

ORDINANCE NO. 398, 2nd Series

AN ORDINANCE OF THE CITY OF ELY, MINNESOTA, REVISING THE ELY CITY CODE
CHAPTER 11, SECTION 2. BUSINESS PARK COVENANTS

THE COUNCIL OF THE CITY OF ELY DOES HEREBY ORDAIN:

SECTION 1. Chapter 11, Section 2 of the Ely City Code is amended to read as follows:

SEC. 11.02. ELY BUSINESS PARK COVENANTS.

Subd. 1. Recommended Permitted Uses. The land uses in the Ely Business Park as presently zoned are limited to the following categories:

- A. Professional offices;
- B. Research laboratories;
- C. Electronics manufacturing and assembly;
- D. Other light manufacturing and assembly;
- E. Governmental buildings;
- F. Light industry and assembly.

G. Commercial Businesses allowed under Ch. 11.40 Permissible Uses List (Specific zoning designations)

~~Only low impact or office type businesses are allowed within the Ely Business Park. No storage sheds, public garages or unheated warehouses will be allowed, except that accessory structures may be permitted for storage if approved by the Projects Committee and if a subsequent conditional use permit is granted by the Board of Adjustment.~~

Subd. 2. Maintenance and Repairs. All lots and improvements must be constructed, kept, and maintained by the owner or occupant in good condition, repair, and appearance.~~All lots and improvements shall be constructed, kept, and maintained by the owner or occupant in first class condition, repair, and appearance. All repairs, alterations, replacements, or additions to improvements shall be at least equal to the original work in class and quality.~~

A. A.—Buffering. Wherever a commercial parcel is located adjacent to an area or areas being actually used for residential purposes, a buffer material shall be placed upon the boundary of the commercial parcel. The buffer material may be vegetation or opaque fencing, and shall be of sufficient height to provide a screening effect between the residential area and the commercial usage.

B. Maintenance. Wherever in this code there is a requirement for installation of any device for aesthetic or screening purposes, or for the maintenance of any particular type of exterior material, such materials or devices shall at all times be maintained in an attractive, safe and neat condition. All conditions outlined in City Code Chapter 10, and the International Building Code must be adhered to.

Subd. 3. Utility Lines and Antennas. Underground or concealed placement only, except that temporary placement of above ground utilities is permitted during reasonable construction periods.

Subd. 4. Development Standards.

A. Setbacks. ~~Apply the dimensional and use standards established for the zoning district in which the property is located. Structures require a minimum front yard setback of 25 feet from the front property line. This area must be grassed and or landscaped. Require side yard setbacks of 15 to 20 feet with allowances for landscaping and drainage between buildings.~~

~~Minimum setbacks are as follows: ——— Front Yard 25 feet
————— Side Yard 20 feet
————— Rear Yard 20 feet~~

~~Sufficient setbacks shall be required to allow for access by emergency vehicles around all buildings and structures. Setbacks may vary according to the layout of the lot upon which the primary and accessory uses are located and only based upon sound environmental and site planning criteria and standards applied to the proposed use. Criteria shall include the need for buffering via beams and landscape materials, adjacent lots, buildings and structures, utilities, vegetated areas and steep slopes. Exceptions to setback requirements include landscaping, sidewalks, steps, paving, planters, fences, and utilities. ———~~

B. Site Coverage (building density). ~~Site coverage shall not be greater than 33% of the lot by the principle structure. If coverage of the site by impervious surface exceeds 15% or standards contained in or adopted pursuant to the adopted plans of the City of Ely, on site mitigation measures must be employed and incorporated into the site plan.~~

C. Minimum Lot size. ~~Minimum lot size is as platted.~~

D. Minimum Building size. ~~Minimum building size shall be 2500 gross square feet.~~

E. Building Heights. ~~45 ft. maximum. Higher buildings may be permitted if approved by the Projects Committee and if a subsequent variance is granted by the Board of Adjustment considering setback criteria: avoidance of excessive density impact on other properties impervious surface and stormwater management impact and fire protection needs. Structures higher than 20 feet shall contain architectural features designed to punctuate the facade of the building and bring the structure into a unified relationship with its surroundings. Suitable elevation drawings shall be prepared to evaluate the sale and impact of such structures.~~

F. Signage.

1. ~~All signage must comply with Chapter 14 of the City Code and is subject to review and approval by the Planning and Zoning Administrator. All signs must be approved by the Planning Commission. No rooftop or pylon signs, fluorescent colors, flashing lights, or moving signs are permitted. Exterior lighting fixtures are not permitted unless the light source (e.g. the fixture) is not visible from roadways. A maximum area of 80 sq. ft. is permitted with a maximum height of 8 feet. Signs advertising products or services other than those produced or provided on the premises or by affiliates are prohibited.~~

2. ~~No sign or billboard as defined in the City's sign ordinances or codes shall be permitted on any commercial parcel except as may be utilized in connection with the business or businesses being operated on that parcel. Signage materials shall be compatible aesthetically with the buildings on the parcel, and shall be so designed to minimize potential safety hazards for passing motorists. To this end, signs shall be designed so as to provide information, as opposed to attracting attention to the sign itself. Only small on building or on premise~~

~~signage that uses colors consistent with the period design of the building.~~

~~A directory sign at each end of the Business Park will be maintained by the city.~~

D.A. Parking.

1. Common Driveways. Driveways may be shared between lots to reduce curb cuts and turning movement locations.

2. Material. All driveways and parking areas shall be surfaced with asphalt or concrete paving, and cured with cast-in-place barrier concrete curbs. Drainage for paved surfaces shall be facilitated in all cases by the use of bituminous curb and gutter around the perimeter of all parking lots and all public driveways. Where particular engineering problems exist, the City may require concrete curbing. Temporary exceptions may be granted by the commission when appropriate for plans that incorporate phased construction.

3. Parking lot Setbacks. There shall be a 10 foot setback between all lot lines and the back of the curb on parking lots and driveways. There shall be an 8 foot spacing between back of curb of all parking lots and buildings. The space within the setback area shall be governed by the ground cover requirements found elsewhere in this ordinance. The lot line setbacks shall not apply where adjoining property owners wish to use common parking.

4. Loading Docks. Loading docks shall be located to the rear or side of buildings, in areas that are as much as possible screened from view from adjacent public roadways.

5. Sidewalks. All areas where members of the public or employees must walk for access to any location shall be paved or covered with a hard surface material.

H. Loading and Storage. No materials, supplies or equipment shall be stored in any area on a lot except inside a closed building or behind visual barrier screening such areas from the view of adjoining properties and public streets. Garbage and refuse containers shall be concealed from the view of adjoining properties and public streets by means of screening walls that complement the exterior of the adjoining building.

I. Exterior Storage and Facilities.

1. Fencing. All fences located in the Park shall be of complete opaque materials, so as to substantially screen from outside view the contents of the fenced area. Where chain link fence is used, the fence shall be fully screened either by the use of vegetation of the same height, or by the use of inserts rendering a substantially opaque result.

2. Other Fence Standards. Fences shall be not less than 6 feet and not more than 12 feet in height.

3. Outside Storage. The outside storage of any shall be prohibited, unless the storage is completely screened from view by fencing, by natural topography, or by vegetation which completely screens the stored materials from view from any outside sources. No storage shall be permitted which is not required as a part of the business operated on the premises.

4. Exception for Inventory. Articles which comprise completed product inventory being displayed for current retail sale may be stored outside, but may be subject to conditions for such storage to be imposed on a case-by-case basis by the City.

5. Storage. Unscreened outside storage is prohibited and inoperable vehicles and equipment cannot be stored on-site or in the open for longer than 5 working days.

~~**J. Landscaping.** Landscaping plans are required for all developments and are subject to the approval of the Projects/Land/Streets and Infrastructure Committee as part of the site plan approval process outlined in Subd. 6 and Subd. 7. All lots shall be landscaped within 90 days of substantial completion of construction and issuance of Certificate of Occupancy in accordance with approved plans, weather permitting.~~

~~**JK. Subdivision.** No lot may be subdivided, and no portion of a lot may be sold or otherwise conveyed, without the written consent of the Ely City Council.~~

~~**Subd. 6. Committee.** The Projects/Land/Streets and Infrastructure Committee will review and recommend approval to the Planning Commission all plans for development in the Park. Approval of the Committee does not imply compliance with other applicable building codes, permitting process, or other requirements. The Projects/Land/Streets and Infrastructure Committee will also negotiate directly with all interested businesses seeking development in the Ely City Business Park. The Projects/Land/Streets and Infrastructure Committee will review and recommend approval to the Planning Commission all preliminary agreements/contracts between the City of Ely and prospective businesses.~~

~~**Subd. 7. Construction Improvements.** All proposals for development must be submitted to the Projects/Land/Streets and Infrastructure Committee and approved by the Planning Commission prior to submission of construction documents. Work scheduling and estimated completion dates should be included with plans. Approvals under this section do not remove the obligation to obtain all other necessary construction permits that may be required by the City or other agency. Submissions shall include the following:~~

~~**A. Site Plan**~~

- ~~1. Building footprints and dimensions to property lines~~
- ~~2. Building roof overhangs~~
- ~~3. Configuration of parking and vehicular circulation areas~~
- ~~4. Parking lot lighting locations~~
- ~~5. Truck service, loading area, trash enclosures~~
- ~~6. Setback lines and easements~~
- ~~7. Location of on site transformers, gas meters, switchgear~~
- ~~8. Adjacent roadways~~
- ~~9. Parcel area, building floor area, coverage ratios, total parking, estimated employment at peak, anticipated shift schedules.~~

~~**B. Grading, drainage and erosion control plan**~~

- ~~1. Proposed finish grades, slopes, building pad elevation~~
- ~~2. Site drainage structures and runoff calculations~~
- ~~3. Grades of existing streets and curbs~~

~~Site drainage and erosion control plans must be integrated with the Park's regional stormwater management plans. Drainage and erosion control submittals shall follow the format prescribed by Ely City Ordinances.~~

~~**C. Landscape Plan**~~

- ~~1. Plant materials, Spacing, and sizes~~
- ~~2. Walkways and paved areas~~
- ~~3. Other landscape features~~

~~D. Building elevations~~

- ~~1. Wall and roof material, textures and colors~~
- ~~2. Location of wall mounted signs and lighting~~
- ~~3. Roof and parapet heights above ground floor line~~
- ~~4. Profile or room mounted equipment~~
- ~~5. Roof elevations above finished floor~~

~~E. Conceptual graphics~~

- ~~1. Ground, wall mounted, and directional signs~~
- ~~2. Locations, designs, materials, colors, textures, heights, area, illumination, typography.~~

~~F. Process Time. Land purchase agreements with the City of Ely will take a minimum of 60 days to be final. Additional time requirements are project/development specific.~~

Subd. 68. Stormwater Control. Stormwater runoff shall be properly channeled into storm drains and/or pond areas and shall not be permitted to flow over walkways. All roof stormwater must be collected by a system constructed inside the exterior walls of the building or by a system that blends into the facade of the building and discharged less than 2 feet above grade of the point of discharge, or be conducted directly to the storm drainage system. Alternatives other than gutter and downspout systems shall be considered relative to impacts on pedestrian and vehicle areas and integration with other lot-based and regional stormwater management systems, structures and objectives.

Infiltration on each property is encouraged. Improvements which direct stormwater runoff to the detriment of other property owners are prohibited.

Each owner shall take the necessary precautions to ensure that stormwater drainage from the owner's lot is not contaminated with motor vehicle fuels and lubricants, salt, or other chemical compounds that are detrimental to aquatic life.

Subd. 79. Park and Recreational Uses Facilities. The Council of the City of Ely finds that it would be beneficial for the help and welfare of the City of Ely and to enhance the amenities in the Ely Business Park to provide for the construction and improvement of park space and recreational facilities and improvements in the area of the Ely Business Park. To fulfill that purpose, the Ely Business Park Covenants, Section 11.02 of the Ely City Code are hereby amended to exempt park uses and improvements and recreational uses and facilities from the operation of the Ely Business Park Covenants.

SECTION 2. Effective Date: Pursuant to Section 3.08 of the Charter of the City of Ely, Minnesota, the adoption of this Ordinance is effective thirty (30) days after final adoption and publication.

First Reading: March 3, 2026

Second Reading:

Adopted this ____ day of _____, 2026.

Mayor

Clerk-Treasurer

Publication Dates: March 14, 2026
Public Hearing: April 7, 2026
Newspaper: Ely Echo

