whatever is necessary to ensure that neon paint is not applied to the street, curbs, or lawn in front of my house in the future. I am also willing to pursue any appropriate legal avenue necessary to have this paint removed asap.

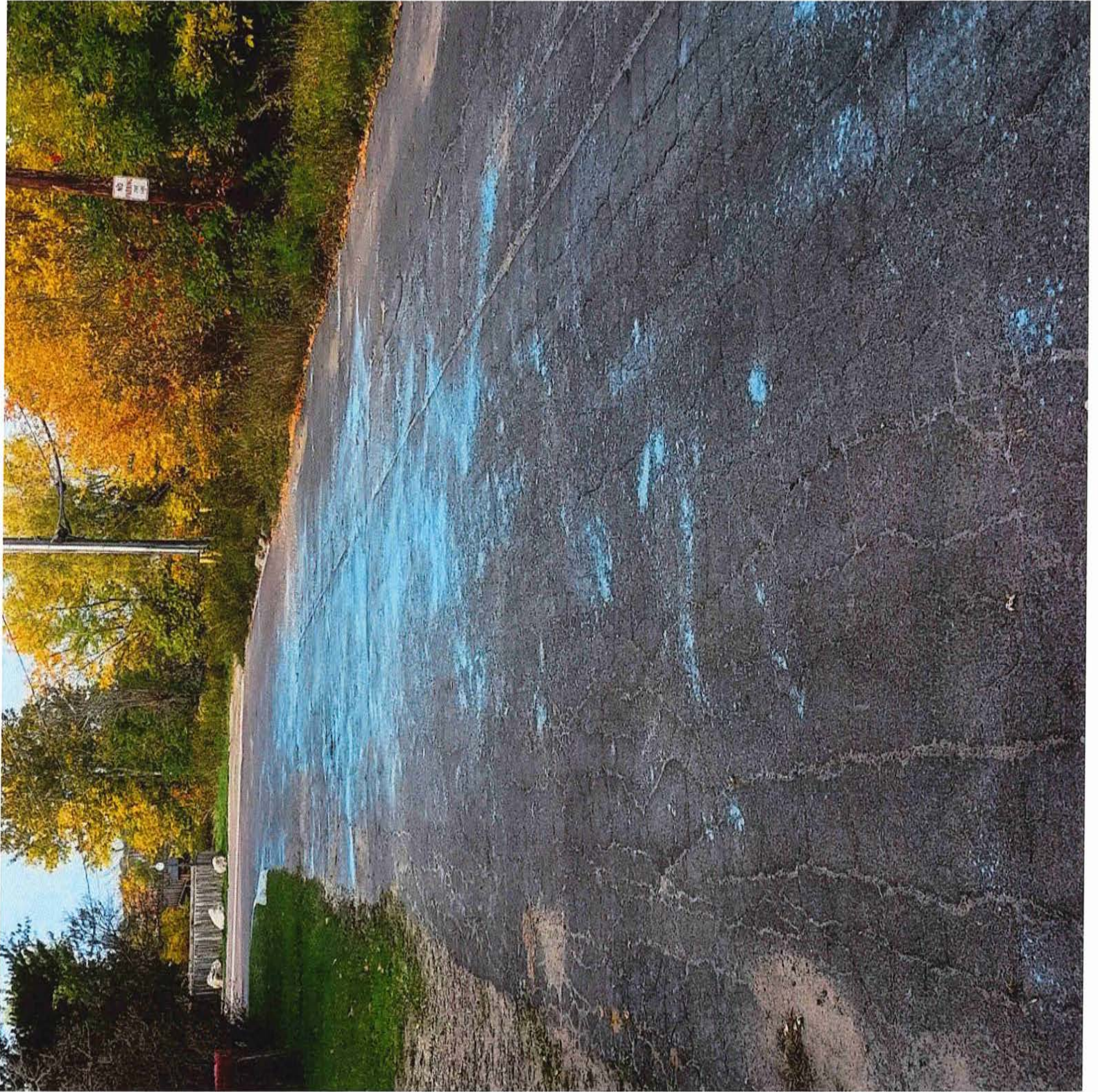
I have photos of the messes from 2024 and 2025 and I am happy to provide them upon request. Otherwise, please stop by and take a look--you can't miss it.

I look forward to your prompt reply.

Thank you,

Jeff Schultz









Ely City

Hall, 209 E Chapman St, Ely MN 55731

---

**KJ's True Value**  
303 E Sheridan St  
Ely, MN 55731

Dear Property Owner,

For the property located at 303 E Sheridan St, Ely, MN 55731. The city would like to meet and discuss the parking signage on 3<sup>rd</sup> Ave E, as well as any driveway access that you are requesting.

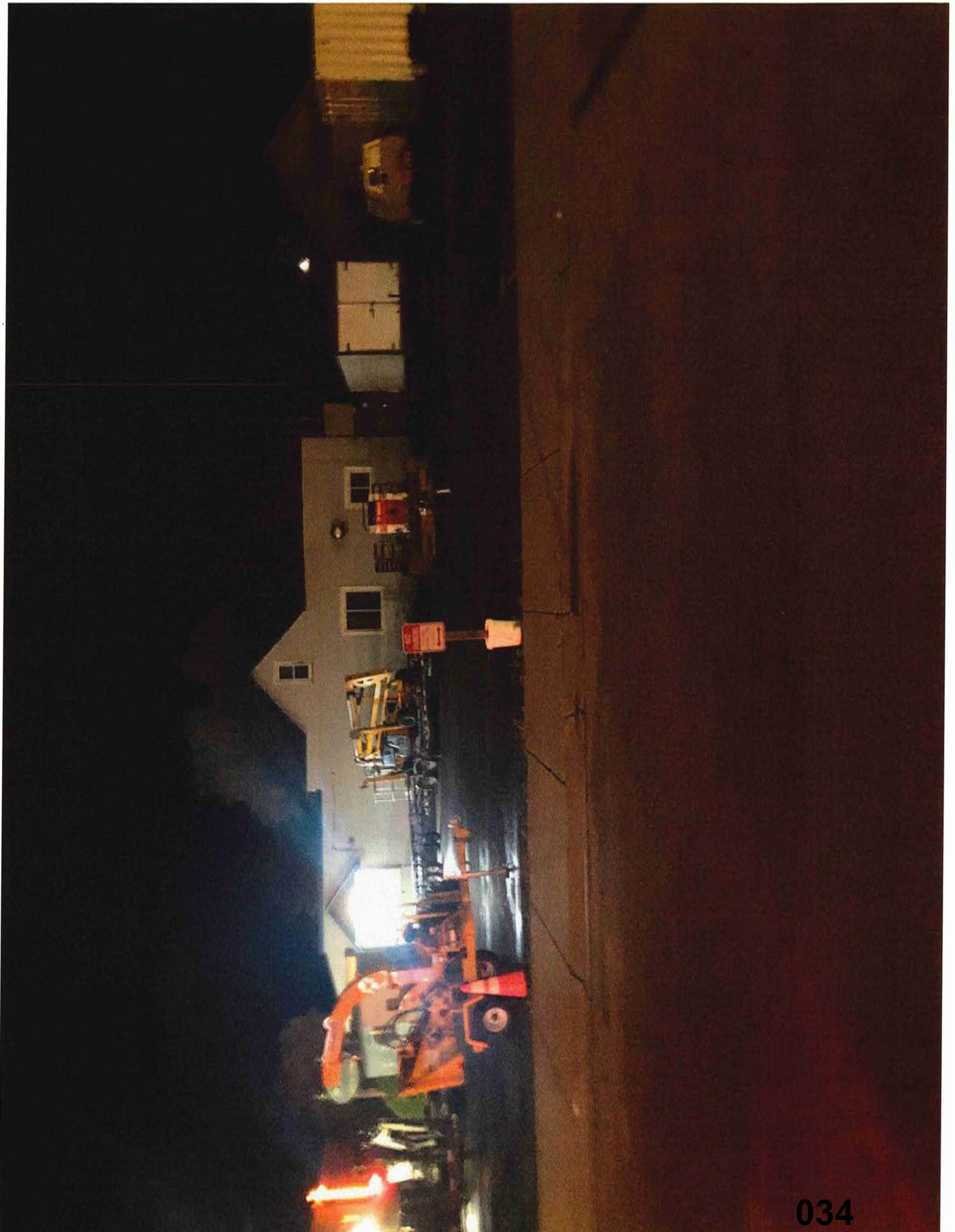
Please contact the city of Ely as soon as you can, so we can meet and discuss the needs of your property.

Respectfully,

Dated: 9/18/2025

Scott Kochendorfer  
Zoning Administrator  
209 E Chapman St  
Ely MN 55731  
[pzadmin@ely.mn.us](mailto:pzadmin@ely.mn.us)  
218-365-3224, Ext 3





CHAPTER 7

**STREETS AND SIDEWALKS GENERALLY**

**(THIS CHAPTER CONTAINS PROVISIONS AS TO  
DEFINITIONS, APPLICATION AND SCOPE RELATING  
TO CHAPTERS 8 AND 9 AS WELL AS THIS CHAPTER)**

**SECTION 7.01. DEFINITIONS.** Except as otherwise defined in the City Code, or where the context clearly indicates a contrary intent, the words and terms defined in Minnesota Status, Chapter 169, shall be applicable to City Code, Chapters 7, 8 and 9.

**SEC. 7.02. APPLICATION.** The provisions of City Code, Chapters 7, 8 and 9, are applicable to the drivers of all vehicles and animals upon streets, including, but not limited to, those owned or operated by the United States, the State of Minnesota, or any county, town, city, district, or other political subdivision.

**SEC. 7.03. SCOPE AND ORDERS OF OFFICERS.**

**Subd. 1. Scope.** The provisions of Chapters 7, 8 and 9 relate exclusively to the streets, alleys and private roads in the City, and the operation of parking of vehicles refer exclusively to the operation and parking of vehicles upon such streets, alleys and private roads.

**Subd. 2. Orders of an Officer.** It is a misdemeanor for any person to willfully fail or refuse to comply with any lawful order or direction of any police or peace officer invested by law with authority to direct, control or regulate traffic.

**SEC. 7.04. TRAFFIC AND PARKING CONTROL**

**Subd. 1. Council Action.** No device, sign or signal shall be erected or maintained for traffic or parking control unless the Council shall first have approved and directed the same, except as otherwise provided in this Section; provided, that when traffic and parking control is marked or sign-posted, such marking or sign-posting shall attest to Council action thereon.

**Subd. 2. Temporary Restrictions.** The City, acting through the Chief of Police, may temporarily restrict traffic or parking for any private, public or experimental purpose. It is the duty of the Chief of Police to so restrict traffic or parking when a hazardous condition arises or is observed.

**Subd. 3. Traffic Restrictions and Prohibitions.** It is a misdemeanor for any person to drive a vehicle contrary to lane restrictions or prohibitions painted on any street, or contrary to sign-posted, fenced, or barricaded restrictions or prohibitions.

(02-01-91)

**SEC. 11.20. OFF-STREET LOADING AND PARKING.**

**Subd. 1. Off-Street Loading and Parking.** Space for off-the-street loading of vehicles shall be provided for every building used or designed for commercial purposes in an amount considered adequate by the Zoning Officer for the proposed use.

**Subd. 2. Off-Street Automobile Storage.** Off-street automobile storage or standing space shall be provided on every lot on which any new structures are hereafter established; such space shall be provided with vehicular access to a street or alley and shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. Where such space cannot be reasonably provided on the same lot with the principal use, the Board of Adjustment may permit such space to be located on another off-street property provided such space is within 500 feet of the permitted use measured along lines of public access.

**A. Parking Space:** A space for parking that is not less than 9 feet by 17 feet.

**B. Dwelling:** One parking space for each unit.

**C. Tourist Accommodations:** One parking space for each room or unit.

**D. Theatre, Stadium, Auditorium, Church, or Other Places of Public Assembly:** One parking space for each 10 seats, based on maximum seating capacity.

**E. Stores and Other Retail Business Establishments:** One parking space for each 200 square feet of total floor area.

**F. Office Buildings:** One parking space for each 400 square feet of office floor area.

**G. Industrial, Manufacturing, or Wholesale Establishments:** One parking space for each five workers, based on peak employment and adequate space for loading and unloading all vehicles used incidental to the operation of the industrial or manufacturing establishment.

Source: Ordinance 270, Second Series  
Effective Date: January 21, 2013

**SEC. 11.21. REMOVAL OF NON-CONFORMING (OPEN LAND) USES.**

**Subd. 1. Removal of Non-Conforming Signs and Non-Conforming Open Land Uses.** All non-conforming signs, of all types not exempted by the definition thereof, and all non-conforming open land uses such as storage yards, junk yards, etc., shall be removed and made to conform to the provisions of this Chapter within a period of two years after the effective date of this Chapter and the mailing of a notice instructing such removal by the Zoning Officer.

(01-21-2013)

§ 11.01

**Subd. 19. "Parking Lot"** - A parcel of land containing one or more unenclosed parking spaces whose use is principal to the lot.

**Subd. 20. "Parking Space, Off-Street"** - An off-street parking space shall comprise not less than 9 feet by 17 feet of parking stall plus necessary maneuvering space. Space for maneuvering incidental to parking or unparking shall not encroach upon any public way. Every off-street parking space shall be accessible from a public way.

Source: Ordinance No. 270, Second Series

Effective Date: January 21, 2013

**Subd. 21. "Primary Use or Structure"** - The main use of any given lot or parcel as per the zoning district.

Subd. 22. Repealed by Ordinance No. 127, Second Series, Adopted 9-4-01.

Subd. 23. Repealed by Ordinance No. 127, Second Series, Adopted 9-4-01.

Subd. 24. Repealed by Ordinance No. 127, Second Series, Adopted 9-4-01.

Subd. 25. Repealed by Ordinance No. 127, Second Series, Adopted 9-4-01.

**Subd. 26. "Nursing Home/Assisted Living Home"** - A building having accommodations where care is provided for two (2) or more invalids, infirmed, aged convalescent or physically disabled persons that are not of the immediate family; but not including hospitals, clinics, sanitariums or similar institutions.

**Subd. 27. "Rooming House"** - Multiple individuals in a single structure who share a common kitchen and/or bathroom facility, and who lease and/or pay rent for the dwelling.

Source: Ordinance No. 169, Second Series

Effective Date: November 18, 2004

(06-20-2014)

## CHAPTER 9

### PARKING REGULATIONS

#### (SEE CHAPTER 7 FOR DEFINITIONS, SCOPE AND APPLICATION RELATING TO THIS CHAPTER)

**SEC. 9.01. PRESUMPTION.** As to any vehicle parking in violation of Chapters 7, 8 and 9 when the driver thereof is not present, it shall be presumed that the owner or lessee of such vehicle parked the same, or that the driver was acting as the agent of the owner or lessee.

**SEC. 9.02. GENERAL PARKING PROHIBITIONS.** It is unlawful for any person to stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the specific directions of a Police Officer or traffic control device in any of the following places: (1) on a sidewalk; (2) in front of a public or private driveway; (3) within an intersection; (4) within ten (10) feet of a fire hydrant; (5) on a crosswalk; (6) within twenty (20) feet of a crosswalk at any intersection; (7) in a sign-posted fire lane; (8) within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway; (9) within fifty (50) feet of the nearest rail of a railroad crossing; (10) within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly sign-posted; (11) alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic; (12) on the roadway side of any vehicle stopped or parked at the edge or curb of a street; (13) upon any bridge or other elevated structure upon a street; (14) at any place where official signs prohibit or restrict stopping, parking or both; (15) in any alley, except for loading or unloading and then only so long as reasonably necessary for such loading and unloading to or from adjacent premises; or (16) on any boulevard which has been curbed.

#### **SEC. 9.03. RECREATIONAL CAMPING VEHICLE PARKING.**

**Subd. 1. Definition.** The term "recreational camping vehicle" means any of the following:

A. "Travel Trailer" - a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses, permanently identified "Travel Trailer" by the manufacturer of the trailer.

B. "Pick-up Coach" - A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.

(02-01-91)

**SEC. 9.08. STREETS WITHOUT CURB.** Upon streets not having a curb each vehicle shall be stopped or parked parallel and to the right of the paving, improved or main traveled part of the street; and it is unlawful to park in violation of this Section.

**SEC. 9.09. PARKING HOURS.** Parking on streets shall be limited as follows:

**Subd. 1.** It is unlawful for any person to stop, park or leave standing any vehicle upon any street for a continuous period in excess of twenty-four (24) hours.

**Subd. 2.** The Chief of Police may, when authorized by resolution of the Council, designate certain streets, blocks or portions of streets or blocks as prohibited parking zones, or five-minute (5), ten-minute (10), fifteen-minute (15), thirty-minute (30), one-hour (1), two-hour (2), four-hour (4), six-hour (6), eight-hour (8), morning or afternoon rush hour limited parking zones and shall mark by appropriate signs any zones so established. Such zones shall be established whenever necessary for the convenience of the public or to minimize traffic hazards and preserve a free flow of traffic. It is unlawful for any person to stop, park or leave standing any vehicle in a prohibited parking zone, for a period of time in excess of the sign-posted limitation, or during sign-posted hours of prohibited parking.

**Subd. 3.** It is unlawful for any person to remove, erase or otherwise obliterate any mark or sign placed upon a tire or other part of a vehicle by a Police Officer for the purpose of measuring the length of time such vehicle has been parked.

**Subd. 4.** For the purpose of enforcement of this Section, any vehicle moved less than one block in a limited time parking zone shall be deemed to have remained stationary.

**Subd. 5.** Any merchant whose place of business abuts any street with controlled parking may reserve one (1) parking place for the use of said merchant's customers only, and said merchant may place a sign restricting that parking place to its customers upon application to the City Clerk-Treasurer and approved by resolution of the Council. The Council shall, by resolution, set the fee for the reservation of said parking space by any merchant; provided, however, that the same monthly fee shall apply equally to all merchants desiring said space, and shall not be less than \$10.00 per month or more than \$50.00 per month.

**SEC. 9.10. CALENDAR PARKING.**

**Subd. 1. Unlawful Acts.** Between November 1 and the following June 1, it is unlawful for any person to park or leave standing any motor vehicle:

(02-01-91)