

RENVILLE
ZONING
ORDINANCE

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PREAMBLE

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF RENVILLE, MINNESOTA AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 461.351 TO 461.364, MINNESOTA STATUTES, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH

WHEREAS Sections 462.351 to 462.364, Minnesota Statutes, empowers the city to enact a Zoning Ordinance and to provide for its administration, enforcement, and amendment, and

WHEREAS the City Council deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the city to enact such an Ordinance, and

WHEREAS the City Council, pursuant to the provisions of Sections 462.351 to 462.364, Minnesota Statutes, has appointed a City Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein, and

WHEREAS the City Planning Commission has divided the city into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to:

1. lesson congestion in the streets
2. secure safety from fire, panic, and other dangers
3. promote health and the general welfare
4. provide adequate light and air
5. prevent the overcrowding of land
6. avoid undue concentration of population
7. facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements, and

WHEREAS the City Planning Commission has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality, and

WHEREAS the City Planning Commission has made a preliminary report and held public hearings thereon, and submitted its final report to the City Council, and

WHEREAS the City Council has given due public notice of hearings relating to zoning districts, regulations, and restrictions, and has held such public hearings, and

WHEREAS these regulations are adopted under the authority granted by Sections 462.351 to 462.364 of the Minnesota Statutes. Therefore, the City Council of Renville, Minnesota ordains as follows:

This Ordinance which shall be known and cited as the City of Renville Zoning Ordinance, an Ordinance setting minimum and maximum standards for the height and size of buildings, the size of yards, courts and other open spaces, the density of population, the location and use of buildings and land for trade, commerce, industry, residence and other purposes; creating districts for said purposes and establishing the boundaries thereof; providing for changes in regulations, restrictions and boundaries of such districts; defining certain terms used herein; providing for enforcement and administration and imposing penalties for the violation of this Ordinance. The jurisdiction of this Ordinance shall include all lands within the corporate limits of the City of Renville, Minnesota.

The initial public hearing on this ordinance was held by both the Planning Commission and the City Council on November 13, 1978. It was adopted by the City Council on November 13, 1978. It was amended by the City Council of the following dates:

ARTICLE I

ZONING DISTRICTS AND OFFICIAL ZONING MAP

Section 1.01 ZONING DISTRICTS. The following zoning districts are provided in order to promote and encourage the efficient economic development of land, buildings and all usable structures. The incorporated area of the city is hereby divided into the following districts which shall be known by the following respective symbols and names:

- A. AG District – Agricultural District
- B. R-1 District – One Family Residential District
- C. R-2 District – Multiple Family Residential District
- D. B-1 District – Central Business District
- E. B-2 District – Highway Commercial District
- F. M-1 District – Manufacturing District

Section 1.02 BOUNDARIES AND OFFICIAL ZONING MAP. The boundaries of these districts are indicated and established as shown upon maps designated as the Official Zoning Map which, with all their notations, designations, references, and other matters shown thereon, shall be as much a part of this Ordinance as if fully described and set forth herein. The Official Zoning Map shall be attested by the Mayor and the City Clerk under the following words:

“This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance adopted on the 13th day of November, 1978.”

Changes. If in accordance with the provisions of this Ordinance changes are made in the district boundaries or other matter portrayed on the Official Zoning Map, the resolution number and date of said change shall be recorded by the City Clerk on the Official Zoning Map. No amendment to this Ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said Map.

Official Copy. Regardless of the existence of purported copies, the Official Zoning Map, which shall be located in the office of the City Clerk, shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the city.

New Zoning Map. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Ordinance or any subsequent amendment thereof. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

Section 1.03 INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists as to boundaries of districts as shown on the Official Zoning Map, the following rules shall apply.

- A. Boundaries indicated as approximately following the center lines of streets, highways, alleys or other public right-of-ways shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines shall be construed as following such lines.
- D. Boundaries indicated as approximately following city limits shall be construed as following such city limits.
- E. Boundaries indicated as following railroad lines shall be construed to be midway between the main set of tracks at the center line of a single set of tracks.
- F. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shorelines. Boundaries indicated as approximately following the center line of streams, rivers, ditches, lakes or other bodies of water shall be construed as following such center lines.
- G. Boundaries indicated as parallel to or extensions of features indicated in subsections A-F above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

- H. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered by subsections A-G above, the Board of Adjustment shall interpret the district boundaries.
- I. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Planning Commission may permit as a special consideration, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

Section 1.04 PROPERTY NOT INCLUDED – ANNEXATIONS. In every case where property has not been specifically included within a district, the same is hereby declared to be in the R-1 District. Territory annexed to or consolidated with the city subsequent to the effective date of such annexation or consolidation becomes a part of the R-1 District. Such districting shall be temporary and the Planning Commission shall recommend to the City Council within a period of one (1) year from such date of annexation or consolidation proposed Zoning Map changes for the annexed territory. Nothing shall prevent the commission from recommending such final Zoning Map changes at the time of annexation or consolidation.

ARTICLE II

GENERAL REGULATIONS

The following general regulations of this article shall apply equally to all districts within this Ordinance except where special provisions provide otherwise. It is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

Section 2.01 ACCESSORY BUILDINGS AND USES. Accessory buildings and uses customarily incidental to that of the main building may be erected or established upon a lot or tract of land, provided they comply with the following regulations.

A. Attached or Detached Accessory Buildings – Residential Districts

1. No accessory building shall be used for dwelling purposes.
2. All accessory buildings shall be sited on the same lot or on an adjacent or adjoining lot under the same ownership.
3. No accessory building shall contain more than thirty (30) feet of vehicle door openings as measured horizontally and shall not occupy an area more than nine hundred (900) square feet.

B. Attached Accessory Buildings – Residential Districts

An accessory building including, but not limited to, garages, carports and breezeways attached to the principal building on a lot shall be made structurally a part thereof and shall comply in all respects with the height, yard and area requirements of this Ordinance applicable to the principal building.

C. Detached Accessory Buildings – Residential Districts

1. No detached accessory buildings are permitted within the limits of a front yard.
2. When located within ten (10) feet of the side or rear wall of the principal building, detached accessory buildings shall comply with all yard requirements applicable to the principal building on the lot or tract.

3. No detached accessory building shall be erected or placed within five (5) feet of any main buildings, property line or alley easement line.
4. No detached accessory building on a corner lot shall project beyond the front yard setback requirement of the principal building.
5. Detached accessory buildings in residential districts shall not exceed one (1) story or fourteen (14) feet in height.

D. Accessory Buildings and Uses – Business and Manufacturing Districts

1. In business and manufacturing districts, accessory buildings and uses may occupy any of the ground area which the principal building is permitted to occupy.
2. Accessory buildings such as buildings for parking attendants, guard shelters, gate houses and transformer buildings may be located in front or side yards in M-1 Districts.
3. Parking of automobile and other motor vehicles is permitted in the front and side yards in M-1 Districts if the parking lot is landscaped.

Section 2.02 ADJACENT LOTS AND LOTS OF CONTINUOUS FRONTAGE IN SINGLE OWNERSHIP. If two or more lots or combination of lots and portions of lots with continuous frontage or common property line are in single ownership, the following provisions shall apply. No building, structure or use shall be constructed, altered, expanded or developed except in conformity with these provisions and such other applicable provisions of this Ordinance.

- A. Each individual lot of record shall be dealt with as an individual lot in all cases, even though in common ownership with adjacent lots of record.
- B. No new or existing structure or use on a lot of record shall be constructed, altered or expanded in any manner which would be at variance with the provisions of this Ordinance. Common ownership with adjacent parcels shall not be considered grounds for a variance.

Section 2.03 APPROVAL OF PLATS. No proposed plat of a new subdivision shall be approved unless the lots within such plats equal or exceed the minimum

requirements as delineated for the district in which the property is located. The plat shall further conform to all other statutes of the State of Minnesota and ordinances and regulations of the city.

Section 2.04 BUILDING ACCESS. Every building erected, moved or structurally altered, shall be on a lot or parcel having a frontage on a public street or road. All structures shall be so located on lots as to provide required off-street parking and the safe and convenient access for fire protection.

Section 2.05 BUILDING AREA. Decks, outside stairways, fire escapes, porches, platforms, balconies and other similar and attached projections shall be considered as part of the building and not allowed as part of the required spare for yards, courts or unoccupied space. This provision shall not apply to:

- A. One (1) fireplace or one (1) chimney not more than eight (8) feet in length and projecting not more than thirty (30) inches into the allowable yard space.
- B. Cornices not exceeding sixteen (16) inches in width
- C. Platforms, terraces, steps below the fire floor level
- D. Unenclosed porches or other ground level unenclosed projections not over one (1) story in height which may extend into a front or rear yard not more than ten (10) feet or into a side yard not more than eight (8) feet.

Section 2.06 BUILDING LOT. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one principal building on one (1) lot unless otherwise provided in this Ordinance.

Section 2.07 BUILDINGS UNDER CONSTRUCTION. Any building or structure for which a building permit has been issued and the construction of the whole or a part of which has been started prior to the effective date of this Ordinance may be completed and used in accordance with the plans and application on which said building permit was granted.

Section 2.08 COMPLIANCE REQUIRED. No building or structure shall be erected, constructed, reconstructed or maintained and no land shall be developed, used or maintained in violation of any of the provisions of this Ordinance for the district in which the building or land is located.

Section 2.09 DUMPING AND DISPOSAL OF EXCAVATED MATERIALS. The dumping of dirt, rock or other earthen material is permitted in any district not part of a drainage channel provided the surface of such material is graded within a reasonable period of time in a manner preventing the collection of stagnant water

and that the ground surface is left in a condition suitable for growing of turf or for other land uses permitted in the district. This shall not prevent the development of the property for its best use when adequate facilities are provided to maintain the primary purpose of the drainage way or flood plain, ie. The uninterrupted flow of surface water.

Section 2.10 ESSENTIAL SERVICES. Essential services shall be allowed in all zoning districts.

Section 2.11 FRONT YARD EXCEPTIONS. When the majority of residential or commercial buildings have been built in a block at a time before the adoption of this Ordinance, no building or structure hereafter erected or altered shall project beyond the average setback line established by existing structures, provided no building will be required to set back more than forty-five (45) feet.

Section 2.12 HEIGHT REQUIREMENTS. The building height limitations of this Ordinance shall be modified as follows.

Cooling towers, elevator bulk heads, fire towers, drive-in movie theater screens, grain elevators, silos, stacks, tanks, water towers, pumping towers, radio or television towers, monuments, cupolas, steeples, chimneys and mechanical appurtenances pertaining to and necessary to the permitted use in the district in which they are located shall not be included in calculating the height of principal structure.

Section 2.13 HOME OCCUPATIONS. In any zoning district where home occupations are authorized, the following regulations governing said home occupations shall be complied with as follows.

- A. Said use shall not occupy an area of more than twenty-five (25) percent of the total floor area of the dwelling.
- B. No such home occupation shall require substantial interior or exterior alterations of the dwelling which would vary the residential character of the building.
- C. Said use shall not create odor, dust, noise, electrical disturbances, glare or vibrations noticeable outside of the building which could render said building or premise objectionable or detrimental to the residential character of the neighborhood.
- D. There shall be no outside storage of material or equipment or display of merchandise.

- E. No sign shall be allowed other than one (1) non-illuminated name plat measuring not more than one and one-half (1 1/2) square feet in area mounted flat against the wall of the principal building.
- F. There shall be no sale of goods other than those produced on the site or as incidental to a service provided.
- G. The occupation is to be conducted solely by the permanent occupants of the dwelling in which it is located except the one (1) accessory person necessary to the occupation may be employed.
- H. No home occupation shall be conducted in any accessory building.
- I. The need for any additional parking generated by the conduct of the home occupation shall be met by off-street parking area.

Section 2.14 LOT AREA REQUIREMENT. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum required by this Ordinance, nor shall the number or area of dwelling units be increased in any manner except in conformity with the area regulations described herein. No part of a yard or other open space, or off-street parking or loading space provided about any building, structure or use for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard, open space or off-street parking or loading space required under this Ordinance for another building, structure or use.

Section 2.15 LOT, CORNER. Corner lots shall maintain a yard on both streets conforming to the requirements for front yard on those streets.

Section 2.16 LOT, DOUBLE FRONTAGE. Double frontage lots shall maintain a yard on both streets conforming to the requirements of front yards on those streets.

Section 2.17 LOT OF RECORD. A parcel legally created and existing at the time of the passage of this Ordinance need not conform to the lot width or lot area requirements of the district in which it is located subject to all other provisions of this Ordinance.

Section 2.18 LOADING SPACE. In any district in connection with every building, structure or part thereof erected and occupied for manufacturing, storage, warehouse goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring receipt or distribution by vehicles, materials or merchandise, there shall be provided and maintained on the same lot adequate space for standing, loading and unloading services in order to avoid undue interferences with public use of the streets or alleys. Such space shall be sufficient for the proposed use as determined by the Planning Commission and approved by the Planning Commission and the City

Council. Such space may occupy all or any part of any required yard or open space except where adjoining a residential district, it shall be set back so as to allow sufficient and effective screen-plantings.

Section 2.19 MINIMUM REQUIREMENTS. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals or general welfare. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or that imposing the higher standards shall govern.

Section 2.20 MOBILE HOMES OR TRAILERS. Subsequent to the adoption of this Ordinance:

- A. Mobile homes occupied as a permanent or temporary place of residence shall be located only in an approved mobile home park or mobile home subdivision unless otherwise provided in this Ordinance. Occupied travel trailers and camping trailers shall be located only in an approved tourist or trailer campground except as allowed under the provisions of “temporary buildings”.
- B. The Planning Commission may grant permission to temporarily site a mobile home for nonresidential purposes in any “B” or “M” District for a specified period not to exceed six (6) months. Upon granting the request, the Planning Commission may attach any additional requirements or conditions as deemed necessary.

Section 2.21 OFF-STREET PARKING FACILITIES. In all districts where off-street parking lots are permitted or required, such off-street parking lots shall be constructed and maintained subject to the following regulations.

- A. Adequate ingress and egress shall be provided.
- B. Such parking lots shall be maintained in useable dustproof conditions and shall be kept graded and drained to dispose of surface water.
- C. Whenever such parking lot boundary adjoins property zoned for residential use, a setback of eight (8) feet from said lot line shall be required.
- D. Necessary curbs or other protections against damage to adjoining properties, streets and sidewalks shall be provided and maintained.

- E. Plans for the construction of any such parking lot must be approved by the Zoning Administrator before construction is started. No such land shall be used for parking until approved by the Zoning Administrator.
- F. Any lighting used to illuminate any off-street parking area shall be arranged to reflect the light away from adjoining premises in any “R” District.

Section 2.22 OFF-STREET PARKING. In all districts except (B-1) Central Business District and in connection with all uses there shall be provided at the time any use or building is erected, enlarged, expanded or increased, off-street parking spaces for vehicles of employees, residents and/or patrons in accordance with the following requirements. (For the purposes of this Ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with room. Required off-street parking areas for three (3) or more automobiles shall have individual spaces marked and shall be so designed, maintained and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk or alley, and so that any automobile may be parked and unparked without moving another. For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at three hundred (300) square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case and in accordance with all ordinances and regulations of the city).

- A. Loading space shall not be construed as supplying off-street parking space.
- B. When units or measurements used in determining the number of required parking spaces result in the requirement of a fractional space, one (1) additional space shall be required unless otherwise specified in this Ordinance.
- C. Whenever a use requiring off-street parking is increased in floor area, and such use is located in a building existing on or before the effective date of this Ordinance, additional parking space for the additional floor area shall be provided and maintained in amounts hereafter specified for that use.
- D. Floor area in the case of offices, merchandising or service types of uses shall mean the gross floor area used or intended to be used for services to the public as customers, patrons, clients, patients or tenants including areas occupied for fixtures and equipment used for display or sale of merchandise.

- E. Off-street parking facilities for dwellings shall be provided and located on the same lot or parcel of land as the building they are intended to serve or on a lot not more than three hundred (300) feet from the principal use.
- F. In the case of any building structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar shall apply as determined by the Planning Commission.
- G. The location of required off-street parking facilities for other than dwellings shall be within three hundred (300) feet of the building they are intended to serve, measured from the nearest point of the off-street parking facilities and the nearest point of the building or structure.
- H. Nothing in this section shall be construed to prevent collective provisions of off-street parking facilities for two (2) or more buildings or uses, provided collectively, such facilities shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the table. Where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form and execution by the City Attorney and shall be filed with the Zoning Administrator.
- I. Nothing in this section shall prevent the extension of, or an addition to a building or structure into an existing parking area which is required for the original building or structure when the same amount of space taken by the extension or addition is provided by an enlargement of the existing parking area or an additional area within three hundred (300) feet of such building.
- J. Off-street parking space may be located within the required front yard of any "B" or "M" District, but no off-street parking shall be permitted in the required front yard of any "R" District except upon a driveway providing access to a garage, carport or parking area for a dwelling.
- K. The amount of required off-street parking space for new uses or building, additions thereto and additions to existing buildings as specified above, shall be determined in accordance with the following table and the space so required shall be irrevocably reserved for such use.

<u>USE</u>	<u>REQUIRED PARKING SPACE</u>
Single-family dwelling	Two (2) spaces per dwelling
Mobile Homes	Two (2) spaces per mobile home
Multi-family dwellings	One and one-half (1 ½) spaces per dwelling unit
Hotels, motels, boarding & rooming houses	One (1) space for each guest plus one (1) space for owner and/or for each employee on duty at any one time
Rest and nursing homes	One (1) space for each four (4) beds plus one (1) space for each two (2) employees
Bowling alleys	Five (5) spaces per bowling lane
Banks, clinics, businesses, governmental and professional offices	Three (3) spaces plus one (1) additional space for every four hundred (400) square feet in excess of one thousand (1,000) square feet of gross floor area
Restaurants, bars, places of entertainment	One (1) space for each one hundred (100) square feet of floor area plus one (1) space for each two (2) employees
Churches, theaters, auditoriums, community centers or places of public assembly	One (1) space for each four (4) seats in the main assembly area
Furniture and appliance stores, personal service shops (not including beauty or shops), household equipment or furniture repair shops, clothing, shoe repair or service shops, wholesale stores and machinery sales	One (1) space for each five hundred (500) square feet of floor area
Beauty parlors and barber shops	Two (2) spaces for each barber and/or beauty shop chair

<u>USE</u>	<u>REQUIRED PARKING SPACE</u>
All retail stores, except as otherwise specified	One (1) space for each one hundred (100) square feet of floor area
Schools:	
Elementary	One (1) space for each employee
Secondary	Three (3) spaces for each employee plus additional spaces to allow for adequate parking for events held in the auditorium and/or gymnasium
Mortuaries or funeral homes	One (1) space for each fifty (50) square feet of floor space in the slumber rooms, parlors or individual funeral service rooms
Service garages, automobile salesrooms, automobile repair body shops	One (1) space for each two (2) of the maximum number of employees on duty at any one time plus one (1) space for each of the maximum number of salesmen on duty at any one time plus one (1) space each for the owner and/or manager on duty at any one time plus two (2) spaces for each stall or service area or wash rack in a servicing or repair shop
Industrial establishments including Including manufacturing, research And testing labs, creameries, bottling Works, printing and engraving shops, Warehousing and storage buildings	Provide about each establishment an improved area which shall be sufficient in size to provide adequate facilities for the parking of automobiles and other motor vehicles used by the firm or employees or persons doing business therein. Such space shall not be less than one (1) space for each three (3) employees computed on the basis of the greatest number of persons to be employed during one (1) period during the day or night

Section 2.23 PARKING AND STORAGE OR CERTAIN VEHICLES. Automobile vehicles or trailers of any kind or type without current license plates shall not be

parked or stored on any residentially zoned property other than in completely enclosed buildings.

Section 2.24 PRINCIPAL STRUCTURES. In any district, more than one (1) structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot.

Section 2.25 SEWER AND WATER PROVISIONS.

- A. All sewage facilities shall be connected to community sewer facilities when available. Where sewers are not constructed or in operation all sewage facilities shall be connected to individual sewage disposal systems approved by the City Council and in accordance with any applicable regulations of state agencies. This provision shall not apply to temporary construction sites, or portable units used in farming operations.
- B. All water shall be procured from the public water system when available. Where it is not feasible to connect to a public water supply or it on-site water supplementation is required, a well may be drilled in accordance with the specifications and provisions of the Minnesota Department of Health, Water Well Construction Code.

Section 2.26 TEMPORARY BUILDINGS.

- A. It shall be unlawful for any person to erect or occupy a temporary dwelling on any lot or parcel of land in the city except that travel and motor home coaches can be used for such purpose for a period of not over four (4) weeks. Residing in basement or foundation structures before the completion of the total structure shall not be permitted.
- B. Temporary buildings including mobile homes or travel coaches used as an office, temporary residence or storage for security purposes shall be permitted at construction sites for other than one or two family residences.

Section 2.27 VISIBILITY AT INTERSECTIONS. On a corner lot in any district except the (B-1) Central Business District, no fence, wall, hedge, tree or other planting or structure that will obstruct vision above a height of forty-two (42) inches in height above the centerline grade of the intersecting streets shall not be erected, placed or maintained within the triangular area bounded by the lot lines and a line connecting points on each lot line forty (40) feet from the intersection of such lot lines.

Section 2.28 FENCES

Findings. Standards governing fences are established to promote the public health, safety and welfare, encourage an aesthetic environment and allow for privacy, while maintaining access to light and air.

2.28.01 All Districts

- A. Fence Requirements. Fencing shall face abutting property or public right of way. Fence posts and related supporting members of the fence shall be erected so that the finished side or sides of the fence shall be facing the adjacent property or public right of way. No fence shall be constructed within eighteen inches (18") of any lot line. It shall be the responsibility of the fence owner to determine the location of lot lines prior to construction.
- B. Fence Maintenance. Every fence shall be kept in good repair, consistent with the design thereof. The property owner shall be responsible for maintaining the area between the lot line and the owner's fence.
- C. Prohibited Fence Locations. No fencing shall be permitted, and no structures or planting of trees or shrubs, shall be permitted:
 - 1. within 30 feet of any corner formed by the intersection of street property lines or the right of way of a railway intersecting a street. The 30 feet referred to above shall be in the form of a triangle with two sides framed by the property line and the third side formed by a straight line connecting the two 30 foot points on both sides of the corner.
 - 2. to be constructed in a manner such that access is prevented to a fire hydrant or any other public right-of-way or easement.
- D. Exception. The above provision section 2.28.01(C.1) shall not apply to fences that are chain linked in construction, or otherwise constructed of open, decorative, ornamental fencing materials that are less than sixty (60) percent opaque.
- E. Hazardous Materials Prohibited. No fencing shall be constructed of electrically charged wire, razor wire, chain link with slats, chicken wire, rope, cable, railroad ties, landscape timbers, utility poles or any other similar materials or materials not specifically manufactured for permanent fencing. The cut or salvage end of chain link, wire, or metal fencing materials may not be exposed at any point of a fence,

unless the fence exceeds seventy two inches (72") in height, and the cut or salvage end is only exposed at the top of the fence.

F. Permitted Materials. Fences shall be constructed of wood, metal, bricks, masonry, or other permanent materials designed for permanent fencing. No more than two types of related fencing materials shall be used in any fence and wall. Fences constructed of wood shall be resistant to decay, either by utilizing treated lumber or by proper application of wood preserve or finish.

G. Snow Fences. Snow fences may be erected for institutional or public use between November 1 and April 15.

2.28.02 Residential Districts

A. Height of Fence. Fence height shall be limited by its location as specified below:

1. No fence shall exceed a height of 36 inches above the sidewalk or finished grade.
2. Fences constructed behind the front corner of the principal building shall not exceed a height of seventy two inches (72").

B. Exceptions. Where lot lines are situated between abutting properties such that the restrictions of sections 2.28.02(A.1) and (A.2) should be in conflict, as they apply to the respective properties, then the height restrictions in 2.28.02(A.1) shall supercede those of 2.28.02(A.2) at all points along lot lines where these sections are in conflict.

2.28.03 Business and Industrial Fences

A. Height. Fences may be located on a property line to a maximum height of 72 inches.

B. Exceptions. Fences over 72 inches in height shall require a variance permit.

2.28.04 Variances.

A. Variances. A variance of any regulation set forth in this section may be granted if, after investigation by the building official, it is found that site, or terrain, or nuisance animal conditions warrant a modification of any of the regulations herein; an application fee of \$75.00 is required for each variance request.

ARTICLE III

NONCONFORMING STRUCTURES, USES AND LOTS

Section 3.01 PERPETUATION OF NONCONFORMITIES. Within the various districts established by this Ordinance or amendments that may later be adopted, there exists structures and uses of land and structures which were lawful prior to the adoption of this Ordinance which would be prohibited, regulated or restricted under provisions of the Ordinance. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed but not to encourage their survival. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that such nonconformities shall not be enlarged upon, expanded or extended.

Section 3.02 NONCONFORMING LOTS OF RECORD OR SUBSTANDARD LOTS. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, subject to the limitations imposed by other provisions of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width or both that are generally applicable in the district, however, yard dimensions and other requirements not involving area or width or both of the lot shall conform to the regulations for the district in which such lot is located. Variance of area, width and yard requirements shall be obtained only through action of the Board of Adjustments.

If two or more lots or combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the land involved shall be considered to be an undivided parcel for the purpose of this Ordinance. No portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves a remaining lot with width or area below the requirements stated in this Ordinance.

Section 3.03 NONCONFORMING USES OF LAND. Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued so long as it remains otherwise lawful subject to the following provisions.

- A. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- C. If any such nonconforming use of land ceases for any reason for a period of more than one (1) year, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
- D. When a nonconforming use is superceded by a conforming use, the nonconforming use shall not thereafter be resumed.

Section 3.04 NONCONFORMING STRUCTURES. Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful subject to the following provisions.

- A. No such structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- B. Should such structure be destroyed by any means to an extent of more than sixty (60) percent of its current appraised value, exclusive of the foundation, it shall not be reconstructed except in conformity with the provisions of this Ordinance. If less than sixty (60) percent damaged exclusive of the foundations, it may be restored, reconstructed or used as before, provided that it is done within twelve (12) months of such happening and that it be built of like or similar materials, or the architectural design and building materials are approved by the Planning Commission.
- C. If the nonconforming structure is moved to another lot, it shall thereafter conform to the regulations for the district to which it is moved.

Section 3.05 NONCONFORMING USES OF STRUCTURES. If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of the Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions.

- A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. Any nonconforming use may be extended throughout any part of a building which was originally arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- C. If no structural alterations are made, any nonconforming use of a structure and/or premises in combination may be changed to another nonconforming use provided that the Planning Commission, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Planning Commission may require appropriate conditions and safeguards in accordance with the provisions of this Ordinance.
- D. Any structure or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall conform to the regulations for the district in which such structure is located and the nonconforming use may not be resumed.
- E. When a nonconforming use of a structure or structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage of any kind of more than sixty (60) percent of its appraised value at the time of destruction.

Section 3.06 USES UNDER EXCEPTION PROVISIONS NOT NONCONFORMING USES. Any use for which a special exception or conditional use is permitted as provided in this Ordinance shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district. This statement does not apply to changes as allowed by Planning Commission action from a nonconforming use to another use not generally permitted in the district.

Section 3.07 NONCONFORMITIES CREATED BY AMENDMENT. When a nonconformity in a structure or the use of land or a structure is created by an amendment to this Ordinance, the rights granted by this section to the continuance of nonconformities apply to nonconformities existing on the date of the amendment.

Section 3.08 REPAIRS AND MAINTENANCE. Any nonconforming structure or portion of a structure containing a nonconforming use may be maintained and improved by ordinary repairs or by repair or replacement of nonbearing walls, fixtures, wiring or plumbing if the cubic content existing when it became nonconforming is not increased. This Ordinance does not prevent the strengthening or restoring of any structure or part declared to be unsafe by order of an official charged with protecting the public safety.

Section 3.09 REGISTRATION OF NONCONFORMING USES. The owner or operator of any use of land or use of a structure or use of land and structure in combination which shall become nonconforming on the effective date of this Ordinance shall complete and file with the Zoning Administrator, a nonconforming use registration form. This form shall include the following information:

- A. Present use of property
- B. The nature or reasons for its nonconformity
- C. Present area of nonconforming structure
- D. Legal description of the parcel of land on which the nonconformity exists
- E. Owner of structure and property

Such registration shall be done within thirty (30) days after notification by certified mail by the Zoning Administrator.

ARTICLE IV

SPECIAL EXCEPTION USE PERMITS

Section 4.01 SPECIAL EXCEPTION USE. Any proposed special exception use permitted by the provisions of this Ordinance shall be submitted to the Planning Commission for review and determination of its applicability to the district in which it is proposed.

Section 4.02 PROCEDURE. The following procedure shall be followed for special exception use permit applications:

A. Application

1. The applicant requests the proper form for special exception use permit from the Zoning Administrator.
2. The application shall be filed with the Zoning Administrator accompanied by the fee as set by the City Council. The application shall contain the following information:
 - a. The legal description and local address of the property
 - b. The names and addresses of the owners of all property within three hundred fifty (350) feet of the property for which the special exception use permit is being applied.
 - c. Detailed description of the proposed special exception use
 - d. Detailed plans of all buildings, roadways and nay other structural or cultural improvements
 - e. A map showing the locations, dimensions and use of all property within three hundred fifty (350) feet of the applicant's property, including streets, alleys, railroads and other physical and cultural features.
 - f. A statement describing the reasons for the request of the special exception use permit

- g. Other information or exhibits as required by the Planning Commission in making disposition and determinations on the application.

B. Application Processing

1. Upon receipt of the application by the Zoning Administrator, a copy of the completed application and attachments shall be forwarded immediately to the Planning Commission.
2. The Planning Commission shall set the date for a public hearing for its next regular meeting and instruct the Zoning Administrator to give notice of time, place and purpose of the public hearing in the following manner;
 - a. Notify by mail all property owners within three hundred fifty (350) feet of the property at least ten (10) days prior to the date of the public hearing
 - b. Give public notice in newspaper of general circulation in the city at least ten (10) days prior to public hearing
 - c. Notify the appropriate Township Board of Supervisors, County Planning Commission and other agencies as instructed or deemed necessary
3. The Planning Commission or a delegation thereof shall view the area being considered for a special exception use permit.

C. Public Hearing

1. The Chairperson of the Planning Commission shall conduct the public hearing.
2. The applicant and/or his representative shall appear before the Planning Commission and answer any questions relative to the proposed special exception use permit.
3. An accurate record of all testimony shall be kept by the Secretary of the Planning Commission. This record shall include the names of all persons who participated in the meeting.

D. Decision

1. The Planning Commission shall consider all potential adverse effects of the proposed special exception use permits and what, if any, additional requirements may be necessary to prevent such adverse effects.
2. The Planning Commission in considering an application for a special exception use permit shall make findings and prepare a report on the following criteria.
 - a. That the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected.
 - b. That the use will not substantially increase traffic hazards or congestion.
 - c. That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
 - d. That the use will not substantially increase fire hazards.
 - e. That the use will be compatible with adjoining development and the character of the zoning district where it is to be located.
 - f. That the use will not overburden public utilities.
 - g. That adequate landscaping and screening is provided.
 - h. That the use will not be in major conflict with the Comprehensive City Plan.
 - i. That adequate off-street parking and loading is provided and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.
 - j. That the use will conform to all applicable regulations of the district wherein proposed.

3. The Planning Commission shall make a decision on the application for a special exception use permit within one hundred (100) days from the date of the public hearing.
4. The concurring vote of a majority of the members of the Planning Commission shall be necessary for the approval or denial of an application for a special exception use permit.
5. Decisions of the Planning Commission shall immediately be filed and recorded with the City Clerk's office. Copies shall be sent to the applicants and/or his representative. Reasons for denial or approval and any conditions imposed if approved shall be detailed in writing.

E. Issuance

1. The Zoning Administrator shall issue a special exception use permit for a particular use to a particular party.
2. A special exception use permit shall become void one (1) year from the date of issuance if significant construction has not been undertaken or completed.

F. Appeal

If the application for a special exception use permit is denied by the Planning Commission, the decision may be appealed to the City Council.

ARTICLE V

CONDITIONAL USE PERMITS

Section 5.01 CONDITIONAL USES. Any proposed conditional use permitted by the provision of this Ordinance shall be submitted to the Planning Commission and the City Council for review and determination of its applicability to the M-1, Manufacturing District in which it is proposed.

Section 5.02 PROCEDURE. The following procedure shall be followed for conditional use permit applications:

A. Application

1. The applicant requests proper form for a conditional use permit from the Zoning Administrator.
2. The application shall be filed with the Zoning Administrator accompanied by the fee as set by the City Council. The application shall contain the following information:
 - a. The legal description and local address of the property
 - b. The names and addresses of the owners of all property within three hundred and fifty (350) feet of the property for which the conditional use permit is being applied for
 - c. Detailed description of the proposed conditional use
 - d. Detailed plans of all buildings, roadways and any other structural or cultural improvements
 - e. A map showing the locations, dimensions and use of all property within three hundred and fifty (350) feet of the applicant's property, including streets, alleys, railroads and other physical and cultural features
 - f. A statement describing the reasons for the request of the conditional use permit

- g. Other information or exhibits as required by the Planning Commission and City Council in making recommendations, determinations and dispositions on the application

B. Application Processing

1. Upon receipt of the application by the Zoning Administrator, a copy of the completed application and attachments shall be forwarded immediately to the Planning Commission.
2. The Planning Commission shall set the date for a public hearing for its next regular meeting and instruct the Zoning Administrator to give notice of time, place and purpose of the public hearing in the following manner:
 - a. Notify by mail all property owners within three hundred and fifty (350) feet of the property at least ten (10) days prior to the date of the public hearing
 - b. Give public notice in a newspaper of general circulation in the city at least ten (10) days prior to the public hearing
 - c. Notify the appropriate Township Board of Supervisors, County Planning Commission and other agencies as instructed or deemed necessary
3. The Planning Commission or delegation thereof shall view the area being considered for a conditional use permit.

C. Public Hearings

1. The Chairperson of the Planning Commission shall conduct the public hearing.
2. The applicant and/or his representative shall appear before the Planning Commission and answer any questions relative to the proposed conditional use permit.
3. An accurate record of all testimony shall be kept by the Secretary of the Planning Commission. This record shall

include the names of all persons who participated in the meeting.

D. Recommendation

1. The Planning Commission shall consider all possible adverse effects of the proposed conditional use permit and what, if any, additional requirements may be necessary to prevent such adverse effects.
2. The Planning Commission in considering an application for a conditional use permit, shall make findings on the following criteria and report these findings in its recommendation to the City Council:
 - a. That the establishment, maintenance or operation will not be detrimental to or endanger the public health, safety or general welfare and is not contrary to established standards, regulations or ordinances of other governmental agencies
 - b. That each structure or improvement is so designed and constructed that it is not unsightly, undesirable or obnoxious in appearance to the extent that it will hinder the orderly and harmonious development of the city and the use district wherein proposed
 - c. That the use will not be substantially injurious to the permitted uses nor unduly restrict the enjoyment of other property in the immediate vicinity nor substantially diminish and impair property values within the area
 - d. That the establishment of the use will not impede the orderly and normal development and improvement of the surrounding property for uses permitted in the zoning district
 - e. That adequate water supply and sewage disposal facilities are provided and in accordance with applicable standards
 - f. That adequate access roads, on-site parking, on-site loading and unloading berths and drainage have been or will be provided

- g. That adequate measures have been taken to provide ingress and egress so as to minimize traffic congestion on public roads
 - h. That the use will not be in major conflict with the Comprehensive City Plan
 - i. That the use will conform to all other applicable regulations of the M-1, Manufacturing District as required in this Ordinance
3. The Planning Commission shall make a decision and forward its report and recommendations to the City Council within seventy (70) days from the date of the public hearing.

E. Decision

- 1. Upon receipt of the report and recommendations from the Planning Commission, the City Council shall place the consideration of the application for conditional use on the agenda for its next regular meeting.
- 2. The City Council shall make a decision on the application for a conditional use permit within sixty (60) days after the regular Council meeting following the receipt of the report and recommendations from the Planning Commission.
- 3. The concurring vote of a majority of the full Council membership shall be necessary for the approval or denial of an application for a conditional use permit.
- 4. Decisions of the City Council shall immediately be filed and recorded with the City Clerk's office. Copies shall be sent to the applicant and/or his representative.
 - a. The Council shall detail its reasons for denial or approval
 - b. Upon approval of an application, the Council may impose any additional special conditions if considered necessary to protect the public health, safety and welfare.

5. The conditional use permit, if granted, shall also be recorded with the County Recorder and become a part of the title to the property.

F. Issuance

1. The Zoning Administrator shall issue a conditional use permit for a particular use to a particular tract of land.
2. A conditional use permit shall become void one (1) year from the date of issuance if significant construction has not been undertaken or completed.

G. Appeal

If the application for a conditional use permit is denied by the City Council, the decision may be appealed to the Board of Adjustments as provided for in this Ordinance.

ARTICLE VI

CHANGES AND AMENDMENTS

Section 6.01 ANNUAL REVIEW. The Planning Commission in cooperation with the Zoning Administrator shall at least once each year prepare and file with the City Council a report on the operations of the Zoning Ordinance as amended, including when necessary, recommendations as to the enactment of amendments or supplements thereto. This report shall include, but need not be limited to, the study of the following:

- A. Development of property uses
- B. Nature of population trends
- C. Commercial and industrial growth, both actual and prospective
- D. Affect upon the community as whole in view of the City's Comprehensive Plan and how the Ordinance has assisted in implementing the plan

Section 6.02 PROCEDURE. The regulations, restrictions and boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed or repealed. No such action may be taken unless it shall have been proposed by, or shall have been first submitted to the Planning Commission for review and recommendation in the following manner:

- A. Application
 - 1. Applicant requests the proper form for zoning amendment from the Zoning Administrator
 - 2. Application shall be filed with the Zoning Administrator accompanied by the fee as set by the City Council. The application shall contain the following information:
 - a. The legal description and local address of the property
 - b. The present zoning classification and the zoning classification requested for the property
 - c. The existing use and proposed use of the property

- d. The names and address of the owners of all property within three hundred fifty (350) feet of the property for which the change is requested
 - e. A statement of the reasons why the applicant believes the present zoning classification is no longer valid
 - f. A map showing the locations, dimensions and use of the applicant's property and all property within three hundred fifty (350) feet thereof, including streets, alleys, railroads and other physical features
3. Failure to approve the requested change shall not be deemed cause to refund the fee to the applicant.

B. Application Processing

- 1. Upon receipt of the application of the Zoning Administrator a copy of the completed application shall be forwarded immediately to the Planning Commission for study and recommendation.
- 2. The Planning Commission shall schedule a date for public hearing within forty-five (45) days of receipt of application and instruct the Zoning Administrator to give notice of time, place and purpose of the public hearing in the following manner:

The Zoning Administrator shall:

- a. Notify by mail all property owners within three hundred fifty (350) feet of the property at least ten (10) days prior to the date of the public hearing
- b. Give public notice in a newspaper of general circulation in the city at least ten (10) days prior to the public hearing
- c. Notify the appropriate Township Board of Supervisors, the County Planning Commission and other agencies as instructed and deemed necessary

3. The Planning Commission or delegation thereof shall view the area being considered in the field.

C. Public Hearing

1. The Chairperson of the Planning Commission shall conduct the public hearing.
2. Any person with legitimate interest in the application may present his or her views to the Planning Commission either verbally or in writing.
3. An accurate record of all testimony shall be kept by the Secretary of the Planning Commission. This record shall include the names and addresses of all persons who participated in the meeting.

D. Planning Commission Decisions and Recommendations

1. The Planning Commission shall, prior to making a recommendation, consider the following:
 - a. All relevant facts and findings brought out in public hearings.
 - b. Physical inspection of property in question by all members or a delegation of members of the Planning Commission.
 - c. The following items should be considered in reaching a decision.
 - Would the granting of the rezoning request conform to the presently accepted future land use plans for the city as well as present land uses?
 - Is it in the community's best interest for additional land space to be zoned to the class requested?
 - If it is in the community's best interest for additional land to be zoned as requested, should the rezoning be done in areas requested or would the community's interest be better served if

the rezoning were done in other areas of the City?

- Would the granting of the rezoning request adversely affect property values of adjacent landowners to an unreasonable degree?
- If the request was granted, what additional public services would be required?
- Is the capacity of existing roads and sewer and water facilities sufficient to accommodate this proposal?
- Was there an error or oversight in preparing the original zoning map which indicates that this zoning should have been included at that time?
- Is this change beneficial to the community or is it merely a convenience to the applicant?

2. The Planning Commission shall make a written recommendation with reasons for approval or denial of the application to the City Council.

E. City Council Decisions

1. The City Council may approve or deny the application by simple majority vote of the entire City Council when concurring with the Planning Commission's recommendation.
2. The City Council may override the recommendation of the Planning Commission and thereby approve or disapprove an application. Such action shall require a concurring vote of a majority of the entire City Council.

F. Approval

1. The City Council officially adopts the ordinance change.

2. The Zoning Administrator shall forward a certified copy to the County Recorder and make map and/or Ordinance changes.

G. Denial

If the application is denied by the City Council, a period of not less than one (1) year is required between presentation of the same petitions for a change or amendment applying to a specific piece of property unless there has been a substantial change of facts.

H. Appeal

If the application is denied by the City Council, the decision may be appealed to the Board of Adjustments as provided for by this Ordinance.

ARTICLE VII

ADMINISTRATION, PERMITS AND FEES

Section 7.01 ZONING ADMINISTRATOR DUTIES. The City Council shall appoint a Zoning Administrator. It shall be the duty of the Zoning Administrator to:

- A. Administer the requirements of this Ordinance for zoning permits and issue or deny each application in accordance with the provisions of this Ordinance
- B. Conduct inspection of buildings and the use of land to determine compliance with the terms of this Ordinance
- C. Receive, file and forward applications for appeals, variances, conditional use permits, special exception permits, amendments or other action to the appropriate official bodies
- D. Maintain permanent and current records pertaining to this Ordinance including, but not limited to, maps, amendments, conditional uses, special exceptions, variances, appeals and applications thereof
- E. Provide clerical and technical assistance to the Planning Commission and Board of Adjustments
- F. Make recommendations to the City Council or Planning Commission and Board of Adjustments

If it is found that any of the provisions of this Ordinance are being violated, it shall be the duty of the Zoning Administrator to take the following action.

- A. Document the violation in writing, with photographs, historical records and dates of information.
- B. Notify in writing the person responsible for such violations indicating the nature of the violation and outlining action necessary to correct it.
- C. Order the discontinuance of illegal use of land, buildings or structures.
- D. Order the removal of illegal buildings or structures or of illegal additions, alterations or structural changes.

- E. Order discontinuance of any illegal work being done.
- F. Take any other action authorized by this Ordinance to ensure compliance with or to prevent violations of its provisions.

It is the intent of this Ordinance that all questions of interpretation and enforcement shall first be presented to the Zoning Administrator, and that such questions shall be presented to the Board of Adjustments only on appeal from the decision of the Zoning Administrator.

Section 7.02 COMPLIANCE REQUIRED. The Zoning Administrator shall examine all applications for building permits and the necessary site plan to determine whether the proposed construction, alteration, extension, repair and proposed use shall comply with the provisions of this Ordinance. Upon examination a zoning permit shall be issued.

Section 7.03 ZONING PERMITS REQUIRED. No building or structure shall be erected, reconstructed, moved or structurally altered to increase the exterior dimensions, height or floor area; or remodel to increase the number of dwellings or accommodate a change in use of the building and/or premises or part thereof without a zoning permit to be issued by the Zoning Administrator or other authorized official. No zoning permit shall be issued by the administrative official except in conformity with the provisions of this Ordinance unless he receives a written order from the Board of Adjustments, Planning Commission or City Council dependent on the form of administrative review, special exception, variance or conditional use as provided by this Ordinance.

Section 7.04 ZONING PERMIT APPLICATION. All applications for zoning permits shall be accompanied by the appropriate site plans and shall be made in duplicate on forms furnished by the Zoning Administrator and shall include the following where applicable.

- A. Names and addresses of the 1) applicant, 2) owner of the site, 3) architect, 4) professional engineer or contractor.
- B. Description of the site by lot, block and record subdivision or by metes and bounds and the address of the proposed site.
- C. Type of structure, existing and/or proposed operation or use of the structure or site and the zoning district in which the site is located.
- D. Where applicable, the number of housekeeping units, families, rental units or employees the proposed building is designed to accommodate.

- E. Additional information as may be required by the City Planning Commission, Zoning Administrator or other city office or official.

Section 7.05 APPROVAL OR DENIAL OF ZONING PERMIT. Upon approval or denial, the Zoning Administrator shall attest to same by his signature on the zoning permit. If the zoning permit is approved, one (1) copy shall be returned to the applicant and one (1) copy shall be retained by the Zoning Administrator. If the zoning permit is denied, the Zoning Administrator shall, in addition to the above, notify the applicant with a memorandum stating the reason for denial of the zoning permit.

Section 7.06 CONSTRUCTION AND USE TO BE SAME AS APPLICATION AND PLANS. Zoning permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only that use, arrangement and construction set forth in such approved site plan and applications and for no other use, arrangement or construction. Any use, arrangement and construction at variance with that authorized shall be deemed a violation of this Ordinance and punishable as provided herein.

Section 7.07 FEES. The City Council shall establish a schedule of fees, charges and expenses and a collection procedure for zoning permits, appeals, amendments, special exceptions, conditional uses, variances and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Zoning Administrator and may be altered or amended only by the City Council. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

ARTICLE VIII

CITY COUNCIL

Section 8.01 POWERS AND DUTIES.

- A. It is the intent of this Ordinance that the duties of the City Council shall include the following:
1. Review formulation and adoption of this Ordinance and applicable maps as empowered by Minnesota Statutes 1974, 462.357, Subdivision 2 as amended.
 2. Appoint members to and delegate certain powers and duties to the City Planning Commission, Board of Adjustments and Zoning Administrator for the purpose of implementing and enforcing the requirements of this Ordinance in a fair, conscientious and intelligent manner.
 3. Review all applications for changes and amendments and make disposition of applications as provided in this Ordinance.
 4. Review all applications for conditional use permits, hear and make disposition of applications as provided in this Ordinance.
 5. Review all appeals from decisions of the City Planning Commission regarding special exception use permits as empowered by this Ordinance.
 6. Establish a schedule of fees and charges as relating to this Ordinance.
- B. It is further the intent of this Ordinance that the duties of the City Council in connection with this Ordinance shall require the vote of a majority of the members of the entire Council except that a concurring vote of a majority of the members of the entire Council is necessary to override a recommendation of the Planning Commission.

Section 8.02 DECISIONS. All actions and recommendations of the City Council pertaining to this Ordinance shall require the vote of a majority of the members of the entire Council except that a concurring vote of a majority of the members of the entire Council is necessary to override a recommendation of the Planning Commission.

ARTICLE IX

CITY PLANNING COMMISSION

Section 9.01 POWERS AND DUTIES. It is the intent of this Ordinance that the duties of the City Planning Commission shall include the following:

- A. Review all applications for appeals and variances to this Ordinance and report the findings and recommendations to the Board of Adjustments as provided in this Ordinance.
- B. Review or initiate applications for amendments and changes to this Ordinance and report the findings and recommendations to the City Council as provided in this Ordinance.
- C. Review all applications for special exception permits, hear and make disposition of applications as provided in this Ordinance.
- D. Review all applications for conditional use permits and report the findings and recommendations to the City Council as provided in this Ordinance.
- E. Prepare, in cooperation with the Zoning Administrator, an annual review related to the effectiveness of this Ordinance as provided in this Ordinance.

Section 9.02 DECISIONS. All actions and recommendations of the City Planning Commission pertaining to this Ordinance shall require the vote of a majority of the members of the entire Commission. The Planning Commission's recommendations may be overruled by the concurring vote of a majority of the full City Council's membership. The Planning Commission shall not override the written recommendation of a township on a zoning district amendment or special exception permit when the application in question is adjacent to the municipal boundary except with the concurring vote of a majority of the entire Planning Commission.

ARTICLE X

BOARD OF ADJUSTMENTS

Section 10.01 ESTABLISHMENT. A Board of Adjustments is hereby established for the purpose of hearing appeals and applications and granting variances under the provisions of this Ordinance in harmony with the purpose and intent of this Ordinance.

Section 10.02 MEMBERSHIP AND ORGANIZATION. The Board of Adjustments shall consist of three (3) members appointed by the City Council for a term of three (3) years except that when the Board is first created one (1) member shall be appointed for a term of three (3) years, one (1) for term of two (2) years and one (1) for a term of one (1) year. Vacancies for unexpired terms shall be filled by the City Council. Members shall serve at the pleasure of the City Council.

- A. Membership shall consist of one (1) member of the Planning Commission, one (1) Council member and one (1) citizen-at-large.
- B. Terms shall be for staggered three – (3) year periods.
- C. Eligibility – members of the Board shall reside within the incorporated limits of the city.
- D. Chairperson shall be chosen by the Board and shall serve for a period of one (1) year. A Vice Chairperson shall also be chosen in the same manner and for the same term in the absence of the Chairperson.
- E. The Zoning Administrator shall attend all meetings to provide technical assistance when requested and to record proceedings and serve as Secretary.
- F. The Secretary shall conduct all necessary correspondence of the Board and shall generally supervise all clerical work of the Board including minutes of the Board meetings.

Section 10.03 RULES. The City Council hereby adopts rules for the conduct of the business of the Board of Adjustments in accordance with the provisions of this Ordinance. The Council may adopt further rules as necessary.

- A. Meetings shall be held at the call of the Chairperson and at such other times as the Board may determine. All meetings shall be open to the public. A quorum shall consist of two-thirds (2/3) of

the members of the Board. No Board member shall sit in hearing nor vote in passing upon any case in which he is personally or financially interested. The concurring vote of two (2) members of the Board shall be necessary to take official action. If, because of absences, an additional concurring vote is needed, the matter shall be held over to the next Board meeting.

- B. Minutes shall be kept for all Board meetings. The minutes shall include all important facts pertaining to each meeting which will include, but not be limited to, names and addresses of all persons appearing before the Board, a record of all hearings and testimony, all exhibits presented to the Board, a copy of each resolution acted upon by the Board, a copy of each resolution acted upon by the Board, the vote of each member upon each question, the reasons for the Board's determination and the members absent or failing to vote. These records shall be immediately filed in the office of the City Clerk and shall be a public record.

Section 10.04 POWERS AND DUTIES. The Board of Adjustments shall have the following powers and duties with regard to this Ordinance.

- A. Appeals – To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement and interpretation of this Ordinance.
- B. Variances – To authorize upon appeal in specific cases such variances from the terms of this Ordinance as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. A variance from the terms of this Ordinance shall not be granted by the Board of Adjustments unless and until a written application for a variance is submitted demonstrating:
 - 1. That there are exceptional or extraordinary circumstances or conditions which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district
 - 2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.

3. That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this Ordinance or the public interest
4. That the condition or situation of the specific piece of property, or the intended use of said property for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situations
5. That the special conditions and circumstances do not result from the actions of the applicant

In granting any variance, the Board of Adjustments may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this Ordinance and punishable hereunder.

Under no circumstances shall the Board of Adjustments grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

Section 10.05 APPEALS AND APPLICATIONS FOR VARIANCE.

- A. Appellants – An appeal may be taken by any aggrieved person or by any city officer, department, board or commission. Such as appeal shall be filed thirty (30) calendar days (except legal holidays) after the date of the decision of the Zoning Administrator by filing with the Board a proper form of appeal specifying the grounds thereof. Zoning Administrator shall transmit to the Board all papers constituting the record upon which the appealed action was taken.
- B. Manner of Filing Appeals – The appeal shall be filed with the Zoning Administrator. Any communication purporting to be an appeal or application shall be regarded as a mere notice of intention to seek relief until it is made upon the form prescribed including required date. An established fee shall be paid at the time of filing of the appeal.
- C. Applications for Variance – In the cases of applications to the Board for the granting of a variance for those

requirements specified in the Zoning Ordinance as requiring Board approval, the application shall be made upon forms provided by the Board and kept by the Zoning Administrator. A map containing the names and addresses of property owners within three hundred fifty (350) feet of the property whereon the variance is requested shall be submitted with and made a part of the application for variances.

- D. Secretary's Calendar – As soon as a hearing is placed on the calendar, the applicant or appellant shall be notified to appear on the date when the hearing will be held.
- E. Stay of Proceedings – An appeal stays all proceedings in furtherance of the action appealed unless the Administrative Officer from whom the appeal is taken certifies to the Board of Adjustments after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life and property.

Section 10.06 HEARINGS.

- A. Notice of Hearings – The Secretary of the Board in consultation with the Chairperson shall fix a reasonable time (not to exceed forty-five (45) days) for the hearing and give public notice of the hearing in the official newspaper at least ten (10) days prior to the date thereof. The Secretary shall also mail notices of the hearings to all parties owning property within three hundred fifty (350) feet of the property to which the variance related at least ten (10) days prior to the hearing.
- B. Form of Notice – The notice shall state the location of the building or lot, the general nature of the questions involved and the time and place of the hearing. A copy of the notice and a list of persons to whom the notice was mailed shall become part of the records of the Board.
- C. Conduct of Hearing – Any person may appear in person or by agent or attorney at the hearing. The order of business for the hearing shall be (1) statement of the case by the Chairperson, (2) the argument in favor of the appeal, (3) the argument in opposition of the appeal, (4) rebuttal by both sides. The first person to be heard on the affirmative side shall be the applicant or his agent. Witnesses may be called

and factual evidence may be submitted. All witnesses shall affirm that their testimony is true.

- D. Findings – The Board of Adjustments shall make findings that all requirements have been met by the applicant for a variance. The Board of Adjustments shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
- E. Rehearings – An application for a rehearing shall be made in the same manner as for an original hearing. The application for a rehearing shall be denied by the Board if from the record it shall appear that there has been no substantial change in facts, evidence or condition.

Section 10.07 DECISIONS OF THE BOARD OF ADJUSTMENTS.

- A. Time of Decisions – Decisions of the Board shall be made no later than forty-five (45) days from the date of the hearing. Every attempt shall be made to reduce this period to a minimum.
- B. Vote – The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement or determination of the Zoning Administrator. The same vote shall be necessary for the granting of a variance.
- C. Form of Decision – The final decision of the Board shall be made by a formal written order signed by the Chairperson. Such decision shall show the reasons for the determination and may reverse or affirm, wholly or in part, or may modify the order or determination appealed from. Such decision shall also state in detail, in the case of variances, any exceptional difficulty or unusual hardships upon which the appeal was based and which the Board found present. The decision shall also state in detail what, if any, conditions and safeguards are required.
- D. Expiration of Approval – Unless otherwise stated in the decision, any order or decision of the Board for a permitted use shall expire if a building or zoning permit shall not be obtained by the appellant within three (3) months from the

date of the decision or if substantial work has not commenced within six (6) months of the decision.

- E. Filing of Decisions – Decisions of the Board shall immediately be filed with the City Clerk. Copies shall be sent to all parties of the appeal.

- F. Denial – Any person or persons, or any board, commission, taxpayer, department or bureau of this city aggrieved by any decision of the Board of Adjustments may seek review by a Court of Record of such decision in the manner provided by the laws of the State of Minnesota.

ARTICLE XI

VIOLATION, PENALTIES, CLAIMS, CONFLICTS OF LAW AND SEVERABILITY

Section 11.01 COMPLIANCE REQUIRED. It shall be the duty of all architects, contractors, subcontractors, builders and other persons having charge of the erecting, altering, changing or remodeling of any building or structure including tents and trailer coaches before beginning or undertaking any such work to see that such work does not conflict with and is not a violation of the terms of this Ordinance. Any such architect, builder, contractor or other person doing or performing any such work of erecting, repairing, altering, changing or remodeling and in violation of, or in conflict with the terms of this Ordinance, shall be deemed guilty of a violation hereof in the manner and to the same extent as the owner of the premises or the person or persons for whom such buildings are erected, repaired, altered, changed or remodeled in violation hereof and shall be held accountable for such violation.

Section 11.02 VIOLATIONS. Any building or structure being erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or site hereafter erected or maintained, or land use made or permitted in violation of this Ordinance, is hereby declared unlawful. In the event of violation or threatened violation of this Ordinance or other official control adopted under Minnesota Statutes 394.21 to 394.37, in addition to other remedies, the City Council or any member thereof may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violation or threatened violations and it is the duty of the City Attorney to institute such actions.

Section 11.03 PENALTIES. Any person, firm, corporation or entity who violates any of the provisions of this Ordinance or any order of the Zoning Administrator issued in accordance with this Ordinance, shall be guilty of a misdemeanor and upon conviction be punished by a fine of not more than three hundred dollars (\$300.00) or sentenced to imprisonment for a specified term not more than ninety (90) days for each offense, or both, plus the costs of prosecution in either case. Each day that a violation is committed, or permitted to exist, shall constitute a separate offense. The imposition of any fine or sentence shall not exempt the offender from compliance with the requirements of this Ordinance, and the city may pursue, by appropriate actions or proceedings, any or all additional remedies.

Section 11.04 RELIEF FROM PERSONAL RESPONSIBILITY. Any claim based upon an act or omission of any officer or employee exercising due care in the execution of any valid or invalid portions of this Ordinance and any claim based upon the performance of the failure to exercise or perform a discretionary function or duty whether or not the discretion is abused, are hereby enumerated as exceptions to

Minnesota Statutes 1967, Section 466.02 and said Section does not apply. The city shall defend, save harmless and indemnify any of its officers or employees whether elective or appointed, against any tort claim or demand whether groundless or otherwise arising out of an alleged act or omission occurring in the performance of duty in the enforcement and administration of this Zoning Ordinance except as provided in Minnesota Statutes 1967, Section 466.07.

Section 11.05 CONFLICT OF LAW. Whenever any provision of this Ordinance establishes higher standards than are imposed or required by existing provision of the laws of the State of Minnesota or any ordinance of regulation of the city, the provisions of this Ordinance shall apply. Where the provision of state law or other city regulations or ordinances set higher standards than those of this Ordinance, the provisions of said laws and regulations shall apply.

Section 11.06 SEVERABILITY. This Ordinance and the various articles, sections, paragraphs, sentences and clauses herein are hereby declared to be severable. Should any of the contents or provisions of this Ordinance be declared by the courts to be unconstitutional or invalid, the decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than that part declared to be unconstitutional or invalid.

ARTICLE XII

SITE PLAN

Section 12.01 SITE PLAN REQUIRED. All planned buildings and/or structures or uses of land unless exempted, whether they be new, substantially changed, converted or reconstructed, must secure approval of a site plan from the Planning Commission. No building permit shall be issued prior to approval of the site plan. A site plan shall contain the following information as is pertinent to the proposed use of the land,

- A. Name and address of the developer and property owner.
- B. Small key (location) map.
- C. Zoning classification of the land and names of adjoining land owners and zoning classification of adjacent lands.
- D. Proposed buildings and/or land use.
- E. Area of land in square feet.
- F. Survey and engineering information including distances with angles, bearings, lengths and legal description of property involved shall be shown on drawings at a scale not to exceed one (1) inch equaling fifty (50) feet and including the following information.
 1. Proposed buildings with location dimensions, building area and height.
 2. Distance on all sides between buildings and property lines and between buildings.
 3. Location, dimensions and area of existing buildings not to be razed.
 4. Location and use of all buildings on adjacent lands that are within fifty (50) feet of the property line in question.
 5. Existing and proposed contours or spot grades at no more than two (2) foot intervals.

6. Drainage design for roof areas, parking lots and driveways showing area for or method of disposal of surface run-off waters.
7. Existing and proposed street curb cut radii and curb cut width.
8. Limits and location of proposed or existing streets, cartways, curbs, sidewalks, easements and right of ways.
9. Location, size and elevation of proposed or existing sanitary sewerage facilities, storm sewers, catch basins and drywells.
10. Location and approximate diameter of proposed or existing trees and other woody stemmed plantings together with the common names of the plantings.
11. Limits and location of plantings or physical structures designed for screening.
12. Limits, location and size of retaining walls and the type of material to be used in construction.
13. Limits and location of parking lots, driveways, parking bays, outside storage, burning rubbish and garbage areas, loading and unloading areas and surfacing and screening thereof.
14. Directions of vehicular traffic flow to, from and within the area, together with traffic control signs and markings.
15. Locations, height, candle power and type of all outside lighting including street lighting and sign lighting.
16. Locations, size, height and overall dimensions of outside signs.
17. Such other or different information as may be required by the design standards set forth hereinafter or as required elsewhere in this Ordinance.

Section 12.02 DESIGN STANDARDS. The following general principals of design shall be incorporated into the site plan and approved by the Planning Commission:

- A. Landscaping

1. All front yards shall be landscaped to soften the effect the building creates at ground level.
2. Existing trees shall be preserved where possible.
3. Surfaces denude of vegetation shall be seeded to prevent soil erosion.

B. Light glare from vehicles

1. When a building, parking lot or driveway adjoins or is within two hundred (200) feet of a residential area, provision shall be made to screen all vehicle lights to curtail direct illumination of the residential area. Screening provided on the land may be provided by the use of closely spaced evergreen trees or shrubs or physical structures which will harmonize with the developed use of the land and with the residential area.
2. Vehicle lights need not be screened on that portion of a site bounded by and parallel to a street.

C. Surface water, sewage disposal and erosion control

1. Storm water and sanitary sewage systems shall be laid out by a professional engineer.
2. Run-off water from parking lots, roofs and driveways shall not be allowed to cross sidewalks or to run onto private property that is not a part of the site unless easements have been obtained.
3. Surface run-off waters shall be directed into municipal facilities. Where municipal facilities are not available, a drywell or drainage area owned or controlled by the owner or developer shall be provided.
4. Sanitary sewage shall be directed into municipal facilities where such facilities are available. Where municipal facilities are not available, other disposal methods approved by the Planning Commission may be used.
5. Retaining walls shall be constructed where necessary for land stabilization.

D. Parking Lots

1. Parking lots shall be designed to avoid creating large open expanses.
2. Parking lots shall be designed to avoid the problem of vehicles backing onto streets, alleys and sidewalks.
3. Vehicular traffic flow to, from and within land containing a parking lot shall be controlled by appropriate traffic control signs and surface markings.
4. Adequate provision shall be made form vehicular ingress and egress.
5. Provisions shall be made for a safe and convenient circulation pattern within any parking lot.
6. Proposed curb cut widths shall be kept to a minimum consistent with vehicular and pedestrian safety. Curb cut radii shall allow safe ingress and egress vehicles from and to the proper lane of traffic on the street which they adjoin. Existing curb cuts and curb radii shall be used only if they comply with appropriate standards for proposed curb cuts and curb cut radii.

E. Parking lot lighting

1. A parking lot shall be lighted for vehicular and pedestrian safety.
2. In residential area, the maximum height of lights above ground level shall be fifteen (15) feet. Maximum foot candles at ground level shall be two (2) feet. Minimum foot candles at ground level shall be five-tenths (5/10) of one (1) foot. Flood and spotlights shall be shielded to prevent glare on adjoining properties.
3. In commercial or industrial areas, no festoon lights shall be allowed. Flood and spotlights shall be shielded to prevent glare on adjoining lands. The maximum height above ground level of lights shall be thirty (30) feet. Minimum foot candles at ground level shall be two (2) to five (5) feet in shopping centers, one (1) foot in self-parking areas, two (2) feet in attended or sheltered parking areas, and five-tenths (5/10) to one (1) foot in industrial areas.

Section 12.03 PROCEDURE.

- A. At least five (5) copies of the site plan shall be filed with the application and the Planning Commission shall submit copies to reviewing agencies and request written comment on the proposal if applicable.
- B. The Planning Commission shall review the plan and recommend modification if necessary within forty-five (45) days from the time it is filed and shall cause its written approval or disapproval to be filed with the Zoning Administrator and/or the Building Inspector within five (5) days thereafter.

Section 12.04 COMPLIANCE REQUIRED

- A. It shall be the duty of the Zoning Administrator to ensure that the approved site plan is followed by the owner and/or developer.
- B. No departure from the approved site plan shall be permitted without the express written permission of the Planning Commission.
- C. No building or site shall be used or occupied until all requirements and provisions of this Ordinance and any special conditions as provided by this article have been complied with. When the approved site plan has been substantially complied with, but the owner or developer is prevented from complete compliance by reason or occurrences beyond his control, the owner or developer shall file with the City Clerk a corporate bond to the municipality and for the use of the municipality in a sum sufficient to cover the cost of completion of the unfinished items required by the approved site plan. The bond shall be executed by the owner or developer and shall be approved by the City Attorney. The condition of the bond shall be that if the owner or developer shall comply with the approved site plan and provide the unfinished items, the obligation shall be that the penalty shall attach and the surety shall be liable if the owner or developer shall not have complied with the condition of the bond within one (1) year after date of its execution.
- D. The land area of a site developed pursuant to an approved site plan shall not thereafter be reduced in size, and no substantial change shall thereafter be made in the site plan or structures thereon without the express written permission of the Planning Commission. The procedure for review and approval or disapproval shall be the same as for the initial application.

- E. The Planning Commission may grant a variance from the provisions of this article only where special conditions pertaining to a specific piece of property or when a literal enforcement of the provisions or requirements of this article will result in particular difficulty or hardship or serve no useful purpose, provided the spirit of the article is upheld in representing the best interests of the public health, safety and welfare and all other provisions of this Ordinance are adhered to.

Section 12.05 EXEMPT USES. The following shall be exempt uses and shall not have to comply with the site plan requirements described herein.

- A. Single or two-family dwellings except when included in planned unit developments.
- B. Temporary uses (not to exceed six (6) months) of land different from its existing state.

ARTICLE XIII

MOBILE HOME PARKS

Section 13.01 PERMIT ISSUANCE AND APPROVAL PROCEDURE. It shall be unlawful for any person to establish, maintain or operate a mobile home park or the facilities therein unless such person shall first procure a permit from the city. Compliance with the provisions of this Ordinance are necessary to obtain said permit. An application for a mobile home park shall be filed with the Zoning Administrator and shall contain the following.

- A. Name and address of applicant.
- B. Location and legal description of the park.
- C. Scaled site plan showing complete compliance with this Ordinance. Said plan shall be certified by a registered engineer or land surveyor and shall contain the following information.
 1. The extent and area used for mobile home park purposes with a location insert in small scale showing the park location on the entire property.
 2. Roadways, driveways and sidewalks.
 3. Location of mobile home lots with dimensions and boundary lines.
 4. Location of parking facilities.
 5. Method and plan of sewage disposal system showing sizes of pipe and connection locations.
 6. Location and number of auxiliary sanitary facilities including toilets, wash rooms, laundries and utility rooms.
 7. Method and plan of solid waste collection and disposal systems.
 8. Plan of water supply showing location of all home and auxiliary connections and all fire hydrants.

9. Plan of electric power and lighting system with location of a power plug for each lot as well as location and wattage of street lighting facilities.
 10. Topographic information to adequately show surface drainage patterns.
 11. Such other information as may be requested by the Zoning Administrator to enable him to determine if the proposed park will comply with all legal requirements including this Ordinance.
- D. The Zoning Administrator shall submit said application and plan to the Planning Commission who shall consider the application in accordance with its procedures for acting on special use exception permits.

Section 13.02 GENERAL DESIGN REQUIREMENTS.

- A. The park shall be located on a well-drained site suitable for the purpose with an adequate entrance road of twenty-four (24) foot pavement width constructed to the municipality's street or road specifications capable of handling heavy service vehicles such as fire and garbage trucks without injury to surface or base.
- B. The park shall be located on a minimum lot size of one hundred thousand (100,000) square feet, shall contain not less than twenty (20) mobile home spaces and shall not exceed a gross density of ten (10) units per acre.
- C. Each mobile home park shall be served by a sanitary sewer system acceptable to the city.
- D. Each mobile home park shall be serve by a central water supply system.
- E. Each mobile home park shall incorporate adequate provisions for the control of surface drainage. Fire hydrants shall be located in accordance with generally accepted practices as determined by the City Engineer.
- F. No mobile home shall be located nearer the street or highway than the required front yard setback within the district in which it is proposed to be located or nearer than twenty (20) feet to any property line.

- G. Each mobile home park shall comply with applicable ordinances and codes of the city and the laws of the State of Minnesota.
- H. Each mobile home park shall contain all-weather hard surfaced interior roadways free from dust and mud. This requirement shall be applicable no later than one (1) year following the initial construction of said interior private roadways. Where streets are dedicated to the city they shall be constructed in accordance with applicable city standards.
- I. Interior roads shall be not less than twenty (20) feet in width for two (2) lane roads where no parking is desired. Five (5) feet of additional width shall be required per each side where roadside parking is desired.
- J. Off-street (or road) parking for the mobile home park shall be provided in the ratio to two (2) spaces per mobile home unit.
- K. There shall be provided within each mobile home park an adequate site or sites for recreation for the exclusive use of the park occupants. Such recreation site or sites shall have a minimum area of ten thousand (10,000) square feet for each fifty (50) units or fraction thereof which shall be no longer than two (2) times its width. The recreation sites shall be of appropriate design and provided with appropriate equipment.
- L. Additional requirements as to screening, landscaping and space reserved for recreation and playground may be required by the Planning Commission for proper development and protection of the mobile home park's occupants and that of the surrounding area.

Section 13.03 BULK AND SPACE REQUIREMENTS.

- A. Each mobile home space shall have a minimum area of forty-five hundred (4500) square feet exclusive of roadways and common space.
- B. No mobile home shall be placed closer than thirty (30) feet to any adjacent mobile home.
- C. Each mobile home space shall have a minimum width of not less than forty-five (45) feet.
- D. No mobile home shall be located closer than twenty (20) feet to the traveled portion of an interior street.

- E. Each mobile home space shall have a suitable hard surface area of durable material capable of supporting the vehicle's wheels, stands or jacks.
- F. Each mobile home shall be properly anchored according to accepted standards to resist damaging movement by wind or storm.
- G. No building or structure hereafter erected or altered in a mobile home park shall exceed twenty-five (25) feet or one and one-half (1 ½) stories in height.
- H. Skirting for mobile homes is required and shall be in accordance with the décor of the mobile home and in good repair. Each mobile home shall be parked upon a jack or block approved by the mobile home park operator. No mobile home shall be placed on walls or any other temporary or permanent foundation not a part of the approved plan for the mobile home park and no other building or structure shall be attached to it.
- I. One accessory building not to exceed one hundred (100) square feet in floor area shall be allowed for each mobile home space.

Section 13.04 ADDITIONAL REGULATIONS.

- A. Except as may be authorized by general traffic and parking regulations or ordinances, no person shall park or occupy any mobile home on any premises in any district outside an approved mobile home park. The parking or storage of a recreational camping vehicle in an accessory private garage building or in a rear yard in any district shall be permitted provided no permanent living quarters shall be maintained or any business conducted in such vehicle while so parked or stored.
- B. No commercial operation shall be conducted within the park other than those necessary to the operation thereof. A common laundering facility is an allowed use. Commercial sales lots for mobile home are prohibited.
- C. Any enlargement or extension to any existing mobile home park shall require application for a permit as if it were a new establishment.
- D. A request for transfer of the permit shall be treated in the same manner as an original application for a permit.

- E. In addition to the foregoing, the Planning Commission may impose such other conditions, requirements or limitations concerning the design, development and operation of each mobile home park as it may deem necessary for the protection of adjacent properties and the public interest.

ARTICLE XIV

AG AGRICULTURAL DISTRICTS

Section 14.01 USES PERMITTED.

- A. One and two family dwellings.
- B. General farming.
- C. Home occupations.
- D. Truck gardens and nurseries.
- E. Forest preserves and game refuge areas.
- F. Schools, churches and community buildings.
- G. Accessory buildings or structures and uses customarily incidental to any of the above listed uses when located on the same property.

Section 14.02 USES REQUIRING SPECIAL EXCEPTION PERMIT. The following uses may be permitted upon approval of the Planning Commission:

- A. Stables and riding academies
- B. Office of veterinary and animal clinic
- C. Public utility buildings such as substations, transformer stations and regular stations without service or storage yards
- D. One (1) temporary building for the sale of the produce of any of the above uses located not less than twenty (20) feet from the street or highway right-of-way line and provided that space for patron parking twenty (20) feet from said street or highway right-of-way line is provided
- E. Mining, quarrying or excavating of sand and gravel
- F. Parks, campgrounds, gun clubs, golf courses, golf driving ranges, race tracks, historical sights, museums and related commercial uses
- G. Carnivals, outdoor circuses and migratory amusement enterprises

- H. Cemeteries, including animal cemeteries
- I. Raising of furbearing animals or kennels provided no cage or pen housing such animals is located nearer than two hundred (200) feet to any lot lines except that kennels may be within one hundred (100) feet of lot line
- J. Hospitals and other institutional type centers
- K. Airports, landing fields, hangars, masts and other facilities for the operation of aircraft
- L. Commercial radio and television towers and transmitters
- M. Sanitary landfills
- N. Migratory labor camps
- O. Accessory buildings and structures and uses customarily incidental to any of the above listed uses when located on the same property

Section 14.03 EXCEPTIONS. General farming uses and accessory buildings shall be exempt from all other provisions of this Ordinance provided they comply with setback and yard requirements.

Section 14.04 RECREATION CAMPING REQUIREMENTS. Special requirements for recreation camping areas are stated in the Article on Mobile Home Parks and Recreational Camping Areas.

Section 14.05 BUILDING HEIGHT. No residential building hereafter erected or altered shall exceed thirty-five (35) feet or two and one-half (2 ½) stories in height. Provided, however, public or semipublic buildings, churches, cathedrals, temples, hospitals or schools may be erected to a height of fifty-five (55) feet when set back from all lot lines not less than one (1) foot, in addition to required dimensions, for each foot such building exceeds thirty-five (35) feet in height.

Section 14.06 LOT AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum requirements shall apply:

Lot Area Sq. Feet	Front Yard Width	Side Yards	Building Setback Line	Rear Yards
30,000	150'	25' each	25'	50'

ARTICLE XV

R-1 RESIDENTIAL DISTRICTS

Section 15.01 USES PERMITTED.

- A. One family dwelling.
- B. Home occupations.
- C. Temporary buildings or structures and uses customarily incidental to any of the above listed uses when located on the same property.

Section 15.02 USES REQUIRING SPECIAL EXCEPTIO PERMITS. The following uses may be permitted upon approval of the Planning Commission.

- A. Two and three family dwellings.
- B. Schools, churches, community buildings and day care centers.
- C. Public utility buildings such as substations, transformer stations and regulator stations without service or storage yards.
- D. Parks and playgrounds.
- E. Hospitals, sanitariums and rest homes.
- F. Boarding and rooming houses.
- G. Institutions of a philanthropic or charitable nature.
- H. Accessory buildings or structures and uses customarily incidental to any of the uses listed in this section when located on the same property.

Section 15.03 BUILDING HEIGHT. No residential building hereafter erected or altered shall exceed thirty-five (35) feet or two and one-half (2 ½) stories in height. Provided, however, public or semipublic buildings, churches, cathedrals, temples, hospitals or schools may be erected to a height of fifty-five (55) feet when set back from all lot lines not less than one (1) foot, in addition to required yard dimensions, for each foot such building exceeds thirty-five (35) feet in height.

Section 15.04 CORNER LOT, SPECIAL REQUIREMENTS. On any corner lot or lot fronting on more than one (1) street, no building or structure shall be placed or

erected closer than twenty-five (25) feet to any property line abutting and paralleling a street.

All corner lots shall be at least ten (10) percent larger in lot frontage at the building line and lot area than is required for noncorner lots.

Section 15.05 MAXIMUM LOT COVERAGE. Lot coverage shall not exceed twenty-five (25) percent.

Section 15.06 LOT AREA, FRONTAGE AND YARD REGULATIONS. The following minimum requirements shall apply:

Use	Lot Area Sq. Feet	Lot Width		Building Setback Line	Side Yard		Rear Yard
		Front Yard Width	Building Line Width		Least Width	Sum	
<u>Dwellings</u>							
	<u>One Family</u> 8,000	45'	75'	25'	6'	16'	25'
	<u>Two Family</u> 10,000	50'	80'	25'	6'	16'	25'
	<u>Three Family</u> 12,000	50'	80'	25'	6'	16'	25'
	<u>Other Uses</u> 16,000	100'	100'	25'	12'	25'	45'

ARTICLE XVI

R-2 MULTIPLE FAMILY RESIDENTIAL DISTRICTS

Section 16.01 USES PERMITTED.

- A. Any use permitted in the R-1 Residential District.
- B. Single-family terrace dwellings, row houses or apartment houses in groups of not more than sixteen (16) housekeeping units in any on building.
- C. Community garages.
- D. Accessory buildings or structures and uses customarily incidental to the principal uses when located on the same property.

Section 16.02 USES REQUIRING SPECIAL EXCEPTION PERMITS. The following uses may be permitted upon approval of the Planning Commission:

- A. All special exception permitted uses as regulated in the R-1 District.
- B. Mobile home parks.
- C. Funeral homes.

Section 16.03 BUILDING HEIGHT. No residential buildings hereafter erected or altered shall exceed thirty-five (35) feet or two and one-half (2 ½) stories in height provided, however, public and semipublic buildings, churches, cathedrals, temples, hospitals or schools may be erected to a height of fifty-five (55) feet when set back from all lot lines not less than one (1) foot, in addition to required yard dimensions, for each foot such building exceeds thirty-five (35) feet in height.

Section 16.04 MAXIMUM LOT COVERAGE. Lot coverage shall not exceed forty (40) percent.

Section 16.05 LOT AREA, FRONTAGE AND YARD REGULATIONS. The following minimum requirements shall apply:

Use	Lot Area Sq. Feet	Front Yard Width	Lot Area Per Family Sq. Feet	Building Setback Line	Side Yard		Rear Yard
					Least Width	Sum	
<u>Dwellings</u>							
	<u>One Family</u> 5,000	50'	5000	25'	6'	16'	25'
	<u>Two Family</u> 5,000	50'	2500	25'	6'	16'	25'
	<u>Three Family</u> 6,000	70'	2000	25'	8'	20'	25'
	<u>Four Family or More</u> 8,000	70'	2000	25'	8'	20'	25'
	<u>Other Uses*</u> 16,000	100'	----	25'	12'	24'	45'

*Special requirements for mobile home parks are stated in the Article on Mobile Home Parks and Recreational Camping Areas.

ARTICLE XVII

B-1 CENTRAL BUSINESS DISTRICTS

Section 17.01 USES PERMITTED.

- A. Business services including banks, offices and postal stations.
- B. Clothing services including dry cleaning and laundry establishments, Laundromats, dressmaking, millinery and tailor shops, shoe repair shops.
- C. Equipment services including radio and television shops, electrical appliance shops, showroom of a plumber, decorator or similar trade.
- D. Food services including grocery stores, fruit, vegetable and meat markets, supermarkets, restaurants, delicatessens, candy shops and bakeries whose products are sold on the premises.
- E. Personal services including barber and beauty shops, reducing salons, photographic shops and funeral homes.
- F. Services including drugstores, hardware stores, haberdasheries, stationery and bookstores, new shops, apparel shops, showrooms, flower shops and commercial greenhouses.
- G. Public transportation terminals, public utility buildings and transformer stations without storage yards.
- H. Buildings used for research and testing laboratories, storage buildings or distributing stations.
- I. Any similar commercial establishment or professional service or commercial service not specifically stated or implied elsewhere in this article.
- J. Residence when including as an integral part of the principal building to be occupied by the owner or his employee.
- K. Buildings and uses customarily necessary to any of the above uses which may include the repair, alteration, finishing, assembly, fabrication or storage of goods. Such use shall not be detrimental

either by reason of odor, smoke, noise, dust or vibration to the surrounding neighborhood.

Section 17.02 COMMERCIAL RESTRICTIONS. The uses permitted shall be subject to the following conditions:

- A. Such businesses and sales or display areas shall be confined within a building except that the City Council by resolution may allow an exception for citywide promotions and activities
- B. All public entrances to such businesses shall be from the principal street upon which the property abuts or within fifty (50) feet thereof, except that an additional rear entrance may be provided from a public parking area

Section 17.03 USES REQUIRING SPECIAL EXCEPTION PERMITS. The following uses may be permitted upon approval of the Planning Commission:

- A. Automobile service including auto equipment sales, car wash service, new and used car sales lot, trailer sales areas, gasoline service stations and auto repair garages.
- B. Recreation services including theaters, bowling alleys, pool and billiard rooms, dance halls, roller and ice skating rinks
- C. Hotels, motels, private clubs and lodges, wholesale establishments, taverns, night clubs, on-off liquor stores, trade schools, commercial parking garages and ramps
- D. Drive-in restaurants, drive-in banks and other drive-in services
- E. Open air display areas for the sale of products such as garden furniture, hardware items, nursery stock or automobiles or areas used to display rental equipment such as tools or trailers
- F. Buildings and uses customarily incidental to any of the uses listed in this section when located on the same property and which will not be detrimental either by reason of odor, smoke, noise, dust or vibration to the surrounding neighborhood

Section 17.04 BUILDING HEIGHT. No building or structure hereafter erected or altered shall exceed sixty (60) feet in height.

Section 17.05 LOT AREA, LOT FRONTAGE, LOT COVERAGE, YARD SIZE AND LOADING SPACE. For allowed uses in B-1 Districts, there will be no requirements for lot area, frontage, lot coverage, yard sizes or loading space. For

uses requiring special exception permits, lot area, frontage, lot coverage, yard size and loading space shall be specified by the Planning Commission.

ARTICLE XVIII

B-2 HIGHWAY COMMERCIAL DISTRICTS

Section 18.01 USES PERMITTED

- A. Automobile service including auto equipment sales, car wash service, new and used car sales lots and trailer sales areas, gasoline service stations and auto repair garages.
- B. Business services including banks, offices and postal stations.
- C. Clothing services including dry cleaning and laundry establishments, laundromats, dressmaking, millinery and tailor shops and shoe repair shops.
- D. Equipment services including radio and television shops, electrical appliance shops, showroom of a plumber, decorator or similar trade.
- E. Medical services including clinics, hospitals, rest homes and animal clinics.
- F. Food services including grocery stores, fruit, vegetable and meat markets, supermarkets, restaurants, delicatessens, candy shops and bakeries whose products are sold only on the premises.
- G. Personal services including barber and beauty shops, reducing salons, photographic shops and funeral homes.
- H. Services including drugstores, hardware stores, haberdasheries, stationery and bookstores, news shops, apparel shops, showrooms.
- I. Recreation services including theaters, bowling alleys, pool and billiard rooms, dancing academies and roller and ice skating rinks and miniature golf courses.
- J. Hotels, motels, private clubs and lodges, wholesale establishments, taverns, night clubs and on and off sale liquor stores.
- K. Residence when included as an integral part of the principal building to be occupied by the owner or his employee.

- L. Any similar commercial establishment or professional service or commercial service not specifically stated or implied elsewhere in this article.
- M. Drive-in restaurants, drive-in banks and drive-in services or businesses not herein strictly prohibited.
- N. Open air display area for the sale of manufactured products such as garden furniture, hardware items and nursery stock, or rental of manufactured products or equipment such as household equipment or small tools.
- O. Buildings used for research and testing laboratories, storage buildings, distributing stations, but not including lumber and fuel yards, junkyards or used automobile parks or wrecking establishments or businesses handling waste or junk and those businesses which are offensive by reason of odor, noise, smoke or vibration to the surrounding neighborhood.
- P. Buildings and uses customarily necessary to any of the above permitted uses but which may include repair, alteration, finishing assembly, fabrication or storage of goods.
- Q. Buildings and uses customarily necessary to any of the above permitted uses but which will not be detrimental either by reason of odor, smoke, noise, dust or vibration to the surrounding neighborhood.

Section 18.02 USES REQUIRING SPECIAL EXCEPTION PERMITS. The following may be permitted upon approval of the Planning Commission:

- A. Recreational camping areas
- B. Truck or bus terminals

Section 18.03 BUILDING HEIGHT. No building or structure hereafter erected or altered shall exceed thirty-five (35) feet or two and one-half (2 ½) stories in height.

Section 18.04 LOT AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum requirements shall apply:

Lot Area Sq. Feet	Front Yard Width	Building Setback Line	*Side Yard		**Rear Yard
			Least Width	Sum	
5,000	50'	45'	0'	20'	30'

* A minimum side yard of thirty (30) feet shall be required on that side of the property abutting any AG, R-1, R-2 District.

**Where alleys exist, the measurements of the rear yard may include one-half (1/2) the width of the alley.

ARTICLE XIX

M-1 MANUFACTURING DISTRICTS

Section 19.01 USES PERMITTED.

- A. Building materials storage yards, lumberyards.
- B. Contractors equipment rental or storage yards.
- C. Any wholesale business including warehousing and storage buildings, truck and bus terminals, commercial laundries and dry cleaning plants.
- D. Light manufacturing, compounding or treatment of such products as bakery goods, candy, cosmetics, dairy products, food products, drugs, perfumes, pharmaceuticals, soap (cold mix only) and toiletries.
- E. Light manufacture, compounding, treatment or assembly of articles or merchandise previously manufactured elsewhere.
- F. Any kind of manufacturing process or treatment of products using light machinery such as tool and die shops, metal fabricating plants or welding shops.
- G. Uses permitted in C, D, E and F above shall be conducted wholly within a building with a landscaped front yard and with the side and rear yard used for loading, unloading and parking.
- H. Public utility service buildings and yards, electrical transformer stations, substations and gas regulator stations.
- I. Buildings and uses customarily necessary to any of the above permitted uses which will not be detrimental either by reason of odor, smoke, noise or vibration to the surrounding neighborhood.

Section 19.02 USES PROHIBITED.

- A. Any type of dwelling units.
- B. Schools, hospitals, clinics and other institutions for human care except when incidental to a permitted principal uses.

Section 19.03 USES REQUIRING CONDITIONAL USE PERMITS. The following uses may be permitted upon recommendation of the Planning Commission and approval of the City Council.

- A. Manufacturing of cement, concrete, lime, gypsum or plaster.
- B. Distillation of bone, coal, tar, petroleum, refuse, grain or wood.
- C. Explosive manufacture or storage.
- D. Fertilizer manufacturing, compost or storage.
- E. Garbage, offal, dead animals, refuse, rancid fats, incineration, glue manufacturing, size or gelatine manufacturing where the processes include the refining or recovery of products from animal refuse or offal.
- F. Livestock feeding yards, slaughtering of animals or stockyards.
- G. Petroleum or asphalt refining, manufacturing and storage.
- H. Smelting or refining of metals from ores.
- I. Steam and board hammers and forging presses.
- J. Storing, curing and tanning of raw, green or salted hides or skins.
- K. Corrosive acid manufacturing or bulk storage thereof.
- L. Junkyards.
- M. Grain elevators and storage.
- N. Any lawful use of land or building not herein expressly prohibited or not provided for and which by its nature does not, through noise, dirt, soot, offensive odors or unsanitary conditions, constitute either a public or private nuisance.

Section 19.04 STORAGE OF MATERIALS FOR CONDITIONAL USES.

Requirements for the storage of materials shall be as follows:

- A. The open storage of lumber, coal or other combustible material shall be not less than twenty-five (25) feet from an interior lot line.
- B. Open storage of junk, wrecked vehicles to be dismantled and other waste products shall be enclosed by an eight (8) foot solid masonry

wall, metal fence or chain link fence in addition to the required greenbelt.

- C. Waste materials incidental to the principal operation shall be kept in neatly stored containers screened from public view and shall be removed and emptied periodically so no wastes shall be piled on open ground.

Section 19.05 LOT AREA, FRONTAGE AND YARD REQUIREMENTS FOR CONDITIONAL USES. The following minimum requirements shall apply:

Lot Area Sq. Feet	Front Yard Width	Building Setback Line	Side* Yard	Rear** Yard
40,000	200'	75'	20'	50'

Section 19.06 BUILDING HEIGHT. No building or structure hereafter erected or altered shall exceed forty (40) feet in height provided, however, such height may be increased by one (1) foot for each five (5) feet by which the building is set back in excess of one hundred (100) feet from all the property lines.

Section 19.07 LOT COVERAGE. No building or structure shall occupy more than seventy-five (75) percent of the total land area.

Section 19.08 LOT AREA, FRONTAGE AND YARD REQUIREMENTS FOR PERMITTED USES. The following minimum requirements shall apply:

Lot Area Sq. Feet	Front Yard Width	Building Setback Line	Side* Yard	Rear** Yard
20,000	100'	75'	20'	50'

*Where the use is adjacent to a residential district and not separated by a street, a side yard of two hundred (200) feet shall be provided.

**If a railroad siding is available, no rear yard is required. When the use backs up to a residential district, a rear yard of two hundred (200) feet shall be required.

ARTICLE XX

DEFINITIONS

Captions, headings, titles and the key words used in sections and articles are inserted herein for convenience and to facilitate the use of this Ordinance.

For the purpose of this Ordinance certain words and terms are herein defined.

Words used in the present tense include the future tense; the singular number includes the plural; the plural includes the singular; the word "shall" is mandatory and not merely directory.

Section 20.01 ACCESSORY BUILDING. A subordinate building or structure on the same lot or part of the main building, occupied by or devoted exclusively to an accessory use.

Section 20.02 ACCESSORY USES. A use commonly and normally incidental to, subordinate to and auxiliary to the principal permitted use of the premises.

Section 20.03 ALLEY. Any dedicated public-way providing a secondary means of ingress and/or egress to land or structure thereon.

Section 20.04 BASEMENT. That portion of a floor of a building which is wholly or one-half or more below the average grade of the ground level adjoining the building is a basement provided, however, that if the height from the average grade level to the first tier of floor beams or joists is five (5) feet or more such basement shall be considered a story.

Section 20.05 BUILDING. Any structure, either temporary or permanent, having a roof and used or built for the sheltered or enclosure of any person, animal or chattel or property of any kind when any portion thereof is completely separated from every other part thereof by division walls from the ground up and without openings, each portion of such building shall be deemed as a separate building.

Section 20.06 BUILDABLE AREA. That part of the lot not included within the open areas required by this Ordinance.

Section 20.07 BUILDING HEIGHT. The vertical distance measured from the average ground level adjoining the building to the highest point of the roof surface if a flat roof, to the deck line of mansard roofs and to mean height level between eaves and ridge of gable, hip and gambrel roofs.

Section 20.08 BUILDING LINE WIDTH. The width of a lot parallel to the street at the building setback line.

Section 20.09 BUILDING, PRINCIPAL. A building or structure in which is conducted the main or principal use of the lot on which said building or structure is situated.

Section 20.10 BUILDING SETBACK LINE. The front line of the building or the legally established line which determines the location of the building with respect to the street line.

Section 20.11 CARPORT. A structure permanently attached to a dwelling having a roof supported by columns but not otherwise enclosed.

Section 20.12 CLINIC. A clinic for the purpose of this Ordinance is a public or proprietary institution providing diagnostic, therapeutic or preventive treatment of ambulatory patients by a group of doctors acting in concert and in the same building for the purposes aforesaid.

Section 20.13 CONDITIONAL USE. Provides the Zoning Authority/City Council the opportunity to allow a property owner to use their land in a manner not otherwise permitted by zoning.

Section 20.14 COURT. A courts is an open unoccupied space on the same lot with a dwelling and bounded on two or more sides by the walls of the dwelling.

Section 20.15 DISTRICT, ZONING. Any section of the incorporated area of the city within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Section 20.16 DWELLING. A dwelling is any house or building or portion thereof which was constructed to be nonmobile and which is occupied wholly as a home, residence or sleeping place of one or more human beings either permanently or transiently. In case of mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the purposes of this Ordinance and shall comply with the provisions thereof relative to dwellings. Garage space, whether in an attached or detached garage, shall not be deemed part of a dwelling.

- A. APARTMENT HOUSE. An apartment house is a dwelling for three (3) or more families living independently of each other and doing their cooking upon the premises.
- B. BOARD OF ROOMING HOUSE. A boarding or rooming house shall be construed to mean any dwelling occupied in any such manner that certain rooms in excess of those used by members of the immediate family unit are leased or rented to persons outside of

the family without any attempt to provide therein cooking or kitchen accommodations.

- C. DWELLING, ONE FAMILY. A dwelling occupied by only one (1) family and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for one (1) family only.
- D. DWELLING, MULTIPLE. A building used or intended to be used as a dwelling by three (3) or more families or as an apartment house or terrace dwelling with each unit designed and arranged to provide separate cooking and sanitary facilities for each family.
- E. DWELLIN, SINGLE FAMILY TERRACE. A building or structure occupied by three (3) or more families where each dwelling unit is divided by a parts wall extended the full height of the building. Each unit is capable of individual use and maintenance without trespassing upon adjoining properties, and utilities and service facilities are independent for each property.
- F. DWELLING, TWO FAMILY. A dwelling so designed and arranged to provide cooking and kitchen accommodations and sanitary facilities for occupancy of two (2) families.

Section 20.17 ERECTED. The word “erected” includes built, constructed, reconstructed, moved upon, or any physical excavation, fill, drainage and the like shall be considered a part of erection.

Section 20.18 ESSENTIAL SERVICES. The phrase “essential services” means the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, communication, steam or water transmissions or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith (but not including buildings) reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety or general welfare.

Section 20.19 FAMILY. A family is any number of persons living together in a room or rooms comprising a single housekeeping unit and related by blood, marriage, adoption or any unrelated person who resides thereon as though a member of the family including the domestic employees thereof. Any group or persons not so related but inhabiting a single house shall, for the purpose of this Ordinance, be considered to constitute one (1) family for each five (5) persons, exclusive of domestic employees, contained in each such group.

Section 20.20 FARMING. The cultivating or pasturing of a parcel of land or using it for the raising of livestock or fowl for commercial purposes.

Section 20.21 FLOOR AREA, GROUND. The area within the exterior walls of the main building or structure as measured from the outside walls at the ground level not including garages or enclosed or unenclosed porches and not including attached utility or accessory rooms having three (3) or more exterior sides.

Section 20.22 GARAGE, COMMUNITY. Any space or structure or series of structures for the storage of motor vehicles for the use of two (2) or more occupants of property in the vicinity and having no public shop or service therein.

Section 20.23 GARAGE, PRIVATE. An accessory building designed or used for the storage of not more than three (3) licensed automobiles, trucks or busses owned and used by the occupants of the building of which it is accessory.

Section 20.24 GASOLINE SERVICE STATION. A building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles and including the customary space and facilities for the installation of such commodities on or in such vehicles, but not including special facilities for the painting, major repair or similar servicing thereof.

Section 20.25 GOVERNMENTAL AGENCIES AND OFFICIALS.

- A. BOARD OF ADJUSTMENTS. Board of Adjustments for the city.
- B. BUILDING INSPECTOR. The City Building Inspector or his authorized representative.
- C. PLANNING COMMISSION. The Planning Commission shall be the Planning Commission of the city, appointed by the City Council and established under Section 462.354, Subdivision 1, Minnesota Statutes 1965 as amended. The Planning Commission may contain one ex-officio member from each township adjacent to the municipality who is appointed by the appropriate Township Board of Supervisors.
- D. ZONING ADMINISTRATOR. The City Clerk or his authorized representative.

Section 20.26 GREENBELT. A planting strip of grass, trees or shrubs established and maintained for the purpose of screening or limiting the view of certain property uses from the general public.

Section 20.27 GROUND LEVEL, AVERAGE. The average elevation of the finished grade at the front of a building.

Section 20.28 HOME OCCUPATION. An occupation which is customarily and traditionally conducted within a dwelling by its occupants and is clearly incidental and secondary to the principal use of the dwelling.

Section 20.29 HOSPITAL. A building, structure or institution in which sick or injured persons are given medical or surgical treatment.

Section 20.30 HOTEL. A building or structure occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms occupied singly for remuneration in which provision is not made for cooking on any individual plan and in which there are more than ten (10) sleeping rooms and with or without a public dining room.

Section 20.31 JUNKYARD. A place maintained for keeping, storing or piling in commercial quantities, whether temporarily, irregularly, or continually, buying or selling at retail or wholesale and old, used or second-hand material of any kind, including used motor vehicles, machinery, and/or parts thereof, cloth, rugs, clothing, paper, rubbish, bottles, rubber, iron or other metals, or articles from which its worn condition render it practically useless for the purpose for which it was made and which is commonly classed as junk. This shall include a lot or yard for the keeping of unlicensed motor vehicles or the remains thereof for the purpose of dismantling, sale of parts, sale of scrap, storage or abandonment. This shall not prohibit the keeping of one (1) unlicensed motor vehicles within a garage or other structure in residential districts or two (2) unlicensed motor vehicles not including farm implements within a farm in the agricultural district.

Section 20.32 KENNEL. Any lot or premises on which five (5) or more dogs six (6) months of age or older are kept, either owned or permanently or temporarily boarded.

Section 20.33 LOT. A lot is a piece of parcel of land occupied or to be occupied by a building, structure, or use, or by other activity permitted thereon and including the open spaces required under this Ordinance. A lot need not be a lot of existing record.

Section 20.34 LOT, CORNER. A corner lot is a lot of which at least two (2) adjacent sides abut for their full length upon a street.

Section 20.35 LOT, COVERAGE. The part or percentage of the lot occupied by buildings or structures, including accessory buildings or structures.

Section 20.36. LOT, DOUBLE FRONTAGE. A double frontage lot is a lot which extends from one street to another street.

Section 20.37 LOT, INTERIOR. An interior lot is a lot other than a corner lot.

Section 20.38 LOT LINE, FRONT. Any lot line abutting a street shall be considered a front lot line.

Section 20.39 LOT LINE, REAR. The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line, not less than ten (10) feet long, lying most distantly from the front lot line and wholly within the lot. With the exception of a double frontage lot, every lot shall have a rear lot line.

Section 20.40 LOT LINE, SIDE. A side lot line is any lot line not a front or rear lot line.

Section 20.41 LOT OF RECORD. A lot which is part of a 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 has been recorded in the office of the County Recorder.

Section 20.42 MIGRATORY LABOR CAMP. Temporary facilities provided by the employer on his own land or elsewhere for the housing of workers who for seasonal purposes are employed in the planting, harvesting or processing of crops.

Section 20.43 MINNESOTA DEFINITIONS. Unless clearly in conflict with the definitions or other provisions of this Ordinance, or otherwise clearly inapplicable, definitions established by the State of Minnesota by statute or case law shall apply to this Ordinance.

Section 20.44 MOBILE HOME. A dwelling unit designed to be transportable and suitable for year-round occupancy and containing the same water supply, waste disposal and electrical conveniences as immobile housing whether mounted on wheels, jacks or permanent foundation.

Section 20.45 MOTEL OR MOTOR COURT. A motel or motor court is a business comprising a series of attached or semidetached or detached rental units with or without eating facilities for the overnight accommodation of transient guests.

Section 20.46 OTHER DEFINITIONS. Certain chapters of this Ordinance contain other definitions applicable particularly to such chapters. In case of any conflict between the Article on Definitions and other definitions, the other definitions shall prevail in the chapters where applicable.

Section 20.47 PARKING SPACE. An area of not less than two hundred (200) square feet exclusive of drives or aisles to be used for the storage or parking of motor vehicles.

Section 20.48 PERSON. Any individual, corporation, firm, partnership, association, organization or other group acting as a unit. It also includes any executor,

administrator, trustee, receiver or other representative appointed by law. Whenever the word “person” is used in any section prescribing a penalty or fine it shall include the partners or members of any corporation who are responsible for the violation.

Section 20.49 PORCH, UNENCLOSED. An entrance to a building which may include steps, a landing, railings and a roof but not enclosed either partially or completely above the landing by windows, screens or siding.

Section 20.50 PUBLIC UTILITY. Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under governmental regulation to the public electricity, gas, steam, water, sewage, disposal, communication or transportation facilities.

Section 20.51 RECREATIONAL CAMPING AREA. Any area used on a daily, nightly, weekly or longer basis for the accommodation of three (3) or more units consisting of tents, travel trailers and whether use of such accommodation is granted free of charge or for compensation.

Section 20.52 RECREATIONAL CAMPING VEHICLE. The words “recreational camping vehicle” shall mean any of the following.

- A. Travel trailer means a vehicular, portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational or vacation use.
- B. Pick-up coach means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.
- C. Motor-home means a portable, temporary dwelling to be used for travel, recreation and vacation and constructed as an integral part of a self-propelled vehicle.
- D. Camping trailer means a fold structure mounted on wheels and designed for travel, recreation and vacation use.

Section 20.53 SPECIAL EXCEPTIONS. A use permitted in a zoning district when such use meets the special requirements set forth and has been approved by the Planning Commission.

Section 20.54 STORY. That portion of a building included between the surface of any floor and the surface of the floor next above it, or the space between such a floor and the ceiling next above it. A basement shall be considered a story if its ceiling is over five (5) feet above the average established grade.

Section 20.55 STORY, HALF. A half story is an upper most story lying under a sloping roof, the useable floor area of which does not exceed seventy-five (75) percent of the floor area of the story immediately below it and not used or designed, arranged or intended to be used, in whole or in part, as an independent house-keeping unit or dwelling. A half story containing independent apartments or living quarters shall be deemed a full story.

Section 20.56 STREET. Any thoroughfare or way other than a public alley dedicated to the use of the public and open to public travel, whether designated as a road, avenue, highway, boulevard, drive, lane, circle, place, court or other similar designation, or a private street open to restricted travel and at least forty (40) feet in width.

Section 20.57 STRUCTURE. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Section 20.58 STRUCTURE ALTERATION. Any changes in the supporting members of a building such as bearing walls, columns, beams or girders or any substantial change in the roof and exterior walls.

Section 20.59 TOURIST HOME. A tourist home shall be construed to mean any dwelling occupied in such a manner that certain rooms in excess of those used by members of the family unit are herein provided and occupied as a home or family unit, are rented without cooking facilities to the public for compensation and catering primarily to the traveling public.

Section 20.60 UTILITY ROOM. A room or space, located other than in the basement specifically designed and constructed to house any home utilities such as the heating unit and laundry facilities.

Section 20.61 USE. The purpose for which land or buildings thereon are designed, arranged or intended to be occupied or used or for which they are occupied or maintained.

Section 20.62 VARIANCE. The waiving of the strict application of the requirements of this Ordinance by the Board of Adjustments.

Section 20.63 YARD. A space not occupied by a building or buildings, open to sky and on the same lot as the principal building.

Section 20.64 YARD, FRONT. A yard extending across the full width of the lot and lying between the front lot line and a line at a distance therefrom as specified by the regulations.

Section 20.65 YARD, REAR. A yard extending across the full width of the lot and lying between the rear lot line and a line at a distance therefrom as specified by these regulations.

Section 20.66 YARD, SIDE. A yard between the side lot line and a line at a distance therefrom as specified by the regulations. Least width is the minimum allowed on one side and the sum is the minimum total of both sides.

Section 20.67 ZONING MAP. The areas comprising these zoning districts and boundaries of said districts as shown upon the map attached hereto and made a part of this Ordinance being designated as the Official Zoning Map for the City with all proper notations, references and other information shown thereon.