

**ZONING ORDINANCE
PREAMBLE**

This ordinance establishes comprehensive zoning regulations for the City of Morton and provides for the administration, enforcement and amendment thereof, in accordance with the provisions of Sections 462.351 to 462.365, Minnesota Statutes and for the repeal of all ordinances in conflict thereof.

WHEREAS, Sections 462.351 to 462.365, 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 has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to:

1. lessen 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 Council has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with ah view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality, and

WHEREAS, the City Council has made a preliminary report and held public hearings thereon, and submitted its final report to the public, 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 462.365 of the Minnesota Statutes. Therefore the City Council of Morton, Minnesota ordains as follows:

This ordinance which shall be known and cited as the City of Morton 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 Morton, Minnesota.

The initial public hearing on this ordinance was held on : _____

It was adopted by the City Council on: _____

It was published as required in the _____ paper on:

Mayor: _____

ATTEST:

Clerk: _____

AMENDMENTS:

ARTICLE 1.
ZONING DISTRICTS

Section 1.01. ESTABLISHMENT OF DISTRICTS. For the purpose of this ordinance, the City of Morton, Renville County, Minnesota, is divided into the following districts:

- A. AG District-Agriculture District
- B. R-1 District-Single Family Residential District
- C. R-2 District-Mixed Family Residential District
- D. B-1 District-Central Business District
- E. B-2 District-Highway Business District
- F. M-1 District-Manufacturing District

Section 1.02. ZONING MAP. The location and boundaries of the districts established by this ordinance are set forth on the map entitled *Zoning District Map for the City of Morton, Renville County, Minnesota*, dated _____. The original of this map shall be signed and dated by the Mayor and City Clerk. The map and all the information and amendments shown on the map shall be part of this ordinance.

Section 1.03. DISTRICT BOUNDARIES. The following rules shall apply with respect to the boundaries of the various districts as shown on the Zoning District Map:

- A. District boundary lines are the centerlines of highways, streets, alleys, streams and trails; or right-of-way lines of railroads; or U.S. Public Land Survey lines; or lot or property lines; or shorelines; or such lines extended, unless otherwise indicated.
- B. In areas not subdivided into lots and blocks, where a district is indicated as a strip adjacent to and paralleling a street or highway, the depth shall be in accordance with dimensions shown on the map measured at right angles from the center line of the street or highway.

Section 1.04. BOUNDARY INTERPRETATION. Questions concerning district boundary lines on the Zoning Map shall be decided by the City Council.

Section 1.05. PROPERTY NOT INCLUDED – ANNEXATIONS. When no decision has been reached to what district the annexed territory should be placed, annexations or consolidations with the city shall be placed in the AG District. Within one (1) year, the City Council shall evaluate and determine a permanent district classification.

Section 1.06 DETERMINATION OF PROPERTY LINES. It shall be the responsibility of the property owner to locate and/or determine property lines.

ARTICLE 2. NONCONFORMITIES

Section 2.01 PERPETUATION OF NONCONFORMITIES. Within the various districts established by this ordinance or amendments that may later be adopted, there exists lots, 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 the provisions of this 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 2.02 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 the 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 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, yard requirements shall be obtained only through action of the City Council.

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 2.03. NONCONFORMING USE, LAND. Where, at the effective date of adoption or amendment of this ordinance, there exists lawful use of land that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may continue so long as it remains otherwise lawful subject to the following provisions:

- A. No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of the 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 2.04. 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 any way which increases its nonconformity, but any structure or portion thereof may be altered to decrease the 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 is damaged, exclusive of the foundation, 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 city council.
- 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 2.05 NONCONFORMING USE OF STRUCTURES. If a lawful use of a structure or of a structure and premises in combination exists at the effective date of adoption or amendment of this 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 the 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 city council, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate to the district than the existing nonconforming use. In permitting such change, the city council 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 the 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 is discontinued for twelve (12) months, the structure and/or structure and premises shall not be used except in conformity with the regulations of the district in which it is located.
- F. Where nonconforming use status applies to a 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, exclusive of the foundation, of its appraised value at the time of destruction.

SECTION 2.06 USES UNDER EXCEPTION. Any use for which a conditional use is permitted as provided in this ordinance shall not be deemed a nonconforming use in such district. This statement does not apply to changes as allowed by City Council action from a nonconforming use to another use not generally permitted in the district.

SECTION 2.07 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 2.08. 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 non-bearing walls, fixtures, wiring or plumbing if the cubic area was 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's safety.

ARTICLE 3.
GENERAL REGULATIONS AND PERFORMANCE STANDARDS

The following general regulations and performance standards 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, 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.

The general regulations and performance standards established in this article are designed to encourage high quality residential and business development by providing assurance that neighboring land uses will be compatible. The general regulations and performance standards are also designed to prevent and eliminate those conditions that cause blight.

All future development in the city shall be required to meet these standards. The standards shall also apply to existing development where so stated. The City Council shall be responsible for enforcing these standards and may require the submission of information showing compliance or noncompliance with the standards.

Before any building or land use permit is approved, the City Council shall determine whether the proposed use will conform to the general regulations and performance standards. The developer shall supply additional data about the proposed use (such as equipment to be used, hours of operation, method of refuse disposal, type and location of exterior storage, etc.) where required to do so by the City Council. It may occasionally be necessary for a developer or business to employ specialized consultants to demonstrate that a given use will conform with any general regulation and/or performance standard.

SECTION 3.01. USE REGULATIONS. Only the following uses and their essential services shall be allowed in any district:

- A. Principal Uses-specified for a district
- B. Accessory Uses and Structures-are permitted in any district but not until their principal structure is present or under construction. Uses accessory to residential district developments shall not involve the conduct of any business trade, or industry except for home and professional occupations as defined herein. An accessory structure cannot be occupied as a separate dwelling unit.
- C. Conditional Uses and their Accessory Uses-shall be permitted in specific districts after review, public hearings and approval by the City Council in accordance with procedures and standards established in this ordinance.
- D. Uses Not Specified-in this ordinance may be permitted by the city council after review and provided that such uses are similar in character to the permitted uses in the district.

SECTION 3.02. LOT AREA REQUIREMENTS. No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed herein, nor shall the number of dwelling units be increased in any manner except in conformity with the area regulations herein prescribed, nor shall the area of any lot be reduced below the minimum requirements herein established.

SECTION 3.03. FRONT YARD EXCEPTIONS. When the majority of residential or commercial buildings have been built in a block at the time of 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 (40) feet from the property line.

In the following circumstances, a new residential structure may not be required to conform to the minimum setback requirements of the zoning district:

- A. Where fifty percent (50%) or more of the residential lots on the same linear block as the lot in question are developed with less than the required front yard setbacks, the average setback of the developed residential lots on the block with less than the required front yard setback shall be observed as the minimum setback for a new residential structure.
- B. Where the lot on which the new residential structure is proposed is between two adjacent existing developed residential lots with less than the required setback front yard setback, the average setback of both adjacent residential lots shall be observed as the minimum front yard setback.

SECTION 3.04. ADJACENT LOTS AND LOTS OF CONTINUOUS FRONTAGE IN SINGLE OWNERSHIP. If two (2) 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. Nothing shall prohibit the legal joining together of separately described lots or parcels.
- 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 3.05. LOT, DOUBLE FRONTAGE. Double frontage lots shall maintain a yard on both streets conforming to the requirements of front yards on those streets.

SECTION 3.06. LOT, CORNER. Corner lots shall maintain a yard on both streets conforming to the requirements of front yards on those streets.

SECTION 3.07. LOT OF RECORD. A parcel legally created and existing at the time of passage of this Ordinance need not conform to the lot width or lot area of the district in which it is located. If two (2) or more lots or combinations 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 established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance. No portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this ordinance.

SECTION 3.08. SETBACK MEASUREMENTS. All setbacks shall be measured from property lines.

SECTION 3.09. 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 located on lots so as to provide required off-street parking and the safe and convenient access for fire protection.

SECTION 3.10. BUILDING AREA. Decks, outside stairways, fire escapes, porches, platforms, balconies, or other similar and attached projections shall be considered as part of the building and not allowed as part of the required space 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 first 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 3.11. BUILDINGS UNDER CONSTRUCTION. Any building or structure for which a land use 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.

A building or structure must be built within 12 months of obtaining the land use permit.

SECTION 3.12. DWELLING UNIT RESTRICTION. The following dwelling unit restrictions shall apply:

- A. No model home, garage, tent, accessory building, or recreational camping vehicle shall at any time be used as living quarters, temporarily or permanently, except as may be approved in emergency cases by the City Council.
- B. Tents, playhouses or similar structures may be used for play or recreational purposes. When adult supervision is present on the property, children are allowed to camp over night.
- C. Basements may be used as living quarters or rooms as a portion of the principal residential dwelling. Living quarters and bedrooms in basements must follow the regulations of the Minnesota State Building Code for adequate sized windows for emergency egress.
- D. Energy conservation designs in housing, including earth sheltered residential dwellings, are not prohibited by this provision of the Chapter, provided that a conditional use permit is approved by the City Council and the structure complies with the standards imposed by the State and the Minnesota State Building Code.

SECTION 3.13. RAINAGE. No land shall be developed and no use shall be permitted that results in water run-off, flooding or erosion on adjacent properties. Such run-off shall be properly channeled into a storm drain, water course, ponding area or other public facility.

SECTION 3.14 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; i.e. the uninterrupted flow of surface water.

SECTION 3.15. HEIGHT REQUIREMENT EXCEPTIONS. Chimneys, cooling towers, elevator bulk heads, fire towers, drive-in movie theater screens, grain elevators, silos, stacks, tanks, water towers, water slides, pumping towers, radio or television towers, monuments, cupolas, and mechanical accessories pertaining to and necessary to the permitted use of the district in which they are located, shall not be included in calculating the height of the principal structure.

SECTION 3.16 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 (1) and two (2) family residents on one (1) lot.

SECTION 3.17 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. Whenever 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 3.18 BUILDING REQUIREMENTS.

- A. Residential structures shall have a permanent masonry or wood foundation meeting the requirements of the State Building Code that shall be solid for the complete circumference of the structure.
- B. A single family unit shall contain a minimum of 750 square feet living area
- C. The structure shall have conventional siding, lapping the foundation by a minimum of one (1) inch.
- D. The structure shall be anchored in accordance with the State Building Code.
- E. The main exterior walls of each residential structure shall not be less than twenty (20) feet wide at the narrowest point of the structure.

SECTION 3.19 BUILDING RELOCATIONS

- A. Review process. The relocation of any building or structure on a lot or onto another lot within the city shall be subject to approval by the city council.
- B. Performance standards.
 - 1. Upon relocation the building shall comply with the applicable requirements of the State Building Code.
 - 2. The proposed relocated building shall comply with the character of the neighborhood in which it is being relocated as determined by the city council.
 - 3. The relocated use will not result in a depreciation of neighborhood or adjacent property values.
 - 4. Except as otherwise allowed by the City Council, the relocated structure shall be ready for occupancy within six (6) months from the date of location on the site.
 - 5. Photos of the each and all sides of the structure shall be required to be accompanied by the permit application.

SECTION 3.20 PRINCIPAL STRUCTURE. In any district, more than one (1) structure housing a permitted or permissible 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 with the exceptions noted.

SECTION 3.21 MOBILE HOMES OR TRAILERS. Subsequent to the adoption of this ordinance:

- A. Occupied travel trailers and camping trailers shall be located only in an approved tourist or trailer campground except as allowed under the provisions for temporary buildings.
- B. The City Council may grant permission to temporarily site a mobile home for nonresidential purposes in any business or manufacturing districts for a specified period not to exceed six (6) months. Upon granting the request, the City Council may attach any additional requirements or conditions as deemed necessary.

SECTION 3.22 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 purposes for a period 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 3.23. 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. All Accessory Buildings
 1. Accessory buildings shall not be constructed prior to the time of construction of the principal building to which it is accessory.
 2. All accessory buildings and uses shall be located a minimum of ten (10) feet to the rear of the principal use, five (5) feet from a side property line and five (5) feet from a rear property line or alley right-of-way.
 3. On a through lot, no accessory building shall be located closer to the rear property line than the distance required for front yard setbacks.
 4. Photographs of all sides of all structures being moved in are required at the time of application for permit.
 5. Permits shall be required for all structures, regardless of the type of foundation (permanent or portable)
- B. Attached or Detached Accessory Buildings-Residential Districts
 1. No accessory building shall be used for dwelling purposes.
 2. All accessory buildings and uses shall be sited on the same lot.
 3. Accessory buildings are permitted only for the purpose of personal use and for the storage of personal belongings.

4. No accessory building shall contain more than thirty (30) feet of vehicle door openings as measured horizontally.
5. Accessory buildings and uses in Residential Districts shall not exceed one (1) story or fourteen (14) feet in height, and in no case will the accessory building exceed the height of the principal building.

C. Detached Accessory Buildings and Uses –Residential Districts.

1. No detached accessory buildings or uses are permitted to be located within the limits of a front yard.
2. No detached accessory building or uses on a corner lot shall project beyond the front yard setback requirement of the principal building.
3. 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.
4. No detached accessory building shall be erected or placed within five (5) feet of any principal building, property line or alley easement line.

D. Accessory Buildings and Uses – Business and Manufacturing Districts.

1. In Business and Manufacturing Districts, accessory buildings and uses may be placed in rear and side yards, but must not project beyond the principal building in the front yard.
2. Accessory buildings are such buildings for parking attendants, guard shelters, gate houses and transformer buildings may be located in the front in Manufacturing Districts.
3. Accessory buildings that exceed the height of the principal building are allowed only through a conditional use permit. Except for structures not included in height of building, all accessory buildings must meet the height requirements of the district in which they are located.

E. Satellite Dishes and Antennas.

Satellite dishes and antennas are permitted in all zoning districts as accessory uses and are subject to the provisions of this ordinance, including the following provisions:

1. Satellite dishes and antennas shall be considered to be permanent accessory structures after placement on the premises for seven (7) consecutive days after which time a permanent location must be established for the structure.
2. Any satellite dish or antenna installed and put into use shall meet all other requirements of this ordinance, including front, rear and site setback requirements and height restrictions in their perspective zoning districts.
3. Within Agriculture and R-1 Districts there shall be a maximum of one (1) satellite dish antenna over 24 inches in diameter per lot.
4. Permits for such structures shall be required.

SECTION 3.24 STORAGE STANDARDS. Besides the storage regulations found within the city's Nuisance Ordinance, the following storage standards shall apply:

- A. Exterior storage in residential districts. All materials and equipment shall be stored within a building so as not to be visible from adjoining properties except for the following: laundry drying and recreational equipment, construction and landscaping materials and equipment currently being used for construction on the premises, agricultural equipment and materials if these are used or intended for

use on the premises, off-street parking except as otherwise regulated herein. Boats, recreational vehicles and recreational camping vehicles, less than thirty-five (35) feet in length, are permissible if stored in the rear or side yard not less than ten (10) feet distant from any property line.

B. Exterior storage in business and manufacturing districts. Exterior storage in business and manufacturing districts shall meet the following requirements:

1. Exterior storage and display shall be governed by the respective zoning district in which the use is located.
2. All exterior storage shall conform with all building setback requirements.
3. All exterior storage shall be located in the rear or side yard and shall not be visible from adjoining properties and public streets except for the following permitted activities:
 - a. Materials and equipment currently being used for construction on the premises.
 - b. Merchandise being displayed for sale in accordance with zoning district requirements. The merchandise being displayed may not use space required as a parking lot, except which is allowed below in this section under seasonal unenclosed areas and temporary, outdoor promotional events.
4. The following merchandise shall not be given an exception under this section, and thus must meet the exterior storage requirements described above:
 - (1) Automobiles, trucks, tractors, and other motorized vehicles which are incapable of movement under their own power due to mechanical deficiency.
 - (2) Vehicles without current registration/license displayed
 - (3) Parts for vehicles and machinery.
5. All exterior storage areas must be on a durable and dustless surface and include storm drainage management facilities as required by the City. The one exception to this section is for storage areas in manufacturing districts may have a gravel surface, provided the storage area is used only to store heavy machinery and the access to the storage area is used only to store heavy machinery and the access to the storage area is not less than one hundred (100) feet from a public right-of-way.
6. Seasonal open displays. The unenclosed sale and display of cut Christmas trees, wreaths, tree branches, pine cones, holly and related plant items during the months of November and December and the unenclosed sale and display of plants and garden supplies during the months of April through August, shall be permitted as an accessory use, provided that the sale and display is conducted in connection with the operation of an existing retail use in a business district, and that the area used for the unenclosed sale and display does not exceed twenty (20) percent of the area of the parcel containing buildings or use more than twenty (20) percent of the required parking lot.

7. Temporary, outdoor, promotional events. Temporary, outdoor promotional events which include activities such as grand openings, craft shows, flea markets, sidewalk sales shall be allowed by permit and as approved by the City Council.
- C. Bulk Storage (liquid). All uses associated with the bulk storage of oil, gasoline, liquid fertilizer, chemicals and similar liquids shall comply with the requirements of the Minnesota State Fire Marshall, the Minnesota State Pollution Control Agency (MPCA), the United States Environmental Protection Agency (EPA) and have documents from those offices stating that the use is in compliance. Buried gas and or diesel bulk storage for vehicles are not permitted in residential districts.

SECTION 3.25 SEWER AND WATER PROVISIONS

- A. All sewerage facilities shall be connected to the community sewer facilities when available. Where sewers are not constructed or in operation, all sewerage facilities shall be connected to individual sewage disposal systems approved by the City Council and in accordance with any applicable regulations of state and/or county 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 if 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 3.26. FENCES AND OTHER VISION OBSTRUCTING OBJECTS. On corner lots, no structures or plant materials shall obstruct a clean path of motor vehicle drivers' vision of approaching vehicles within a triangular area determined by a diagonal line measured along the subject property line, connecting two (2) points measured thirty-five (35) feet equidistant from the street pavement corner of the two (2) intersecting street lines. This section does not apply to the B-1 Central Business District.

SECTION 3.27 TRAFFIC CONTROL. The traffic generated by any use shall be channeled and controlled in a manner that will avoid congestion on the public streets, traffic hazards and excessive traffic through residential areas, particularly truck traffic. Internal traffic shall be so regulated as to insure its safe and orderly flow. Traffic into and out of business and industrial areas shall in all cases be forwarded moving with no backing onto streets and shall be in accordance with the designated truck routes.

SECTION 3.28. MAINTENANCE. In all districts, all structures, signs, required landscaping and fences shall be maintained so as not to be unsightly to the adjoining areas or created hazards to public health or safety.

ARTICLE 4.
FLOODPLAIN AND SHORELAND PROTECTION

SECTION 4.01 STATUTORY AUTHORIZATION, FINDS OF FACT AND PURPOSE.

- A. Statutory Authorization. The Legislature of the State of Minnesota has in Minnesota Statutes, Chapters 103F and 462, declared that the City of Morton shall adopt regulations designed to minimize flood losses and to preserve and protect state protected waters.
- B. Policy. The purpose of this article is to maintain the community's eligibility in the National Flood Insurance Program and to minimize potential losses due to periodic flooding including loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

Additionally, this article is intended to preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands and provide for the wise utilization of water and related land resources.

- C. Warning of Disclaimer of Liability. This article does not imply that areas outside the flood plain district or land uses permitted within such districts will be free from flooding and flood damage. This ordinance shall not create liability on the part of the City of Morton nor any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decisions lawfully made thereunder.

SECTION 4.02 SUBDIVISIONS

- A. Subdivisions. No land within the flood plain or shoreland area shall be subdivided which is determined by the city or the Commissioner of Natural Resources, to be unsuitable by reason of flooding, inadequate drainage, soil and rock formation with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage treatment capabilities or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision of the community. Soil percolation rate tests and soil borings shall be required on each proposed lot in any proposed subdivision within the district, to establish the suitability of the land for development. Such testing is required before any final plat may be approved but may be waived by the city council when adequate data is already available.
- B. In the General Flood Plain District, applicants for subdivision approval or development of a manufactured home park or manufactured home park expansion shall provide the information required. The City Council shall evaluate the proposed subdivision or manufactured home park development in accordance with the standards as established in this ordinance.

- C. Inconsistent Plats. All plats which are inconsistent must be reviewed by the Commissioner of Natural Resources before local approval is granted. Such review required that the proposed plat be reviewed at least ten (10) days prior to a hearing is called by the city council for consideration of approval of the final plat.
- D. For all subdivisions in the flood plain, the Floodway and Flood Fringe boundaries, the Regulatory Flood Protection Elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawing and platting documents.

SECTION 4.03 CONFLICT WITH PRE-EXISTING ZONING REGULATIONS. The floodplain and shoreland zoning districts shall be considered as overlay zoning districts to all existing land use regulations of the community. The uses permitted by this article shall be permitted only if not prohibited by any established, underlying zoning districts. The requirements of this article shall apply in addition to other legally established regulations of the community and where this ordinance imposes greater restrictions, the provisions of this article shall apply.

SECTION 4.04 FLOOD PLAIN DISTRICT.

- A. Land to which this district applies. This district applies to all lands designated as special flood hazard areas inundated by the 100 year flood within the jurisdiction of the City of Morton, Minnesota. The Flood Insurance Study, dated December 18, 1986 prepared by the Federal Emergency Management Agency and the Flood Insurance Map contained therein is hereby adopted by reference and declared as the Official Floodplain Zoning District Map of Morton, Minnesota.
- B. Compliance. No new structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations which apply to uses within the jurisdiction of this ordinance. Within the floodway and flood fringe, all uses not listed as permitted uses in Section 4.04C shall be prohibited. In addition, a caution is provided here there new manufactured homes, replacement manufactured homes and certain travel vehicles are subject to the general provisions of this ordinance and specifically Section 4.04C through 4.04E.
- C. Interpretation. The boundaries of the floodplain district shall be determined by scaling distances on the official floodplain zoning district map. Where interpretation is needed as to the exact location of the boundaries of the flood plain district, the city shall make the necessary interpretation based on elevations on the regional (100 year) flood profile, if available. If 100-year flood elevations are not available, the community shall require a flood plain evaluation consistent with all sections of this ordinance to determine a 100-year flood elevation for the site; or base its decision on available hydraulic/hydrologic or site elevation survey data which demonstrates the likelihood the site is within or outside of the floodplain.
- D. Permitted uses in the Flood Plain. The following uses of land are permitted uses in the flood plain district:

1. Any use of land which does not involve a structure, an addition to the outside dimensions to an existing structure or an obstruction to flood flows such as fill or storage of materials or equipment.
2. Any use of land that does involve the construction of new structures, the addition to the outside dimensions of an existing structure or obstructions such as fill or storage of materials or equipment, provided these activities are located in the Flood Fringe portion of the flood plain. These uses shall be subject to the development standards of this ordinance. These uses within the general flood plain district shall be subject to the flood plain evaluation criteria of this ordinance for determining floodway and flood fringe boundaries in the general flood plain district.
3. Travel trailers and travel vehicles are regulated by Section 4.04D, #9 of this ordinance.

E. Standards for Flood Plain Permitted Uses.

1. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100 year flood elevation- FEMA's requirements incorporate specific fill compaction and slide slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.
2. Storage of materials and equipment:
 - a. The storage or processing of materials that are, in time of flooding, flammable, explosive or potentially injurious to human, animal or plant life are prohibited.
 - b. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning or if placed on fill to the regulatory flood protection evaluation.
3. No use shall be permitted which will adversely affect the capacity of the channels or floodways of any tributary to the main stream, or of any drainage ditch or any other drainage facility or system.
4. All structures, including accessory structures, additions to existing structures and manufactured homes, shall be permitted if constructed on fill so that the basement floor or first floor if there is no basement, is at or above the regulatory flood protection elevation. The finished fill elevation must be no lower than one (1) foot below the regulatory flood protection elevation and shall extend at such elevation at least fifteen (15) feet beyond the limits of the structure constructed thereon.

5. All Residences. Residences that do not have vehicular access at or above an elevation not more than two (2) feet below the regulatory flood protection elevation to lands outside of the floodplain shall not be permitted unless granted a variance by the city council. In granting a variance, the council shall specify limitations on the period of use or occupancy of the residence or use and only after determining that adequate flood warning time and local emergency response and recovery procedures exist.
6. Commercial and Manufacturing Uses. Accessory land uses such as yards, railroad tracks, parking lots may be at elevations lower than the regulatory flood protection elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth greater than two (2) feet or be subject to flood velocities greater than four (4) feet per second upon occurrence of the regional flood.
7. On-site sewage treatment and water supply systems: Where public utilities are not provided: 1) On-site water supply systems must be designated to minimize or eliminate infiltration of flood waters into the systems; and 2) new or replacement on-site sewage treatment systems must be designated to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment systems designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this section.
8. All public utilities and transportation facilities, including railroad tracks, road and bridges shall be constructed in accordance with the state flood plain management standards contained in the Minnesota Rules 1983 Parts 6120.5000-6120.6200.
9. Travel trailers and travel vehicles. Travel trailers and travel vehicles that do not meet the exemption criteria specified below shall be subject to the provisions of this ordinance and as specifically spelled out in the sections below:
 - A. Exemptions. Travel trailers and travel vehicles are exempt from the provisions of this ordinance if they are placed in any of the areas listed below and further they meet the following criteria:
 - a. Have current licenses required for highway use.
 - b. Are highway-ready, meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and trailer parks and the travel/trailer vehicle has no permanent structural type additions attached to it.

- B. Areas exempted for placement of travel/recreational vehicles:
 - a. Individual lots or parcels of record.
 - b. Existing commercial recreational vehicle parks and campgrounds
 - c. Existing condominium type associations.
- C. Travel trailers and travel vehicles exempted in Section A lose this exemption when development occurs on the parcel exceeding 500 dollars for structural addition to the travel trailer/travel vehicle or an accessory structure such as a garage or storage building. The travel trailer/travel vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation requirements and the use of land restrictions specified in Section 4.0 of this ordinance.

- 10. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists floatation, collapse, and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

E. FLOOD PLAIN ELEVATION

- 1. Upon receipt of an application for a use permit, manufactured home park development or subdivision approval within the general flood plain district, the city council shall require the applicant to furnish sufficient site development plans and a hydrologic/hydraulic analysis by a qualified engineer or hydrologist specifying the nature of the development and whether the proposed use is located in the floodway or flood fringe and the regulatory flood protection elevation for the site. Procedures consistent with Minnesota Rules 1983, Parts 6120.5600 (Technical Standards and Requirements for Flood Plain Management Evaluation) and 6120.5700 (Minimum Flood Plain Management Standards for Local Ordinances) shall be followed during the technical evaluation and review of the development proposal.
- 2. The City Council shall submit one (1) copy of all information required by this ordinance to the respective Department of Natural Resources; Area Hydrologist for review and comment at least twenty (20) days prior to the granting of a use permit or manufactured home park development/subdivision approval by the community. The city council shall notify the respective Department of Natural Resources Area Hydrologist within ten (10) days after a use permit or manufactured home park development/subdivision approval is granted.

SECTION 4.05 SHORELAND DISTRICT

- A. Land to which this District Applies. This district applies to all shoreland areas within the city, as defined herein. This district shall apply to all lands designated

as special flood hazard areas inundated by the 100 year flood within the jurisdiction of the city of Morton. The Flood Insurance Study, dated December 18, 1986, prepared by the Federal Emergency Management Agency and the Flood Insurance Rate Map contained therein is hereby adopted by reference and declared as the official floodplain zoning district map of Morton.

- B. Dimensional Requirements. The following dimensional requirements apply to all proposed new land subdivisions (plats) and those uses permissible in the respective zoning districts of the city.

	Unsewered Areas 40,000 sq.ft.	Sewered Areas 20,000 sq.ft. (riparian)
Minimum Lot Size		
Lot Width At Ordinary High Water Mark (OHWM) & Building Line	150'	75'
Structure Setback from OHWM	100'	50'
On Site Sewage Treatment System Setback from OHWM	75'	N/A
Structure Setback from Federal, State and County Trunk Highway Right-of-Way	50'	50'
Structure setback from other roads and public rights of way	20'	20'
Maximum Total Area of Impervious Surface on a Lot (structures, roads, Parking areas, patios, etc.)	30%	30%
Impervious Surface Setback (excluding structures) from OHWM	50'	50'
Maximum structure Height (Agricultural Buildings exempt)	35'	35'

C. On Site Sewage Treatment

1. No person, firm or corporation shall install, alter, repair or extend an individual sewage treatment system or well without first obtaining a permit for such action from the city council. No permit may be issued unless or until the following conditions are satisfied:
 - a. Public sewage collection and treatment facilities must be used where available and feasible.

b. Minnesota Rules 1983 7080.0200-7080.0240 (Minnesota Pollution Control Agency's Individual sewage Treatment Systems Standards) are complied with.

2. Individual sewage treatment systems which do not meet the design or performance standards (does not apply to those that are substandard in setback) of this ordinance shall be brought into conformity or discontinued within five (5) years of the effective date of the ordinance.

D. Vegetative Management

1. Clearcutting is prohibited within one hundred (100) feet of the OHMW of the Minnesota River

2. Selective cutting is allowed provided that:

- a. Cutting is carried out gradually
- b. The overhead canopy coverage is essentially unchanged
- c. Large openings in the overhead canopy are not created
- d. Where the existing canopy coverage has been interrupted by large openings in the past, selective cutting should be performed so as to maintain a continuous tree cover in the remaining wooded area.

3. The provisions of subsection 3.05 D2 are not intended to prevent:

- a. The removal of diseased or insect infested trees or of rotten or damaged trees that present safety hazards.
- b. Pruning, under-story vegetation, shrubs, plants, bushes, grasses, or from harvesting crops or cutting suppressed trees.

4. Clearcutting, where allowed, is subject to the following:

- a. Clearcutting must not be used as a cutting method where soil, slope or other watershed conditions are fragile and subject to injury
- b. Clearcutting may be conducted only where clearcut blocks, patches or strips are shaped and blended with the natural terrain.
- c. The size of clearcut blocks, patches or strips must be limited to a minimum
- d. Where feasible all clearcuts shall be conducted between September 15 and May 15. If natural regeneration will not result in adequate vegetative cover, areas in which clearcutting is conducted must be replanted to prevent erosion and to maintain the aesthetic quality of the area. Where feasible, replanting must be performed in the same spring, or the following spring.

E. Grading and Filling. Grading and filling in of the natural topography which is not accessory to a permitted use is not permitted in the district.

1. Grading and filling in of the natural topography which is accessory to a permitted use shall be performed in a manner which minimizes earth moving, erosion, vegetative alteration, and the destruction of natural amenities and must be controlled by the local ordinance.

2. Grading and filling in of the natural topography must also meet the following standards:

- a. The smallest amount of bare ground is exposed for as short a time as feasible.

- b. Temporary ground cover, such as mulch is used and permanent ground cover such as sod, is planted.
 - c. Methods to prevent erosion and trap sediment are employed.
 - d. Fill is stabilized to accept engineering standards.
- 3. Excavation of material from or filling in the Minnesota River channel or construction of any permanent structures or navigational obstructions therein is prohibited, unless authorized by a permit from the Commissioner of Natural Resources pursuant to Minnesota Statutes Section 105.42.
- F. **New Utility and Road Crossings.** Within three hundred (300) feet from the top of the river bank of the Minnesota River new utility and new road crossings of land are not permitted.
- G. **Structure Placement.** No structure shall be placed on any slope greater than thirteen (13) percent unless the structure can be screened from view from the water with natural vegetation, adequate sewage facilities can be installed, the building permit applicant can adequately prove to the city council that erosion will be controlled or prevented and consideration is given to color and architectural design (including roof slope and orientation) subject to the local zoning authority's approval. Where bearing capacity is in doubt, soil boring samples must be taken.
- H. **Annexations.** If land is annexed, incorporated or in any other way transferred from another jurisdiction, a moratorium shall exist on all construction, grading and filling, and vegetative cutting until the newly responsible unit of government adopts zoning for that land. The zoning must meet the land use provisions which applied to the land before the transfer. This provision does not apply to work for which lawful permits were previously issued.

SECTION 4.06 ADMINISTRATION

- A. **Use permit required.** A use permit issued by the city shall be secured prior to:
 - 1. The construction, addition or alteration of any building or structure.
 - 2. The use or change of use of a building, structure or land.
 - 3. The change or extension of a nonconforming use
 - 4. The placement of an obstruction within the districts
- B. **State and Federal Permits within the Floodplain District.** Prior to granting a use permit or processing an application for a variance, the city shall determine that the applicant has obtained all necessary state and federal permits.
- C. **Certification of Lowest Floor Elevations within the Floodplain District.** The applicant shall be required to submit certification by a registered professional engineer, registered architect or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. The city shall maintain a record of the elevation of the first floor (including basement) for all new structures or additions to existing structures.

- D. Variances. Variances from the provisions of this ordinance may be authorized where the city council has determined the variance will not be contrary to the public interest and the spirit and intent of this ordinance. No variance shall allow in any district a use prohibited in that district or permit a lower degree of flood protection than the Regulatory Flood Protection Elevation. Variances may be used to modify permissible methods of flood protection.

- E. Notification and Certification Requirements. The city clerk shall send copies of all notices of hearings or meetings and final decisions relating to plats, variances and ordinance amendments to the appropriate DNR area offices at least ten (10) days prior to such hearings and within ten (10) days of the final action. Final decisions on variances, inconsistent plats and ordinance amendments are not effective until certified by the Commissioner.

Table I summarizes the DNR permit notification and certification process within the districts designated by this ordinance.

TABLE I

Item	Action Necessary
Building Permits	LP
On-Site Sewage Treatment Permit	LP
Water Supply Permits	LP
Amendments to Ordinance	PH-FD-CC
Amendment to District Boundary (including boundary amendments)	PH-FD-CC
Planned Unit Developments	PH-WA
Variances	PH-WA
Plats	PH

Key to Table I:

- LP Permit issued by the local authority in accordance with this ordinance and all other local ordinances. No DNR notification is required if the proposed action does not require a variance or ordinance amendment.

- CC Certification by the Commissioner of Natural Resources prior to final local approval.

- PH Public hearing necessary by the local authority giving ten (10) days notice of the hearing to the Commissioner of Natural Resources.

- FD Local authority forwards any decisions to the Commissioner of Natural Resources within ten (10) days after taking final action

- WA The Commissioner of Natural Resources shall submit, after notice of public hearing and before the local authority gives preliminary approval, a written review and approval of the project.

- F. Flood Insurance Notice and Record Keeping. The zoning administrator shall notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below

the base flood level will result in increased premium rates for flood insurance and up to amounts as high as \$25 for \$100 of insurance coverage and 2) Such construction below the 100-year or regional flood level increases risks of life and property. Such notification shall be maintained with a record of all variance actions. The community shall maintain a record of all variance actions, including justification for their issuance and report such variances issued in its annual or biennial report submitted to the administrator of the National Flood Insurance Program.

SECTION 4.07 DEFINITIONS FOR FLOOD PLAIN AREAS

- A. Accessory Use or Structure means a use or structure on the same lot with and of a nature customarily incidental and subordinate to, the principal use or structure.
- B. Basement means any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.
- C. Building Line means that line measured across the width of the lot at the point where the main structure is placed in accordance with setback provisions.
- D. Clearcutting means the removal of an entire stand of vegetation.
- E. Commissioner means the Commissioner of Natural Resources
- F. Essential Service: underground or overhead gas, electrical, steam or water distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants and other similar equipment and accessories in conjunction with; but not including buildings or transmission services.
- G. Flood Fringe: that portion of the flood plain outside the floodway
- H. Flood Plain: the areas adjoining a watercourse or lake which have been or hereafter may be covered by the regional flood.
- I. Floodway: the channel or the watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the discharge of the regional flood.
- J. Hardship: as used in connection with a variance under this ordinance, the property in question can not be put to a reasonable use under the conditions allowed by this ordinance. Economic considerations alone shall not constitute a hardship if any reasonable use for the property exists under the terms of this ordinance.
- K. Lot: a parcel of land designated by metes and bounds, registered land survey, auditor's plot or other accepted means and separated from other parcels or portions by said description for the purposes of these regulations, separation thereof. For the purposes of these regulations, a lot shall be considered to be an individual building site which shall be occupied by no more than one (1) principal structure equipped with sanitary facilities.
- L. Nonconforming Use: Any structure or use of land established before the effective date of this ordinance which does not conform to the use restrictions of a particular zoning district. This should not be confused with substandard dimensions of a conforming use.
- M. Obstruction: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, dredged soil, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, stockpile of sand or gravel or other material, or matter in, along, across, or projecting into any channel, watercourse, lake bed or regulatory flood plain which may impede, retard or change the

- direction of flow, either in itself or by catching or collecting debris carried by floodwater.
- N. Ordinary High Water Mark (OHWM): the boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the OHMW shall be the elevation of the top of the bank of the channel. For reservoir and flowages, the OHMW shall be the operating elevation of the normal summer pool.
- O. Regional Flood: A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term “base flood” used on a Flood Insurance Rate Map published by the Federal Emergency Management Agency.
- P. Regulatory Flood Protection Elevation: an elevation no lower than one (1) foot above the elevation of the regional flood, plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.
- Q. Screened: when a structure is built or placed on a lot, vegetation is planted such that the structure is visually inconspicuous as viewed from the river during the summer months.
- R. Selective Cutting: removal of single scattered trees or vegetation
- S. Setback: the minimum horizontal distance between a structure and the applicable features including but not limited to the OHMW, lot lines and rights of way.
- T. Sewage Treatment System: any system for the collection, treatment, and dispersion of sewage including but not limited to septic tanks, soils absorption systems and drain fields
- U. Shoreland: land located within three hundred (300) feet from a river or stream or the landward extent of a flood plain designated by ordinance on such a river or stream, whichever is greater.
- V. Single Family Dwelling: a detached building containing one (1) dwelling unit
- W. Structure: anything constructed or erected on the grounds or attached to the ground or on-site utilities, including but not limited to, buildings, factories, shed, detached garages, cabins, manufactured homes, travel trailers/vehicles not meeting the exemption criteria specified in Section 4.04, #9 and other similar items.
- X. Subdivision: improved or unimproved land or lands which are divided for the purpose of ready sale or lease, or divided successfully within a five (5) year period for the purpose of sale or lease, into three (3) or more lots or parcels of less than five (5) acres each, contiguous in area and which are under common ownership or control.
- Y. Substandard use: any use within the land use district existing prior to the date of enactment of this ordinance which is permitted within the applicable land use district but does not meet the minimum lot area, length of water frontage, structure setbacks or other dimensional standards of the ordinance.
- Z. Variance: any modification or variation of official controls where it is determined that by reason of exceptional circumstances, the strict enforcement of the official controls would cause unnecessary hardship.

SECTION 4.08 NONCONFORMING USE. A nonconforming use may be continued subject to the following conditions:

- A. No such use can be expanded, changed, enlarged, or altered in a way which increases its nonconformity.
- B. An alteration within the inside dimension of a nonconforming use or structure is permissible provided it will not result in increasing the flood damage potential of that use or structure.
- C. The cost of all structural alterations or additions both inside and outside of a structure to any nonconforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the structural alterations and additions constructed since the adoption of the Community's initial flood plain controls must be calculated into today's current cost which will include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the additions exceed 50% of the current market value of the structure, then the structure must meet the standards of Section 4 of this ordinance for new structures.
- D. If any nonconforming use of a structure or land is destroyed by any means, including floods, to an extent of 50 percent or more of its market value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance. The City of Morton may issue a permit for reconstruction if the use is located outside of the floodway and upon reconstruction, is adequately elevated on fill in conformity with the provisions of this ordinance.

SECTION 4.09 SUBSTANDARD USE. Any uses of shorelands in existence prior to the date of enactment of this ordinance which are permitted within the applicable zoning district, but do not meet the minimum lot area, setbacks or other dimensional requirements of this ordinance are substandard uses. Substandard uses, including substandard sanitary facilities, shall be allowed to continue. However, any structural alterations or additions to a substandard use which will increase the substandard dimensions are not allowed.

SECTION 4.10. PENALTIES FOR VIOLATION. A violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances) shall constitute a misdemeanor.

- A. In responding to a suspected ordinance violation, the Local Government may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after the fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The community must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.
- B. When an ordinance violation is either discovered by or brought to the attention of the city council, the City Council shall immediately investigate the situation and

document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources' and Federal Emergency Management Agency Regional Office along with the community's plan of action to correct the violation to the degree possible.

- C. The City Council shall notify the suspected party of the requirements of this ordinance and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the city council may order the construction or development immediately halted until a proper permit or approval is granted by the community. If the construction or development is already completed, the city council may either (1) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls, or (2) notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30 days.
- D. If the responsible party does not appropriately respond to the City Council within the specified period of time, each additional day that lapses shall constitute an additional violation of this ordinance and shall be prosecuted accordingly. The City Council shall also upon the lapse of the specified response period, notify the landowner to restore the land to the condition which existed prior to the violation of this ordinance.

SECTION 4.11 AMENDMENTS. All amendments to this ordinance, including revisions to the Official Floodplain Zoning District Map, shall be submitted to and approved by the Commissioner of Natural Resources prior to adoption. The floodplain designation on the Official Floodplain Zoning District Map shall not be removed unless the area is filled to an elevation at or above the Regulatory Flood Protection Elevation and its contiguous to lands outside of the floodplain. Changes in the Official Zoning Map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given 10 days written notice of all hearings to consider an amendment to this ordinance and said notice shall include a draft of the ordinance amendment or technical study under consideration.

ARTICLE 5
OFF-STREET PARKING AND LOADING

SECTION 5.01 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. Off-street parking areas shall be improved with a durable and dustless surface. Such areas shall be so graded and drained as to dispose of all surface water accumulation within the area. These requirements shall also apply to open sales for cars, trucks, and other equipment.
- C. Necessary curbs or other protections against damage to adjoining properties, streets and sidewalks shall be provided and maintained.
- D. Plans for the construction of any parking lots must be approved by the City Council before construction is started. No such land shall be used for parking until approved by the City Council.
- E. Parking and driveway areas adjacent to the streets must have barriers. The barriers may be vegetative (i.e. shrubs) or physical (i.e. curbs).
- F. Any lighting used to illuminate any off-street parking area shall be arranged to reflect the light away from adjoining premises in any residential district.
- G. All off-street parking spaces shall have access off driveways and not directly off the public street. Such driveway access shall not exceed thirty (30) feet in width.
- H. Property that constitutes required off-street parking area may not be separated, through sale or other means, from the property containing the principal use for which the parking area is required.
- I. Signs located in any parking area necessary for orderly operation of traffic movement, shall be in addition to accessory signs.
- J. Existing off-street parking spaces upon the effective date of this ordinance shall not be reduced in number unless said remaining number exceeds the requirements set forth herein for a similar new use.
- K. Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles or for the parking of automobiles belonging to the employees, owners, tenants or customers of nearby business or manufacturing establishments.
- L. All utilities shall be protected against damage as specified by the Morton Maintenance Department.

SECTION 5.02 OFF-STREET PARKING LOCATION. All required off-street parking facilities shall be located as follows:

- A. One (1) and two (2) family dwellings—on the same lot as principal use served.
- B. Multiple family dwellings—on the same lot as the principal use served or within two hundred (200) feet of the main entrance to the principal building served.
- C. Business and Industrial off-street parking spaces shall not be less than twenty (20) feet from an adjacent lot zoned or used for residential purposes. In all other cases, no off-street parking area containing more than four (4) parking spaces shall be located closer than fifteen (15) feet from an adjacent lot zoned or used for residential purposes.

- D. Within eight hundred (800) feet of a main entrance to the principal building served in a business or industrial district.
- E. There shall be no off-street parking space within three (3) feet of any street right-of-way.
- F. Nothing in this section shall prevent the extension of, or 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 the required distance of such building.
- G. Off-street parking space may be located within the required front yard of any business or manufacturing district but no off-street parking shall be permitted in the required front yard of any residential district except upon a driveway providing access to a garage, carport or parking area for a dwelling.

SECTION 5.03 OFF-STREET PARKING REQUIREMENTS. In all zoning districts, except the 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 purpose of this ordinance, an off street parking space shall be a minimum of nine (9) feet wide for angle parking and ten (10) feet wide for 90 degree stall parking. It shall also provide proper access to a public street or alley, in which maneuvering room may be estimated at three hundred (300) square feet, but off-street parking requirements will be considered to be met only when the requirements below are provided and maintained, improved in a manner appropriate to the circumstances of the case and in accordance with all applicable ordinances and regulations.

- A. Required off-street parking areas for three (3) or more automobiles shall have individual spaces marked and shall be so designated, 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.
- B. Loading spaces shall not be constructed as supplying off-street parking space.
- C. When units or measurements used in determining the number of required parking spaces results in requirements of a fractional space and fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.
- D. 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.
- E. 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 as tenants, including areas occupied by fixtures and equipment used for display or sale of merchandise.
- F. 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.
- G. Where a use is not specifically mentioned, off-street parking requirements shall be the same as for a similar use.
- 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 following table.

- I. The amount of required off street parking space for new uses or buildings, additions thereto and additions to existing buildings as specified above, shall be determined in accordance with the following table, and the space so required and shall be irrevocably reserved for such use.

USE	REQUIRED PARKING SPACE
Residential	Two (2) for each dwelling unit; the area of which may include driveways for one (1) and two (2) family dwellings.
Senior Residential Complexes	One (1) per dwelling unit
Apartments above commercial Uses in central business district	One (1) per dwelling unit
Tourist Homes, Bed & Break- Fast Inns, Motels, Hotels, Boarding & Rooming Houses	One(1) for each guest or sleeping room or suite, one (1) per employee, plus two (2) if there is a dwelling unit.
Hospital	One and one half (1½) for each bed.
Sanitarium, Convalescent Home, Rest Home, Nursing Home or Institution	One(1) for each two(2) beds plus one(1) for each three (3) employees, plus one (1) each resident and staff doctor.
Churches, Theaters, Auditoriums, Mortuaries And other places of assembly	One(1) for each three (3) seats based on maximum design capacity
Business or Professional Office and Bank	One (1) for each two hundred (200) square feet of gross floor space
Medical and Dental Clinic	Three(3) for each doctor or dentist
Schools, Elementary and Junior High	Two(2) for each classroom plus one(1) additional for each 200 student capacity
Schools, High School Colleges and Other Institutions of Higher Learning	One (1) for each seven (7) students based on design capacity, plus two (2) additional for each classroom
Drive-In Food establishments (No customer seating)	One(1) for each ten (10) square feet of gross floor area
Bowling Alley	Five(5) for each alley, plus additional space as may be required herein for related uses such as a restaurant
Service Garage, Automobile Salesroom, Automobile Re- Pair, Body Shop	Four(4) plus two(2) for each service stall and wash stall

Gasoline Service Station	One (1) for each employee, plus one (1) for the owner and/or management plus two (2) for each grease, service or wash stall
Automobile, Truck, Boat or Similar vehicle sales or rental Establishment	One (1) for each two (2) employees during time of maximum employment plus one (1) space for each 2000 square feet of lot and building area used to display or storage of vehicles
All retail stores, except as Otherwise specified	One (1) for each one hundred (100) square feet of gross floor area
Furniture & Appliance Stores, Personal Service Shops (not Including beauty & barber Shops), Household equipment Or furniture repair shops, Clothing, shoe repair or service shops, wholesale stores And machinery sales	One (1) for each five hundred (500) square feet of floor area
Beauty and Barber Shops	Two (2) for each barber and/or beauty shop chair
Dance Hall, Pool/Billiard Rooms, assembly halls and Exhibition halls, community Centers, civic clubs, fraternal Orders, union halls, similar uses	One (1) for each four (4) people allowed within the maximum occupancy load as established by the State Fire Marshall
Establishments for sale and Consumption on the premises Of alcoholic beverages, food or Refreshments	One (1) for each seventy five (75) square feet of floor area
Industrial Establishments Including manufacturing, re-search and testing laboratories, creameries, bottling works, printing and engraving shops, warehousing and storage buildings	One (1) for each two (2) employees on maximum shift of one or one for each five hundred (500) square feet of gross floor area, whichever is the larger

SECTION 5.04 LOADING SPACE. On the premises with every building, structure or part thereof, erected and occupied for manufacturing, or commercial use storage, receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interferences with public use of the streets or alleys. Such loading berths shall be constructed and maintained subject to the following regulations:

- A. Size. Unless otherwise specified in this ordinance, the minimum dimensions allowable for a loading space or truck berth shall be fifteen feet (15') in width and

fifty feet (50') in depth. Such space shall be sufficient for the proposed use as determined and approved by the City Council.

- B. Location. All required loading berths shall be off-street and shall be located on the building or use to be served. A loading berth shall not be located less than one hundred feet (100') from the intersection of two (2) street right of ways nor less than fifty feet (50') from a residential district unless within a building. Loading berths shall not occupy the required front yard setback space.
- C. Access. Each required loading berth shall be located with appropriate means of vehicular access to a street or public alley in a manner which will least interfere with traffic.
- D. Surfacing. Each required loading berths and access ways shall be improved with a durable material to control dust and drainage.
- E. Accessory Use. Any space allocated as a loading berth or access drive so as to comply with the terms of this ordinance shall not be used for the storage of goods, inoperable vehicles or be included as part of the space requirements necessary to meet the off-street parking area.
- F. Required Loading Berths.
 - 1. Institutional uses having over twenty (20) units shall have one (1) loading space twenty-five feet (25') in length minimum for the first twenty thousand (20,000) square feet of gross floor area plus one (1) for each forty thousand (40,000) square feet thereafter.
 - 2. Retail sales, office, shall have one (1) loading space twenty-five feet (25') in length minimum for the first six thousand (6,000) square feet of gross floor area plus one (1) for each ten thousand (10,000) square feet thereafter.
 - 3. Manufacturing, Fabrication, Warehousing, Storing and Servicing in a facility over three thousand (3000) square feet shall have at least one (1) loading space, with additional berths as needed to adequately serve the establishment without interfering with off-street parking or flow of traffic in public streets or alleys.

ARTICLE 6.
GREENBELTS, FENCES, RETAINING WALLS

SECTION 6.01. GREENBELTS. In all commercial and industrial districts adjacent to residential districts and not divided by streets there shall be provided along the property line an eight (8) foot wide planting strip composed of grass, trees and shrubs. Trees at least one and one half (1 ½) inches in diameter, shall be planted not more than thirty (30) feet apart. Shrubs shall be planted not more than five (5) feet apart and be at least five (5) feet in height after five (5) full growing seasons, and attain a height of eight (8) feet at maturity.

A decorative masonry wall not less than five (5) feet in height and not less than eight (8) inches in thickness may be substituted for the above greenbelt upon approval of the City Council.

The greenbelt or wall area shall be maintained in an attractive condition at all times.

SECTION 6.02. FENCES.

- A. Permits Required. All fence construction shall require a permit approved by the City Council
- B. Setbacks.
 - 1. Any fence may be placed no closer than three feet (3') from the property line.
 - 2. Fences or walls can be placed no closer than two feet (2') to any right of way.
- C. Construction. All fences hereafter erected shall have the structural components thereof facing the side of the property for and on which the same are erected.
- D. Barbed Wire Fence. No fence constructed wholly or in part of barbed wire shall be located in the city.
- E. Swimming Pools. Every owner of an outdoor swimming pool located in the City of Morton shall erect and maintain a fence or barrier of not less than six feet (6') in height around such swimming pool of such construction as to safeguard the area. The fence must have a maximum clearance from the ground of three inches; and shall be equipped with self-closing doors and latches.
- F. Snow Fences. Utility snow fences may be used only during the winter months and shall be removed at the end of each winter season.
- G. Maintenance. Every fence shall be maintained in good and safe condition at all times. Every damaged or missing element of any fence shall be repaired or replaced immediately.
- H. Height.
 - 1. Front Yards. Within residential districts, fences or walls located in a front yard shall not exceed forty-two inches (42") measured from its top edge to the ground at any point.
 - 2. Rear and Side Yards. Within residential districts, no fence or wall located in the rear and side yard shall be a height exceeding eight feet (8'), measured from its top edge to the ground at any point.
 - 3. Tennis Court Fences. Fences up to ten feet (10') in height may be permitted to enclose tennis courts provided all other requirements of this ordinance are met.
 - 4. Business and Industrial Districts. Fences and walls located in business and industrial districts that exceed the height of eight feet (8') measured from its top edge to the ground at any point shall require a permit.

SECTION 6.03. RETAINING WALLS.

- A. Purpose. The purpose of this section is to protect public and private property from the effects of poorly designed and constructed retaining walls.
- B. Permit Required. A permit shall be required for all retaining walls constructed that exceed thirty inches (30”) in height, including terraced retaining wall projects where the total height of all walls exceeds thirty inches (30”) and are closer than fifteen (15) feet to a property line. The height requirements shall meet the requirements of Section 10, intersection visibility obstructions.
- C. Application. Application shall be made to the City Council on forms provided and shall include a site plan and construction plan.
- D. Setbacks. Setbacks for retaining walls shall be the same as for fences.
 - D. Maintenance. Every wall shall be maintained in a good and safe condition at all times. Every damaged or missing element of any wall shall be repaired or replaced immediately.

SECTION 6.04 TREES, SHRUBS, HEDGES. Such trees, shrubs or hedges shall be placed no closer than 8’ (eight feet) from the property line or 5’ (five feet) of any right-of-way, with the exception of boulevards and corner lots which shall be granted upon approval of the city council.

**ARTICLE 7.
SIGNS**

SECTION 7.01 DEFINITIONS OF SPECIFIC TERMS AND PHRASES. Within this ordinance, the following additional definitions of terms and phrases used under this article for signs shall govern. Other applicable definitions found in this ordinance shall continue to apply.

- A. **AWNING.** A shelter, of canvas or other material, projecting from and supported by the exterior wall of a building, constructed on a supporting framework.
- B. **BANNER.** Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered a banner.
- C. **BEACON.** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotates or moves.
- D. **BUILDING MARKER.** Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into the masonry surface or made of bronze or other permanent material.
- E. **FESTOON.** A string or garland of leaves, flowers, ribbons, tinsel, small flags, pinwheels, ornamental windsocks, or other like ornaments.
- F. **MARQUEE.** A permanent, roof-like structure of rigid materials supported by and extending from the façade of the building and projecting over its entrance.
- G. **NAMEPLATE.** A non-electric on-premise identification sign limited to the name, address and occupation of an occupancy or a group of occupancies.
- H. **PARAPET.** The extension of a false front or wall above the roof line.
- I. **SIGN.** A structure or device designed or intended to convey information to the public in written or pictorial form.
- J. **SIGN, AWNING OR CANOPY.** A sign painted, stamped, perforated or stitched otherwise applied on the valance of an awning.
- K. **SIGN AREA.** Sign area shall be measured as follows:
 - 1. When such sign is on a plate or framed or outlined, all of the area of such plate or the area enclosed by such frame or outline shall be included.

2. When such sign consists only of letters, designs or figures engraved, painted, projected or in any manner affixed on a wall, or a fascia panel integrated into the building, canopy, marquee or other covered structure, the total area of such sign shall be deemed the area of the smallest triangle, rectangle or circle within which all of the matter such sign consists may be inscribed.
- L. SIGN, BILLBOARD. A sign that identifies or communicates a commercial or non-commercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.
- M. SIGN, FLASHING. Any directly or indirectly illuminated sign which the artificial light is not kept constant in terms of intensity or color at all times when the sign is illuminated.
- N. SIGN, FREE STANDING. A sign supported by one or more upright pole, column, post, pylon or brace placed in or on the ground and not attached to any building or structure.
- O. SIGN, ILLUMINATED. A sign illuminated in any manner by an artificial light source.
- P. SIGN, INCIDENTAL. A small sign, emblem or decal informing the public of goods, facilities, or services available on the premises, such as a credit card sign or a sign indicating hours of business. A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as “no parking, entrance, loading zone, telephone” and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.
- Q. SIGN, PORTABLE. A sign that is not permanently affixed to a building, other unmovable structure or the ground.
- R. SIGN, PROJECTING. Any sign other than a wall sign that is attached to and projects from the wall or face of a building or structure, including an arcade/marquee sign.
- S. SIGN, ROOF. Any sign erected upon, against, or directly above a roof or roof eave or on top or above the parapet, or on a functional appendage above the roof or roof eave.
- T. SIGN, TEMPORARY. A sign or advertising display constructed of cloth, canvas, fabric, plywood or other temporary light material and designed or intended to be displayed for a short period of time.
- U. SIGN, WALL. A wall sign shall consist of any sign which is attached flat against or represented on the surface of a building wall. A wall sign may have a depth of up to fifteen (15) inches.
- V. SIGN, WINDOW. A sign painted, stenciled, or affixed on a window, which is visible from a right-of-way.

SECTION 7.02 PURPOSE. The purpose of this section of the ordinance is to coordinate and regulate the type, placement and physical dimensions of signs within the city's various zoning districts. The city council considers the standards and regulations in this ordinance to be reasonable and necessary to attain the purposes listed below:

- A. That such public and private investments in improving the quality of life are protected.
- B. That the economic vitality of the community is maintained.
- C. That the integrity of residential areas and the dignity of public facilities and open space are preserved.
- D. That the general appearance of the city and an attractive business environment is improved.
- E. That attractively designed, appropriately placed, soundly constructed and well maintained signs enhance both the public and private investments and increase the property values.
- F. That proper regulation of signs encourages the innovative use of design, promotes both renovation and proper maintenance, allows for special circumstances, and guarantees equal treatment under the law through accurate record keeping and consistent enforcement.
- G. This ordinance is not intended to regulate official traffic signs and signals, government signs the city council has no jurisdiction to regulate, the copy or message of signs produce dispensers, point of purchase displays, scoreboards on athletic fields, flags, religious symbols, commemorative plaques, holiday decorations, display of street numbers or any display or construction not defined herein as a sign. This section shall not apply to building design unless said sign incorporates a sign as defined in this ordinance, in which case that part of such design which is a sign shall be subject to the provisions of this section of the ordinance.

SECTION 7.03 GENERAL REGULATIONS

- A. Signs exempt from regulation under this ordinance. The following signs shall be exempt from regulation under this ordinance.
 - a. Any public notice or warning required by a valid and applicable federal, state or local law, regulation or ordinance.
 - b. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the zone lot or parcel or which such sign is located.
 - c. Works of art that do not include a commercial message.
 - d. Holiday lights and decorations with no commercial message.
 - e. Traffic control signs on private property, such as STOP, YIELD and similar signs, the faces of which meet the Department of

Transportation standards and which contain no commercial message of any sort.

SECTION 7.04 SIGNS, NOT REQUIRING PERMITS. No permit shall be required for the following types of signs, provided that such signs shall be subject to all other applicable provisions of this ordinance:

- A. Signs advertising garage, rummage, or household auction sales placed on the premises where the sale is held.
- B. Temporary signs not placed for more than seven (7) days.
- C. Real estate signs
- D. Construction signs of thirty-two (32) square feet or less.
- E. On premises-directional signs of four (4) square feet or less.
- F. Nameplates of two (2) square feet or less.
- G. Political signs
- H. Public signs or notices placed by any agency of government
- I. Emergency signs or signs warning of hazards, whether placed by public or private persons or agencies.
- J. Window signs
- K. Incidental signs
- L. Banners, festoons and pennants in place for seven (7) days or less, unless specified by special permit.

SECTION 7.05 PROHIBITED SIGNS. All signs not expressly permitted under this ordinance or exempt from regulation hereunder in accordance with the previous section are prohibited in the city. Such signs, include, but are not limited to:

- A. Abandoned signs
- B. Flashing signs
- C. Hazardous signs (Signs that are in danger of falling, breaking off or collapsing)
- D. Signs imitating or resembling traffic signs or signals or governmental signs
- E. Signs attached to trees, telephone or utility poles, public benches, streetlights or placed on any public property or street or highway right-of-way by any person other than the one having a permit from that government to place such a sign.
- F. Signs which obstruct access to fire escapes, exits, doors, standpipes, or ventilating systems, or which interfere with the view of traffic signals or signs by those to whom such signs or signals are directed.
- G. Strings of lights not permanently mounted to a rigid background, except those exempt from regulation under this ordinance.

- H. Signs for which a permit is required under this ordinance, which were constructed before such ordinance was adopted, and as to which no procedures provided by this ordinance have been initiated to bring such signs into compliance with the provisions of this ordinance.

SECTION 7.06 SIGNS PERMITTED ONLY THROUGH THE ISSUANCE OF A SPECIAL SIGN PERMIT.

- A. Types of signs requiring a special sign permit:
 - a. Off-premises directional sign that are no larger than four (4) square feet in size.
 - b. Temporary sign in place for more than seven (7) days.
 - c. Portable signs
 - d. Banners, festoons and pennants in place for more than seven (7) days
 - e. Searchlights
 - f. Animated signs
 - g. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign
 - h. Inflatable signs and tethered balloons
 - i. Any other signs not specifically prohibited or allowed in other sections.
 - j. Signs covered by grandfather clause.
 - k. Billboards and other off-premises advertising signs.
- B. Nothing in this ordinance shall prevent the city council from granting temporary permits for lights, banners, signs or decorations relating to civic or community celebrations, subject to such conditions as the city council may see fit to impose.

SECTION 7.07 Signs in the public right-of-way. No sign shall be allowed in the public right-of-way except for the following:

- A. Permanent signs, including:
 - a. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.
 - b. Bus stop signs by a public transit company
 - c. Informational signs of a public utility regarding its poles, lines, pipes or facilities
 - d. Awning, projecting and suspended signs projecting over a public right-of-way in conformity with this ordinance.
- B. Temporary signs. Temporary signs for specific or special events shall be issued only for signs meeting the following requirements. Signs are limited to a seven (7) day period, unless permission from the city grants a longer specified period of time.
 - 1. Such signs shall contain no commercial message
 - 2. Such signs shall be no more than four (4) square feet in area each.
- C. Emergency Signs. Emergency warning signs erected by a governing agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

- D. Other Signs Forfeited. Any sign installed or placed on public property, except in conformity with the requirements of this section, shall be forfeited to the public hereunder, the city shall have the right to recover from the owner or person placing such a sign the cost of removal and disposal of such sign.

SECTION 7.08 Zoning Classification

- A. Residential Districts. In all classes of residence districts, no sign, business sign, nameplate sign or advertising sign shall be erected except for the following:
- a. A nameplate sign identifying the owner or occupant of a building or dwelling unit; provided, that the surface area does not exceed two (2) square feet. This sign may be placed in any front yard, but in no case may it be placed in any side yard. The sign may not be for the purpose of identifying a home occupation business.
 - b. A sign pertaining to the lease or sale of a building or property; provided that such sign shall not exceed twelve (12) square feet in surface area and shall not be illuminated.
 - c. Temporary signs advertising a new subdivision development; each subdivision or development shall be allowed the following signs:
 1. One sign not to exceed ninety-six (96) square feet in surface area, no more than fifteen (15) feet in height.
 2. One sign not to exceed twelve (12) square feet in surface area, no more than fifteen (15) feet in height.
 3. Directional signs not to exceed two (2) square feet in surface area; provided that each subdivision shall be limited to one such sign per major thoroughfare approach to the subdivision or development. No such sign shall be allowed on minor residential streets.
 4. Temporary non-illuminated signs identifying an engineer, architect, contractor or product engaged in or used in the construction of a building; provided, that such signs shall not exceed thirty-two (32) square feet in surface areas and are no more than fifteen (15) feet in height; and provided that such signs are removed prior to occupancy of the building.
 5. One identification sign, not to exceed thirty (30) square feet in area, for the following uses: churches, school, college, club, library, or similar uses. Such signs shall be solely for the purpose of displaying the name of the institution and its activities or services. It may be illuminated but not flashing.
 6. Directional signs not to exceed four (4) square feet in surface area for the following uses: church, school, college, hospital, club, library or similar use; provided that each shall be limited to one such sign per major thoroughfare approach. No such sign shall be allowed on minor residential streets.
 7. One nameplate sign for a dwelling group of four or more units not exceeding twenty-four (24) square feet in surface area. Such signs

may indicate the names and addresses of the buildings or it may be a directory for occupants.

8. Professional nameplate signs: one identification sign not to exceed twelve (12) square feet may be illuminated.
9. Directional signs in any area necessary for the orderly movement of traffic; provided that such signs shall not be used as advertising space and shall not be illuminated.
10. Setback and Height: Unless otherwise noted, the maximum height of all freestanding signs shall be six (6) feet and all signs shall have a minimum setback of eight (8) feet from any property line.
11. Signs not specifically addressed under this ordinance require a variance

B. Business and Industrial Districts. Business and industry signs and nameplate signs are permitted subject to the following regulations:

- a. There shall be permitted one (1) freestanding sign on each premise, provided that lots adjacent to more than one street may have one (1) sign per street frontage. Within the Central Business District freestanding signs shall be no larger than thirty-five (35) square feet in area per sign with a maximum height of fifteen feet. Within other business and industrial districts, freestanding signs shall be no larger than fifty (50) square feet in area per sign with a maximum height of fifteen feet. All freestanding signs shall be setback at least five (5) feet from the property line in the central business district and at least eight (8) feet from the property line in all other business and industrial districts. In all cases the freestanding signs shall not overhang the property line.
- b. Up to eight percent (8%) of any wall area, or a minimum twenty (20) square feet, may be devoted to wall signs, provided that the maximum wall area devoted to signs on any side of a building will be no larger than one hundred twenty (120) square feet. For the purpose of these measurements, wall, canopy and/or marquee signs shall go into the total sign area figures.
- c. Allocation of sign area for wall signs on multiple occupancy buildings shall be controlled by the building owner, who shall be directly responsible for obtaining the necessary permits for all signs, or for seeing that they are obtained and for compliance with this ordinance.
- d. Each premises shall be permitted, in lieu of a walls sign, to have one projecting sign, provided that such sign shall not exceed twenty (20) square feet in sign area, shall not project more than four (4) feet from the building to which it is attached when located in a business district.

- e. Wall signs shall not extend project more than eighteen (18) inches from the wall to which they are affixed, the lower edge of said signs shall not be less than seven and one half (7 ½) feet over any pedestrian uses area.
- f. Each occupancy having an awning/canopy shall be permitted to maintain, in addition to under the canopy sign herein permitted, one canopy sign for each of the front, back and sides of the canopy.
- g. Marquee signs shall not be permitted on any marquee, other than signs built into and forming a part of the marquee itself. Marquee signs shall not extend beyond the edge of the marquee. Such signs shall not exceed a height of three (3) feet or a total area of twenty four (24) square feet on any one (1) side of the marquee.
- h. Each occupancy shall be permitted to maintain a maximum of two (2) incidental signs, not to exceed two (2) square feet in aggregate sign area.
- i. All freestanding, projecting, awning, canopy and marquee signs shall have a minimum setback of two (2) feet from any vehicle use area, and a minimum clearance of 7.5 feet over any pedestrian use area.
- j. All shopping center or mall signs not provided for under this section require a variance.
- k. One (1) menu board per restaurant use is permitted with a permitted drive-through facility. Such signs shall not exceed thirty-two (32) square feet in surface area or eight (8) feet in height. Such signs are permitted in addition to other permitted signage.
- l. Business special event signs. One temporary sign for commercial announcements such as grand openings and special events, may be mounted on a portable stand, with a maximum surface area not exceeding thirty-two (32) square feet, or may be a wall sign subject to the same size standards as the permanent wall signage allowed for the enterprise. Such signs must be located on the subject property and may be used not more than four (4) times per calendar year, and for a period of not more than fourteen (14) days per time.
- m. Transient Merchant Signs. One (1) temporary sign for transient merchants and transient produce merchants is allowed. The sign shall not exceed sixteen (16) square feet in surface area, and shall not exceed six (6) feet in height. The sign shall be set back at least ten (10) feet from lot lines and shall be erected only during the period of transient sales.

SECTION 7.09 CONSTRUCTION AND MAINTENANCE STANDARDS

- A. Maintenance. All signs shall be maintained so that exposed surfaces are clean and painted if painting is required, defective parts are replaced, and broken and non-functioning parts are repaired or removed.

- B. Lighting. Unless otherwise provided by this ordinance, all signs may be illuminated, provided that no sign may utilize:
 - a. The light from any illuminated sign or from any light source, including interior of a building, shall be so shaded, shielded, or directed that the light intensity of brightness shall not adversely affect surrounding or facing residential districts, or adversely affect safe vision of operators of vehicles moving on public or private roads, highways or parking areas. Light shall not shine or reflect on or into residential structures.
 - b. Any lamp throwing light on the sign, in which the direct light from the lamp is visible from any public street or public sidewalk.
 - c. Any revolving beacon light.
- C. Changeable Copy. Unless otherwise provided by this ordinance, any sign permitted by this ordinance may use changeable copy, changed either manually or electronically.
- D. Compliance with code. All signs shall comply with the provisions of all applicable codes.
- E. Construction. The standards of construction of all signs shall be those as to which code provisions are in effect specifically, or if there are no such specific provisions, the nearest reasonable regulations pertaining to items such as type of material used, anchoring, wind loading and other safety factors as are in effect in the city. Any violation of any such code provision shall be deemed a violation of the provisions of this ordinance.
- F. Anchoring.
 - a. No sign shall be suspended by nonrigid attachments that will allow the sign to swing in a wind
 - b. All freestanding signs shall have self-supporting structures erected on or permanently attached to concrete foundations
 - c. All portable signs on display shall be braced or secured to prevent motion.
- G. Any sign containing electrical components shall conform to current UL, ETL, CSA or ULC standards and display a label from one of these recognized testing labs.

SECTION 7.10 ILLEGAL SIGNS

- A. Signs Deemed Illegal Signs. The following signs are illegal signs:
 - a. Any sign placed or maintained in the city from and after the effective date of this ordinance without a permit as required by this ordinance.
 - b. Any sign maintained in the city as to which the nonconforming use period has expired or has terminated as provided in this ordinance.
 - c. Any sign as to which limitations on the period of maintaining said sign has expired.

- A. The sign regulations set forth in this section shall be administered and enforced by the city council with the possible assistance of other appointed city staff. The procedures, standards and requirements for the administration and enforcement of the provisions of this section shall be in accordance with this section and other applicable laws and regulations.
- B. **Permits Required.** Every person shall obtain from the city a permit before erecting, placing, rebuilding, reconstructing, structurally altering, enlarging or relocating any sign which is not specifically exempted by regulations from this permit requirement. A non-refundable sign permit fee is due and payable with the filing of the sign permit application. More than one sign on one building or group of buildings located on the same parcel of land may be included on one application provided that all such signs be applied for at the same time. It is up to the city council's discretion to set the cost of the permit fee.
- C. **Sign Application.** The following information for a sign permit must be supplied by the applicant which shall be requested on a form provided by the city.
- a. Name, address and telephone number of the person making the application
 - b. Name, address and telephone number of the person owning the sign
 - c. Necessary sketches and supporting information indicating location of the sign, size, type and method of construction, building materials used and attachment to the building or placement method in the ground.
 - d. Information on current signage as to type, size, and location. The city may require drawings to scale showing this information as well as showing existing buildings and location of lot lines.
 - e. Copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other laws and ordinances of the city. This provision may be waived for individual applications at the discretion of the city council.
 - f. Written consent of the owner or lessee of any site on which the sign is to be erected.
 - g. Any electrical permit required and issued for said sign.
 - h. Such other information as the city council shall require to show full compliance with this and all other laws and ordinances of the city.
- D. It shall be the duty of the city council to examine such plans, specifications and other data and the premises upon which it is proposed to erect the sign. If it shall appear that the proposed structure is in compliance with all the requirements of this ordinance and all other laws and ordinances of the city, the permit shall then be issued. If the work authorized under the permit has not been completed within ninety (90) days after the date of issuance, the permit shall be null and void.
- E. After the issuance of an approved sign permit, the applicant may install and display any such sign or signs approved. Once installed, city staff may inspect the sign (s) for conformance with the approved sign permit and this ordinance.

- F. Sign permits, subsequent. Except for existing billboard signs, the city shall not require any subsequent sign permit for unchanged existing signs. Billboard sign permits shall be issued for a five (5) year period. Except as provided herein, billboard sign permits shall be renewable every five (5) years upon submission of a renewal application form and the applicable fees.

Renewal applications for billboard signs shall contain a representation by the applicant that no change in signage under the permit has been made or shall contain dimensions, drawings and photos of any change.

SECTION 7.12 SIGN VARIANCES:

- A. In order to provide additional flexibility in the enforcement of this ordinance section and alleviate hardship and injustice, the city council may, upon application, grant a variation from the terms of this section. Upon application therefor from the person seeking a permit for the erection or installation of a sign, the request for variance shall be processed in accordance with the applicable provisions of this zoning ordinance, as may be amended.
- B. Additionally the city council shall make findings of fact that undue hardship or injustice exists if a variance were not granted and therefore, may grant such variations based upon consideration the following:
- a. The particular physical surroundings, shape or topographical conditions of the specific parcel of land involved.
 - b. The condition involved is unique to the parcel of land involved.
 - c. The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the business involved.
 - d. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the parcel.
 - e. The granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the neighborhood.
 - f. The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets or interfere with the functions of the police and fire departments of the city.

SECTION 7.13 NONCONFORMING SIGNS

- A. Signs existing on the effective date of this ordinance which do not conform to the regulations set forth in this ordinance shall become a nonconforming use.
- B. Nonconforming signs existing for at least six months prior to the effective date of this ordinance which do not conform to their respective zoning classification standards will automatically qualify for a special exception permit under the grandfather clause of this ordinance. This special exception permit will be issued upon application following adoption of this ordinance and be valid for a term of five years.
- C. All hanging grandfathered nonconforming signs shall be required to meet the minimum height requirements of 7.5 feet for pedestrian areas and 15 feet for

vehicular areas with a minimum setback of two feet from all vehicular traffic areas. Alteration of these nonconforming signs to meet these requirements will not jeopardize their grandfather status in this ordinance.

- D. A non-conforming sign may not be:
 - a. Changed to another non-conforming sign
 - b. Structurally altered except to bring it into compliance with the provisions of this ordinance.
 - c. Expanded
 - d. Re-established after its discontinuance for fourteen (14) days
 - e. Repaired or otherwise rehabilitated, except to bring it into compliance after damage more than fifty percent (50%) of the sign market value.

- E. Nothing in this ordinance shall be construed as relieving the owner or user of a legal non-conforming sign or owner of the property on which the legal non-conforming sign is located from the provisions of this ordinance regarding the construction and maintenance standards found in this section. Provided, however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way which makes it more non-conforming or the sign shall lose its legal non-conforming status.

- F. Except as otherwise provided herein, the provisions of this ordinance are not intended to alter, diminish, increase or otherwise modify any rights or liabilities imposed upon non-conforming or prohibited signs existing prior to the adoption of this ordinance. Any act done, offense committed, or signs existing prior to the date of the adoption of this ordinance is not affected by its enactment.

ARTICLE 8
SITE PLAN

SECTION 8.01 EXEMPT USES. The following shall be exempt uses and shall not have to comply with the site plan requirements described herein.

- A. Temporary uses (not to exceed six (6) months) of land different from its existing state.

SECTION 8.02 SITE PLAN REQUIRED. All planned buildings and/or structures or uses of land unless exempted, whether they be new, substantially changed or converted or reconstructed, must secure approval of a site plan from the city council. No land use permit shall be issued prior to approval of the site plan. The site plan need not be drawn by an architect or engineer.

SECTION 8.03 PROCEDURE. The following procedure shall be followed in the preparation of site plans.

- A. Preparation of site plans.
 - 1. The person, developer, contractor or builder shall be responsible for preparation of the site plan.
 - 2. The site plan 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. Distances on all sides from buildings to property lines and between buildings
 - 3. Location, dimensions and area of existing buildings not to be razed.
 - 4. Location and use of all buildings and 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 rights-of way.
 9. Location, size and elevation of proposed or existing sanitary sewerage facilities, storm sewers, catch basins and dry walls.
 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, 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. Location of underground utilities, including but not limited to wells and fuel tanks.
 18. Such other or different information as may be required by the design standards set forth hereinafter or as required elsewhere in this ordinance.
3. The following general principles of design shall be incorporated into the site plan.
- 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. Surface denuded of vegetation shall be seeded or sodded 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, provisions shall be made to screen all vehicle lights so as to curtail direct illumination of the residential area. Screening provided on the land may be provided by the use of closely spaced evergreen trees, 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, sewerage disposal and erosion control

1. Storm water and sanitary sewerage 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 such facilities are available. 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 city council may be used.

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 provisions shall be made for 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 of 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.

B. Processing

1. Adequate copies of the complete site plan shall be filed with the city clerk
2. The city clerk shall forward the site plan to the city council and to the applicable reviewing agencies as instructed by the city council
3. The city council or a delegation thereof shall view the area being considered within the site plan

C. Decision

1. The City Council shall review the site plan and any written comments from reviewing agencies and make a determination within forty-five (45) days from the time it is filed.

2. Decisions and recommendations shall be filed with the city clerk and copies shall be sent to the applicant and/or his/her representative.

D. Compliance required

1. It shall be the duty of the city clerk or other appointed city staff to ensure that the approved site plan is followed by the owner and/or developer.
2. The land area of a site developed pursuant to an approved site plan shall not thereafter be reduced in size, and no departure from the approved site plan shall be made without express written permission of the city council. The procedure for review and approval/disapproval of changes shall be the same as for the initial application.
3. No building or site shall be used or occupied until all requirements and provisions of this ordinance and any special conditions have been complied with.

SECTION 8.04 BONDS. The city may require performance bonds in amounts adequate to insure that development proposed in the plan submitted is actually completed.

ARTICLE 9 HOME OCCUPATIONS

SECTION 9.01 INTENT AND PURPOSE. It is the intent of this section on home occupations to provide peace, quiet and domestic tranquility within all residential neighborhoods in the city and in order to guarantee to all residents freedom from excessive noise, excessive traffic, nuisances, fire hazard and other possible effects of commercial uses being conducted in residential areas; to ensure the compatibility of home occupations with other uses permitted in the residential districts; and maintain and preserve the character of residential neighborhoods. It is also intended of this section to promote the efficient use of public services and facilities by assuring these services are provided to the residential population for which they were planned and constructed, rather than commercial uses.

The city recognizes the need for some citizens to use their place of residence for limited non-residential activities. However, the city believes the need to protect the integrity of its residential areas is of paramount concern.

SECTION 9.02 STANDARDS. In all residential zones, home occupations in compliance with the following regulations are permitted as necessary uses and no special use permit shall be required in order to establish and maintain such uses.

- A. The primary use of the unit is a dwelling. The area set aside for home occupations shall not exceed twenty (20) percent of the total floor area of such residence.
- B. The use shall be conducted entirely within a dwelling and carried on by the inhabitants thereof and no others.
- C. There shall be no change in the outside appearance of the dwelling or premises or any visible evidence of the conduct of a home occupation.
- D. No interior or exterior business sign shall be permitted unless authorized by the sign regulations for residential districts.
- E. There shall be no storage of equipment, vehicles, or supplies associated with the home occupation outside the dwelling.
- F. There shall not be conducted on the premises the business of selling stocks of merchandise, supplies or products, provided that orders previously made by telephone, internet, or at a sales party may be filled on the premises. That is, direct sales of products off display shelves or racks is not allowed but a person may pick up an order placed earlier as described above.
- G. Parties for the purpose of selling merchandise or taking orders shall not be held more than four (4) times each month.
- H. A home occupation shall not create greater vehicle or pedestrian traffic than normal for the district in which it is located. In no case shall a home occupation be open to the public at times earlier than 8:00 a.m. nor later than 10:00 p.m.
- I. No highly explosive or combustible material should be used or stored on the premises. No activity shall be allowed that would interfere with radio or television transmission in the area, nor shall there be any offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
- J. A home occupation shall not generate the need for parking spaces to cause such parking to be located on the street in front of a neighbor's property.
- K. Deliveries from commercial suppliers may not be made more than once each week and the deliveries shall not restrict traffic circulation.
- L. Trucks shall not operate out of residential districts. No commercially licensed vehicles shall be utilized in the business.

- M. The use of mechanical equipment other than is usual for purely domestic or hobby purposes is allowed only when it meets the requirements under Section 4.02 (1).
- N. Garage sales are permitted provided they meet the following standards:
 - 1. Sales last no longer than three (3) days.
 - 2. Sales are held no more than twice yearly.
 - 3. Sales are conducted on the owner's property. Multiple family sales are permitted if they are held on the property of one of the participants.
 - 4. No goods purchased for resale may be offered for sale.
 - 5. No consignment goods may be offered for sale.
 - 6. All directional and advertising signs shall be free-standing and removed after completion of the sale.
 - 7. All directional and advertising signs placed on private property shall have the owner's permission.
 - 8. No directional or advertising signs may be larger than two (2) feet by three (3) feet.
- O. The operation of day care homes in residential districts has its own standards and regulations.
- P. The following uses shall be allowed home occupations (unless listed as prohibited in this section).
 - 1. Architectural studio
 - 2. Art studio
 - 3. Baby sitting
 - 4. Consulting service
 - 5. Contracting (except as specifically prohibited)
 - 6. Data processing
 - 7. Direct sale product distributing (Am-Way, Avon, Shaklee, Tupperware, Herbal Life and similar products)
 - 8. Drafting and graphic service
 - 9. Dressmaking, sewing, tailoring, contract sewing
 - 10. Engineering service
 - 11. Financial planning, investment service
 - 12. Flower arranging
 - 13. Gardening, landscaping maintenance
 - 14. Home crafts
 - 15. House cleaning service
 - 16. Insurance sales or brokers
 - 17. Interior design
 - 18. Jewelry making, jeweler
 - 19. Laundry, ironing service
 - 20. Locksmith
 - 21. Mail order (not including retail sales from site)
 - 22. Real estate sales or broker
 - 23. Sales representative (office only)
 - 24. Telephone answering, switchboard, call forwarding
 - 25. Tutoring
 - 26. Typing, word processing service
 - 27. Wallpapering
 - 28. Watch repair

29. Writing, computer programming

Q. The following uses shall be prohibited as home occupations, unless authorized by a conditional use permit. In the rare case where the city grants a conditional use permit the home occupation still must meet the standards shown for home occupations and meet any other stipulation placed on the business by the city.

1. Ambulance service
2. Appliance repair
3. Automobile repair, part sales, upholstery or detailing, washing service (including businesses working at customer's homes).
4. Beauty salons and barber shops (owner operated only)
5. Boarding houses, time share condominiums
6. Carpentry, cabinet making
7. Dog kenneling
8. Contracting, masonry, plumbing or painting
9. Health salons, gyms, dance studios, aerobic exercise studios, massage
10. Limousine or pedicabs service
11. Medical or dental office
12. Mortician, hearse service
13. Palm reading, fortune telling
14. Private clubs
15. Restaurants, taverns, food preparation
16. Retail sales from site (except direct distribution and sales parties)
17. Tow truck service
18. Upholstery
19. Veterinary uses (including care, grooming and boarding).

R. All uses not listed shall require a conditional use permit.

S. The home occupation shall not be considered a nonconforming use in the event of revisions to the applicable provisions of this title.

T. Persons with demonstrated physical handicaps may be permitted special consideration by the City Council. The applicant may request waiver of a portion or all of one or more of the foregoing requirements. This special request shall be considered by the City Council at a public hearing after notice to property owners within three hundred fifty feet (350') of the subject property. The City Council may only grant waivers on the basis of applicant's physical inability to function within said requirements.

SECTION 9.03 ENFORCEMENT PROCEDURES. Any aggrieved person believing that a violation or violations of this article are occurring and who desires that action be taken by the City shall notify the City Clerk of such written allegation(s). Within thirty (30) calendar days after receipt of such written allegation(s), the City Council shall complete an investigation of the allegation(s) to determine the merits thereof. Within ten (10) calendar days after the Council has completed the investigation(s), he/she shall notify in writing the following persons:

A. If the City Council determines that no violation has as alleged or otherwise

is occurring, notification of that decision shall be given to the complaining person or a spokesperson for the complaining person by certified mail, return requested.

- B. If the City Council determines that a violation is occurring or has occurred as alleged, notification of that decision and a time for compliance shall be sent by certified mail, return requested, to both the violator and the complaining person or a spokesperson for the complaining person. The notification shall also state what action, if any, will be taken if compliance is not timely affected.

SECTION 9.04. PENALTY. Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this article shall be a misdemeanor. Each day shall constitute a separate offense.

ARTICLE 10
CHILD DAY CARE FACILITIES

SECTION 10.01 INTENT. To allow the establishment of child care facilities in safe and convenient locations throughout the community to accommodate the growing demand for child care in the community caused by demographic, economic and social forces. The city believes that the need to protect the integrity of its residential areas is of paramount concern.

SECTION 10.02 FAMILY DAY CARE HOME AND GROUP FAMILY DAY CARE HOME. A family day care home and a group family day care home shall be permitted by right in all zoning districts permitting residents, provided that:

- A. State of Minnesota licensing requirements are met, including those pertaining to building, fire safety and health codes.
- B. Lot size, building size, setbacks and lot coverage conform to those applicable to the zoning district.
- C. One (1) off-street parking space is provided for each non-resident or non-family member employee, in addition to the off-street parking spaces required within this ordinance. The residential driveway is acceptable for this purpose.
- D. If located on a major arterial street, an off-street drop off/pick up area must be provided.
- E. All necessary forms filed with the city.
- F. Signage shall conform to the requirements for the zoning district in which the home is located.
- G. No structural or decorative alteration that will alter the single-family character of an existing residential structure or be incompatible with surrounding residences is permitted.

SECTION 10.03 CHILD DAY CARE CENTERS. A child day care center may be allowed in the designated zoning districts as follows:

- A. Limitation in use of family residence. No child day care center shall be located in a private family residence.
- B. Conditional Use Ag Permits. A child day care center may be allowed in all zoning districts permitting residents only upon issuance of a conditional use permit by the City.
- C. All Other Zoning Districts. A child day care center is permitted by right in all other zoning districts subject to the following conditions:
 - 1. State licensing standards and requirements are met.
 - 2. Setbacks, screening and landscaping shall conform to the pertinent portions of the zoning code.

3. Structure shall meet building, sanitation, health, traffic safety and fire safety code requirements.
4. A minimum of one (1) off-street parking space shall be provided for each employee plus an off-street drop-off/pick-up area.
5. All necessary forms filed with the city.

ARTICLE 11.
ADULT BUSINESSES

SECTION 11.01 ADULT USE BUSINESS

- A. Purpose. The purpose of this section is to regulate adult businesses which, unless closely regulated may have serious secondary effects on the community. These secondary effects include, but are not limited to the deterioration of neighborhoods, increases in vacancy rates in residential and commercial areas, increases in incidences of criminal activities, increases in litter, noise and the interference with residential property owner's enjoyment of their property in the vicinity of such businesses. It is the intent of this section to prevent community-wide adverse impacts which can be brought about by the concentration of adult businesses in close proximity to each other or proximity to incompatible uses such as schools, churches, parks, public facilities and buildings and residentially zoned uses. It has been demonstrated in various communities that the concentration of adult businesses causes adverse impacts described above and can cause businesses and residents to move elsewhere. This section establishes reasonable and uniform regulations to prevent the concentration of adult businesses or their close proximity to incompatible uses, while permitting the location of adult businesses in certain areas.

SECTION 11.02 DEFINITIONS

1. "Adult businesses" include the following:
 - a. Any business conducted for the entertainment of adults, engaged in the selling, renting, or displaying of publications depicting the specified anatomical areas or specified sexual activities or other material of a sexually explicit nature. Included in the definition is any business, that as a substantial or significant course of conduct, sells, offers for sale, rents, exhibits, shows or displays publications depicting the anatomical areas or specified sexual activities or other material of a sexually explicit nature. Also included in this definition is any business selling, renting, or displaying sexually orientated devices intended for use in the specified sexual activities.
 - b. A particular business at a particular location that sells, offers for sale, rents, exhibits, shows or displays specific anatomical areas or specified sexual activities in the form of a book, magazine, newspaper, pamphlet, film, video, CD Rom, DVD or any other form or medium, or sexually oriented devices intended for use in the specified sexual activities which receives 20% or more of the gross revenue from or devotes 20% or more of the stock on hand or 20% or more of the gross floor area to such activity, or compromises such adult type merchandise and/or activities in more than two thousand (2000) square feet of floor area in total is presumed to be engaging in "substantial or significant" conduct with respect to such activity.

- c. Any business wherein the selling of any food or beverage served by employees engaged in partial or total nudity or otherwise exposed specified anatomical areas.
 - d. Any business conducted for the entertainment of adults wherein an employee, patron, or other person engages in or are shown specified sexual activities or exhibit or engage in partial or total nudity or otherwise exposed specified anatomical areas.
 - e. Any business, which as a substantial or significant portion of its business, provides live or filmed entertainment wherein specified anatomical areas of the human anatomy are exposed.
2. “Sexually oriented use-accessory” means any business as described in the adult business definition above that meets the following requirements:
- a. Compromise less than twenty (20) percent of the floor area of the establishment in which they are located; and
 - b. Compromise no more than two thousand (2000) square feet of floor area in total; and
 - c. Compromise less than twenty (20) percent of the stock on hand
 - d. Compromise less than twenty (20) percent of the gross receipts of the entire business operation from such adult business, and
 - e. Not involve or include any activity except the sale or rental of merchandise.
3. “Employee” means any person and all persons including entertainers, who work in or at or render any services directly related to the operation of a public place of adult business.
4. “Entertainer” means any person who provides adult entertainment within a public place of adult entertainment as defined in this section whether or not a fee is charged or accepted for entertainment.
5. “Entertainment” means any exhibition or dance of any type, pantomime, modeling or of any performance.
6. “Manager” means any person who manages, directs, administers or is in charge of the affairs and/or the conduct of any portion of any activity within the adult business.
7. “Operator” means any person operating, conducting or maintaining a public place of an adult business.

SECTION 11.03 LOCATION REQUIREMENTS

- 1. An adult business as defined in this section shall be permitted within the city limits only if it meets all of the location requirements set forth in this section.
- 2. Adult businesses shall be prohibited within one thousand (1000) feet of any of the city zoned for residential purposes.
- 3. Adult businesses shall be prohibited within one thousand (1000) feet of any church, synagogue, mosque or temple. For purposes of this section, land uses for which the principal use is not a church, synagogue, mosque or temple but which include such a use as an accessory or incidental use to the principal use shall not be deemed to be a church, synagogue, mosque or temple.

4. Adult businesses shall be prohibited within one thousand (1000) feet of any public or private school offering general education for students between the years of kindergarten through twelfth grade. For purposes of this section, athletic training facilities such as gymnastics, judo, karate and dance and similar uses shall not be deemed as a school.
5. Adult businesses shall be prohibited within one thousand (1000) feet of any child/family day care facility or center or pre-school.
6. Adult use businesses shall be prohibited within one thousand (1000) feet of any public park or playground operated by the city. For the purpose of this section, bike paths, trails, waterways and boat launches shall not be deemed to be a public park.
7. Adult use businesses shall be prohibited within one thousand (1000) feet of any group home facility.
8. Adult businesses shall be prohibited from locating within five hundred (500) feet of any other adult business.
9. Distances provided for herein shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the proposed adult business is or is to be located, to the nearest point of the parcel of property or the zoning district property line from which the proposed adult business is or is to be separated.

SECTION 11.04 ADULT BUSINESS DEVELOPMENT AND STANDARDS

1. The following development standards shall apply to all adult businesses:
 - a. No adult business shall be located in any temporary or portable structure.
 - b. Trash dumpsters shall be enclosed by a screening enclosure so as not be accessible to the public.
 - c. The entire exterior grounds including the parking lot and landscaped area, shall be lighted in such a manner that all areas are clearly visible at all times.
 - d. Signage shall not contain sexually oriented photographs, silhouettes or other pictorial representations.
 - e. All entrances to an adult business shall be clearly and legibly posted by a notice for use indicating that minors are prohibited from the premises.
 - f. No residential structure or any other nonconforming structure shall be converted business is located.
 - g. No residence or sleeping rooms shall be located on the parcel where an adult business is located.
2. The following performance standards shall apply to all adult businesses:
 - a. Minnesota Statutes 617.23 through 617.299 or its successors shall be adhered to.
 - b. The adult business shall not conduct or sponsor any special events, promotions, festivals, concerts or similar activities which would create a demand for parking spaces beyond the number of spaces required for the business.

- c. The traffic generated by the business shall not overload the capacity of the surrounding street system and shall not create a hazard to public safety as determined by the city.
- d. No adult business shall be operated in any manner that permits the observation of any persons or material depicting, describing or related to “specified sexual activities” or “specified anatomical areas” inside the premises, from any public way or from any location outside the building or area of such establishment. This provision shall apply to any display, decoration, sign, show window or other opening.
- e. No loudspeaker or sound equipment shall be used by an adult business for the amplification of sound to a level audible beyond the walls of the building in which the business is located.
- f. All exterior areas of the adult business including buildings, landscaping, and parking areas shall be maintained in a clean and orderly manner at all times.
- g. Hours of operation shall be prohibited from 1:00 a.m. to 7:00 a.m.
- h. Each adult business shall conform to all other applicable laws and regulations.

SECTION 11.05 STANDARDS OF CONDUCT AND OPERATION FOR ADULT ENTERTAINMENT BUSINESSES.

The following standards of conduct must be adhered to by employees and entertainers of any public place of adult entertainment which offers, conducts or maintains adult entertainment:

- a. No employee or entertainer shall be unclothed or in such costume, attire or clothing in a discernibly turgid state, even if completely and opaquely covered, except upon a stage at least eighteen (18) inches above the immediate floor level and removed at least six (6) feet from the nearest patron.
- b. No employee or entertainer shall touch, fondle or caress any patron for the purpose of arousing or exciting the patron.
- c. No employee or entertainer shall allow a patron to touch an employee or entertainer. No patron shall touch an employee or entertainer for the purpose of arousing or either party.
- d. No employee or entertainer mingling with patrons shall conduct any dance, performance or exhibition in or about the nonstage area of the public place of adult entertainment unless that dance, performance or exhibition is performed at a torso-to-torso distance of no less than four (4) feet from the patron or patrons for whom the dance, performance or exhibition is performed.
- e. The stage on which adult entertainment is provided shall be visible from the common area of the premises. Visibility shall not be blocked or obscured by doors, curtains, drapes, or any other obstruction whatsoever.

SECTION 11.06 SEXUALLY ORIENTED USES – ACCESSORY STANDARDS.

1. Sexually oriented business-accessory shall be restricted from and prohibit access to minors by physical separation of such items from areas of general public access:
 - a. Movie Rentals. Display areas shall be restricted from general view and shall be located within a separate room, the access of which is in clear view and under the control of the persons responsible for the operation or shall be in catalogs under the direct control and distribution of the operator.
 - b. Magazines. Publications classified or qualifying as sexually oriented shall not be physically accessible to minors and shall be covered with wrapper or other means to prevent display of any material other than the publication title.
2. Sexually oriented business – accessory activities shall be prohibited at any public show, movie, caravan, circus, carnival, theatrical or other performance or exhibition presented to the general public where minors are admitted.

SECTION 11.07 EXEMPTIONS. This section shall not be construed to prohibit:

1. Plays, operas, musicals, or other dramatic works which are not obscene.
2. Classes, seminars and lectures held for serious scientific or educational purposes; or
3. Exhibitions, performances or dances which are not obscene. For the purpose of this section, obscene is defined under Minnesota Statutes 617.241.

ARTICLE 12.
BED AND BREAKFAST INNS.

SECTION 12.01. INTENT. Bed and Breakfast inns shall only be allowed through the granting of a special use permit for those meeting at least the minimum criteria outlined herein, and only after it is determined that the single-family character of the property and the quality of the neighborhood will be preserved. A bed and breakfast inn must be an existing residential building and have no greater impact than, or be perceived to be other than, a private home with house guests. The intent is not to permit or to allow yards to be destroyed, landscaping to be removed or the integrity of the neighborhood to be altered in order to convert the property to a bed and breakfast inn.

SECTION 12.02. OBLIGATION TO COMPLY. The bed and breakfast owner shall at all times be subject to all lawful exercise of the police power of the city and to such reasonable regulations as the City hereafter by ordinance provides.

SECTION 12.03. APPLICATION. An application for this special use permit shall include the following:

1. A site plan
2. A landscape plan
3. A set of floor plans indicating the traditional uses of all rooms and the intended uses in the bed and breakfast operation
4. Sign drawings showing location, dimensions and detail.

SECTION 12.04. CONDITIONS OF PERMIT. Bed and breakfast inns may be granted permits in zones subject to the following standards and conditions:

1. The main residential building must contain a minimum of one thousand five hundred (1,500) square feet of area.
2. The proprietor shall be the owner or manager of the property and no dwelling unit other than that of the proprietor, no home occupation, roomers or boarders shall be permitted.
3. Two (2) off street parking spaces for the home occupants plus one (1) for each guest room shall be provided.
4. Parking layouts and construction shall be considered on a case-by-case basis prior to approval.
5. Only breakfast or light refreshments shall be provided to the guests. Dining and other facilities shall not be open to the public, but shall be used exclusively by the registered guests and residents, unless allowed by a separate permit.
6. There shall be a limitation of no more than six (6) on the number of guest rooms permitted based on the character and size of the building, and guest rooms shall have traditionally been bedrooms.

7. One sign may be erected on the property, not to exceed two (2) square feet in size. Such signage shall not be illuminated and shall complement the architecture of the structure.
8. Guests stay shall be limited to ten (10) consecutive days.
9. The bed and breakfast shall be a subordinate use to the primary single-family use of the structure.
10. Employee Restriction. The bed and breakfast shall employ not more than the equivalent of two full-time persons who are not domiciled in the principal structure.
11. The inn shall comply with all applicable laws, rules and regulations governing its existence and operation, including, but not limited to, the State Building Code, the State Fire Code, and the State Health Code.
12. The bed and breakfast shall have a valid, current State license (hotel and/or food).
13. Such other conditions deemed necessary by the City Council to ensure the use complies with the purpose of this subsection.

ARTICLE 13.
MANUFACTURED HOMES/MOBILE HOME PARKS

SECTION 13.01 **PARK PERMIT REQUIRED.** It shall be unlawful for any person to establish, maintain or operate a manufactured home/mobile home park or the facilities therein unless such person first procures a permit from the city. Compliance with the provisions of this ordinance is necessary to obtain said special use permit.

SECTION 13.02. **PROCEDURE.** The following procedure shall be followed for a park permit application:

A. Application

1. An application for a special use permit shall be filed with the City Clerk and shall contain the following information: Name and address of developer and landowner, location and legal description of the proposed park property, survey and engineering information including distances with angles, bearings, lengths and legal descriptions of property involved. This shall be shown on drawings not to exceed one (1) inch equals fifty (50) feet and including the following information:
 - a. Location and size of the park
 - b. Location and size of each lot with dimensions and boundary lines
 - c. Limits and location of proposed or existing streets, cartways, curbs, driveways, sidewalks, easements and rights-of-way.
 - d. Location of off-street parking facilities
 - e. Plans for sanitary sewer collection, water systems and storm water drainage system
 - f. Plans for electrical services, telephone services, fuel systems and garbage collection.
 - g. Detailed landscaping plans and specifications
 - h. Location and construction plans for park structures such as auxiliary sanitary facilities, laundries and utility buildings
 - i. Location of required park and/or recreation site including type of equipment.
 - j. Such other information as may be requested by the city council to enable them to determine if the proposed park will comply with all legal requirements including this ordinance.
2. The following general design requirements shall be incorporated into the park site plan.
 - a. General location and size
 1. Each park shall comply with applicable ordinances and codes of the City and the laws of the State of Minnesota. The developer shall provide evidence that the plans have been approved by the Minnesota Department of Health before the special user permit will be issued.

2. The park shall be located on a well-drained site suitable for the purpose; and so the drainage of the park area will not endanger any water supply. All plans for the disposal of surface storm water must be approved by the city.
3. The park shall be located on a minimum lot size of seventy-five thousand (75,000) square feet, shall contain not less than fifteen (15) home spaces and shall not exceed a gross density of six (6) units per acre.
4. Each park shall have frontage to and access to a public street which is deemed adequate to serve the anticipated traffic needs of the park. Access to parks shall be as approved by the city.

b. Roads and parking

1. Each park shall contain all-weather hard surfaced interior roadways free from dust and mud and includes adequate provisions for surface drainage. This requirement shall be applicable no later than one (1) year following the initial construction of said interior private roadways. Such streets shall be private streets.
2. An adequate entrance road of forty-four (44) foot pavement width shall be 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.
3. Interior roads shall be not less than forty-four (44) feet in width for two (2) lane roads.
4. Off-street (or road) parking for the park shall be provided in the ratio of two (2) spaces per unit with an all-weather, permanent, hard surfaced area for each home site.
5. Provisions shall be made for each home site to have access on an approved roadway.
6. Streets approved for dedication to the City shall be constructed in accordance with applicable city standards.

c. Bulk and Space Requirements

1. Each home space shall have a minimum area of forty-eight hundred (4,800) square feet exclusive of roadways and common space.
2. Each home space shall have a minimum width of not less than fifty (50) feet.

3. No home shall be placed closer than thirty (30) feet to any adjacent mobile home, except that when awnings, porches or cabanas are attached, the minimum distance between each mobile home shall be twenty (20) feet.
 4. No home shall be located closer than twenty (20) feet to the traveled portion of an interior street.
 5. No home shall be placed closer than fifteen (15) feet from the side lot line, closer than fifteen (15) feet from the rear lot line.
 6. No building or structure hereafter erected or altered in a park shall exceed twenty-five (25) feet or one and one-half (1 ½) stories in height.
 7. No home shall be located nearer than twenty (20) feet to any property line of the park and adjacent properties.
 8. The occupied area of a home site shall not exceed seventy-five (75) percent of the total area of the site the individual home sites.
- d. Utilities and essential services.
1. Each park shall be served by a sanitary sewer system as provided by this ordinance.
 2. Each park shall be served by a central water supply system as provided by this ordinance and shall include fire hydrants located in accordance with generally accepted practices and all units shall have individual water meters. Meters shall be placed in conditions where they will not freeze.
 3. Each park shall be served by a central fuel source metered to the individual home sites. The source of fuel cooking, heating or other purposes at each home site shall be as approved by the city.
 4. All electrical and telephone or any other cable service shall be underground facilities from the existing city's distribution system.
 5. All utility connections shall be approved by the city.
 6. No obstruction shall be permitted that impedes the inspection of plumbing, electrical facilities, and related mobile home equipment.
 7. The proposed method of garbage, waste, and trash disposal must be as approved by the city.

- e. Landscaping and parks.
 - 1. A boundary of fifteen (15) feet around the entire park shall be provided. This boundary area shall be landscaped and screened as may be required by the City Council.
 - 2. The front yard of each site shall be landscaped except for driveways and parking needs.
 - 3. Landscaping shall provide for at least one (1) tree on each site.
 - 4. At least ten (10) percent, with a minimum of ten thousand (10,000) square feet of the land area within each park shall be designed for development into a recreational space. Such spaces shall be of appropriate design and provided with appropriate equipment and maintained by the owner of the park.
 - 5. The corners of each home site shall be clearly marked and each site shall be numbered.
 - 6. A compact hedge, wood fence, or landscaped area shall be installed around each park and be maintained in first class condition at all times as approved.
 - 7. Additional requirements as to screening, landscaping and space reserved for recreation and playground may be required by the City Council for proper development and protection of the park's occupants and that of the surrounding area.

B. Processing

- 1. At least five (5) copies of the application and park site plan shall be filed with the city clerk.
- 2. The City Clerk shall forward the application and park site plan to the City Council and to other agencies as deemed necessary.
- 3. The City Council shall consider the application in accordance with its procedures for acting on special exception use permits as provided by this ordinance.

C. Permit Issuance.

- 1. Subsequent to city council approval, the city clerk shall be instructed to issue a special use permit, providing all other provisions of this ordinance have been met.

D. Compliance required.

1. It shall be the duty of the city council to ensure that the approved special use permit is followed by the owner and/or developer.
2. No departure from the approved special use permit shall be made without the express written permission of the city. The procedure for review and approval or disapproval of changes shall be the same as for the initial application.
3. 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.
4. The city may require performance bonds or other forms of security for reasons and in amounts as specified by the city council

SECTION 13.03 ADDITIONAL REGULATIONS. The following additional regulations shall apply to manufactured homes/mobile homes and manufactured homes/mobile home parks.

- A. Other than what is allowed under the “Home Occupation” section of this ordinance, no commercial operation shall be conducted within the park other than those necessary to the operation thereof. Commercial sales lots for homes are prohibited within the home park.
- B. Any enlargement or extension to any existing park shall require application for a special use permit as if it were a new establishment.
- C. A request for transfer of the permit shall be treated in the same manner as an original application for a permit.
- D. No additions, building or other structure shall be attached to a home without a city permit and approval of the park operator. Such additions shall not encroach upon the setbacks herein provided.
- E. All manufactured homes as defined by M.S. 327.31-327.35 shall be anchored in accordance with the Minnesota Code of Agency Rules – Building Code Division – Section 2 MCAR – 1.904.50 “Stabilizing System for Mobile Homes.”
- F. Skirting for homes is required and shall be in accordance with the décor of the home and in good repair. Each home shall be parked upon a jack or block approved by the park operator and city council.
- G. One accessory building not to exceed one hundred (100) square feet in floor area shall be allowed for each home space. Accessory buildings shall be located within the rear yard five (5) feet from the lot lines.
- H. In addition to the foregoing, the city council may impose such other conditions, requirements or limitations concerning the design, development and operation of each park as it may deem necessary for the protection of adjacent properties and the public interest.

- I. The park grounds shall be lighted as approved by the city council from sunset to sunrise. Artificial light shall be maintained during all hours of darkness in all buildings containing public toilets, laundry equipment and the like.
- J. Advertising the home park shall be limited to one sign not to exceed six (6) square feet, with lighting, height and location as approved by the city.
- K. There shall be no outdoor camping anywhere in the park.
- L. No public address or loud speaker shall be permitted.
- M. The operator of every park shall maintain a registry of the park showing both the name and address of the residents and the make,type and license number of each home
- N. All dwellings within the park shall contain a minimum gross area of 800 square feet.
- O. The park must meet all licensing, rules and regulations from the Minnesota Department of Health.

ARTICLE 14
ADMINISTRATION, PERMITS AND FEES

SECTION 14.01 City Council Responsibilities. It shall be the duty of the city council to:

- A. Administer the requirements of this ordinance for land use permits and issue or deny each application in accordance with the provisions of this ordinance.
- B. Appoint officials to conduct inspections of buildings and the use of land to determine compliance with the terms of this ordinance.
- C. Publish and attend to the service of all notices required under the provisions of this ordinance.
- D. Receive, file and forward applications for appeals, variances, conditional use permits, amendments or other action to the appropriate official bodies.
- E. Maintain permanent and current records pertaining to this ordinance including, but not limited to maps, amendments, conditional uses, variances, appeals and applications thereof.
- F. Provide technical assistance
- G. Make decisions as necessitated by this ordinance.
- H. Refer to the city attorney all violations of this ordinance which can not be dealt with administratively.
- I. Maintain permanent and current records of this ordinance including maps, amendments, conditional uses and variances
- J. Keep current records of all non-conforming uses
- K. Notify the county recorder of all variances and conditional use permits granted so they can be attached to the deed.

SECTION 14.02 LAND USE PERMITS REQUIRED. No building or structure shall be erected, reconstructed, moved or structurally altered to increase the exterior dimensions, height or floor area or remodeled to increase the number of dwellings or accommodate a change in use of the building and/or premises or part thereof without a land use permit issued by the City Council.

SECTION 14.03 LAND USE PERMIT APPLICATIONS. All applications for land use permits shall be accompanied by the fee as set by the city council and shall be made on forms furnished by the City Clerk and shall include the following where applicable:

- A. Names and addresses of the applicant, owner of the site, architect, professional engineer or contractor.
- B. Description of the site by lot and block or by metes and bounds and the address of the proposed site.
- C. Site plans as appropriate and required by this ordinance.
- D. 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.
- E. Where applicable, the number of housekeeping units, families, rental units or employees the proposed building is designed to accommodate.
- F. Additional information as may be required by the City Council.

SECTION 14.04. COMPLIANCE REQUIRED. The City Council shall examine the applications for land use 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 land use permit shall be issued or denied.

SECTION 14.05. APPROVAL OR DENIAL OF LAND USE PERMIT. Upon approval or denial, the City Clerk shall attest to same by signature on the land use permit. If the land use permit is approved one copy shall be returned to the applicant and one copy shall be retained by the city clerk. If the land use permit is denied, the City Clerk shall in addition to the above, notify the applicant with a memorandum stating the reason for denial of the land use permit.

SECTION 14.06. EXPIRATION. A land use permit shall become void if the work described therein has not begun within six (6) months from the date of issuance. If the work described in any land use permit has been substantially completed within one (1) year of the date of issuance, said permit shall expire and be canceled by the City Council. Further work shall not proceed unless and until a new land use permit has been obtained.

SECTION 14.07 CONSTRUCTION AND USE TO BE SAME AS APPLICATION AND PLANS. Land use permits issued on the basis of plans and applications approved by the city council 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 or construction at variance with that authorized shall be deemed a violation of this ordinance and punishable as provided herein.

SECTION 14.08 VIOLATIONS. If it is found that any of the provisions of this ordinance are being violated, it shall be the duty of the city council/clerk 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 if 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.

SECTION 14.09. APPEAL. It is the intent of this ordinance that all questions of interpretation and enforcement and appeal shall be presented to the city council.

SECTION 14.10 FEES. The city council shall establish a schedule of fees, charges and expenses and a collection procedure for land use permits, appeals, amendments, conditional uses, variances and other matters pertaining to this ordinance. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

ARTICLE 15
CONDITIONAL USES

SECTION 15.01 **CONDITIONAL USES.** A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would not be detrimental to the public health, safety or general welfare. What conditional uses that may be permitted in a given zoning district are shown in this ordinance in the zoning district chapters. Any proposed conditional use permitted by the provisions of this ordinance shall be submitted to the city council for review and determination if its applicability to the district in which it is proposed. 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 city council
2. The application shall be filed with the city clerk 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 conditional use permit is being applied.
 - 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 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 city council in making determinations and dispositions of the application.

B. Application processing

1. Upon receipt of the application by the city clerk, a copy of the completed application and attachments shall be forwarded immediately to the city council.
2. The city council shall set the date for a public hearing and instruct the city clerk to give notice of time, date, 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 a newspaper of general circulation in the city at least ten (10) days prior to the public hearing.
 - c. Notify individuals and other agencies as instructed or deemed necessary.
3. The City Council or a delegation thereof shall view the area being considered for the conditional use permit.

C. Public Hearings

1. The City Council shall set and conduct the public hearing.
2. The applicant and/or his/her representative shall appear before the city council and answer any questions relative to the proposed conditional use permit.
3. An accurate record of all testimony shall be kept by city staff. This record shall include the names of all persons who participated in the meeting.

D. Recommendation

1. The City Council 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 City Council, in considering an application for a conditional use permit, shall make findings on the following criteria:
 - 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 of the district where 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 future plans.
- i. That the use will conform to all other applicable regulations as required in this ordinance.

E. Decision

- 1. The city council shall place the consideration of the application for a conditional use permit 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 forty-five (45) days.
- 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. Copies shall be sent to the applicant and/or his/her representatives.
 - a. The council shall detail its reasons for denial/approval
 - b. Upon approval of an application, the council may impose any additional special conditions considered necessary to protect the public health, safety and welfare.

F. Issuance of Permit

- 1. The city clerk shall issue a conditional use permit for a particular use on a particular tract of land.
- 2. The conditional use permit, if granted, shall also be recorded with the county recorder and become a part of the title to the property.
- 3. A conditional use permit shall become void one (1) year from the date of issuance if significant construction has not been undertaken.

ARTICLE 16.
CHANGES AND AMENDMENTS

SECTION 16.01 AMENDMENT 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 reviewed in the following manner:

A. Application

1. Applicant requests the proper form for zoning amendment from the city clerk.
2. Application shall be filed with the city clerk accompanied by the fee as established 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 addresses of the owners of all property within three hundred fifty (350) feet of the property for which the change is being 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 requesting change shall not be deemed cause to refund the fee to the applicant.

B. Application processing

1. Upon receipt of the application by the city clerk, a copy of the completed application shall be forwarded to the city council for study.
2. The city council shall schedule a date for the public hearing within thirty (30) days of receipt of the application and shall instruct the clerk to give notice of time, place, date and purpose of the public hearing in the following manner:

The City Clerk 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 date of the public hearing.
- c. Notify individuals and other agencies as instructed and deemed necessary.

C. Public Hearing

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

D. City Council decisions and recommendations

1. The city council shall, prior to making a decision, consider the following:
 - a. All relevant facts and findings brought out in the public hearing
 - b. Physical inspection of property in question by all members or a delegation of members of the city council.
 - c. The following items should be considered in reaching a decision:
 1. 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
 2. Is it in the community's best interest for additional land space to be zoned to the class requested
 3. 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.
 4. Would the granting of the rezoning request adversely affect property values of the adjacent landowners to an unreasonable degree
 5. If the request was granted, what additional public services would be required.

6. Is the capacity of existing roads and sewer and water facilities sufficient to accommodate this proposal.
7. Was there an error or oversight in preparing the original zoning map which indicates that this zoning should have been included at that time.
8. Is this change beneficial to the community or is it merely a convenience to the applicant.

E. City Council decision

1. The city council may approve or deny the application by simple majority vote of the entire council

F. Approval

1. The city council officially adopts the ordinance change
2. The City Clerk shall forward a certified copy to the County Recorder and make a map and/or Ordinance changes.

G. Denial

1. 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.

ARTICLE 17
VIOLATIONS, PENALTIES, CLAIMS, CONFLICTS OF LAW AND SEVERABILITY

Section 17.01. **COMPLIANCE REQUIRED.** It shall be the duty of all architects, contractors, subcontractors, builders and other people having charge of the erecting, altering, changing or remodeling of any building or structure including mobile homes, 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 or erecting, repairing, altering, changing or remodeling and in violation of, or in conflict with the terms of this of this Ordinance, shall be deemed guilty of 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 17.02. **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 of threatened violations and it is the duty of the City Attorney to institute such actions.

Section 17.03. **PENALTIES.** Any person, firm, corporation or entity who violates any of the provisions of this Ordinance or any order of the City Clerk issued in accordance with this Ordinance, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine and/or imprisonment as defined by law for each offense, plus the costs of prosecution. 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 17.04. **RELIEF FROM PERSONAL RESPONSIBILITY.** Any claim based upon an act or omission of an 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 466.02 and said Section does no 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, Section 466.07.

Section 17.05. **CONFLICTS OF LAW.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 17.06. **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 by the unconstitutional or invalid.

**ARTICLE 18
CITY COUNCIL**

Section 18.01. **POWERS AND DUTIES OF THE CITY COUNCIL.** It is the intent of this Ordinance that the duties of the City Council shall include but not be limited to the following:

- A. Review formulation and adoption of this Ordinance and applicable maps as empowered by the Minnesota Statutes 1974, 462.357, Subdivision 2, as amended.
- B. Appoint members to and delegate certain powers and duties to the City Council, Board of Adjustments and City Clerk for the purpose of implementing and enforcing the requirements of this Ordinance in a fair, conscientious and intelligent manner.
- C. Review all applications for changes and amendments and make disposition of applications as provided in this Ordinance.
- D. Review all applications for conditional use permits, hear and make disposition of applications as provided in this Ordinance.
- E. Review all appeals.
- F. Establish a schedule of fees and charges as relating to this Ordinance.
- G. Conduct all public hearings as regards to this Zoning Ordinance.
- H. Serve as the City's Board of Adjustments.
- I. Review all applications for appeals and variances to this ordinance and discuss all findings as provided in this ordinance.
- J. Review or initiate applications for amendments and changes to this ordinance.
- K. Review, hear and make determinations of all applications for conditional use permits as provided in this ordinance.
- L. Prepare in cooperation with the city clerk, a review on a regular basis related to the effectiveness of this ordinance.

Section 18.02. **POWERS AND DUTIES OF COUNCIL ACTING AS THE BOARD OF ADJUSTMENTS.** The City Council shall be responsible for hearing appeals and granting variance under the provisions of 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 City Clerk 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.

As used in this Ordinance, a variance is authorized only for height, area and size of structure of size of yards and open spaces. Under no circumstances shall a variance be granted to allow a use not permissible under the terms of this Ordinance in said district. The presence of nonconformity's in the district or uses in an adjoining district shall not be considered as grounds for a variance.

Section 18.03. RECORDS. Minutes shall be kept as for all council meetings. The minutes shall include all important facts pertaining to each meetings which will include, but not be limited to, names and addresses of all persons appearing before the council, a record of all hearings and testimony, all exhibits presented to the council, a copy of each resolution acted upon by the council, the vote of each member upon each question, the reasons for the Council's determination and the members absent or failing to vote. These records shall be filed in the office of the City Clerk and shall be a public record.

Section 18.04. PROCEDURE. The following procedure shall be followed for appeals and applications for variances:

A. Application.

1. Appeal. An appeal may be taken by any aggrieved person or by any city officer, department, board of commission. Such an appeal shall be filed within thirty (30) calendar days after the date of the decision or determination of the City Clerk.

The appeal shall be made in the following manner:

- a. The applicant requests the proper form from the City Clerk.
- b. The application shall be filed with the City Clerk accompanied by the fees as set by the City Council. The application shall contain the following information.

(1) The applicant's name, address and phone number

(2) The section of the Zoning Ordinance in question

(3) The nature of the difficulty encountered with the Zoning Ordinance

(4) The nature of the action by the City Clerk

(5) The manner in which it is believed that an error in action, determination or decision has occurred

2. Variance. 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 in the following manner:

- a. The applicant requests the proper form for a variance from the City Clerk
- b. The application shall be filed with the City Clerk accompanied by the fee as set by the City Council. The application shall contain the following information:
 - (1) Applicant's name and address
 - (2) Legal description and local address of the property
 - (3) 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 and cultural features
 - (4) Statement on what is intended to be done on or with the property which does not conform with this Ordinance.
- c. The following requirements shall be addressed within the application:
 - (1) That there are exceptional or extraordinary circumstances or conditions which are peculiar to the land, structures 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 conditions of 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 of situations.
 - (5) That the special conditions and circumstances do not result from the actions of the applicant.

B. Application processing

1. Upon receipt of the application by the City Clerk, a copy of the completed application (appeal or variance) shall be forwarded immediately to the City Council for review and recommendation to the Board of Adjustments. After a recommendation has been made by the City Council the application materials and the recommendation of action shall be sent to the Board of Adjustments for action.

2. In the case of an application to the Board for the granting of a variance, the Board shall set the date for a public hearing within thirty (30) days from the submittal date of the application. The City Clerk shall be instructed 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 a newspaper of general circulation at least ten (10) days prior to the public hearing.
 - c. Notify the appropriate individuals and other agencies as instructed or deemed necessary.
3. In the case of an appeal, all proceedings in furtherance of the action appealed are stayed, unless the City Clerk certifies to the Board of Adjustments after the application for appeal is filed with him, that by reason of facts stated in the certificate, a stay would in opinion cause imminent peril to life and property.

C. Public Hearing

1. The City Council shall conduct the hearing.
2. The applicant and/or his/her representative shall appear before the City Council and answer questions relative to the application for variance.
3. An accurate record of all testimony shall be kept by the Clerk. This record shall include the names of all persons who participated in the meeting.

D. Decision

1. In the case of an appeal, the City Council shall adopt a resolution stating its interpretation and determination of the provisions of this ordinance being appealed through the application.
2. In the case of an application for a variance, the City Council shall make a finding that the reasons set forth in the application justify the granting of the variance as the minimum variance that will make possible the reasonable use of the land, building or structure. The City Council may further attach any condition to the granting of the variance as it shall determine is necessary and desirable to bring it within the purpose and intent of this ordinance. Violations of such conditions shall be deemed a violation of this ordinance and punishable hereunder.
3. The City Council shall make a decision on the application within sixty (60) days of receipt of the application. 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. 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 council found present. The decision shall also state in detail what, if any, conditions and safeguards are required.
4. The concurring vote of a majority of the members of the council shall be necessary for the approval or denial of an application for appeal or variance.

5. Decisions of the council shall immediately be filed and recorded. Copies shall be sent to the applicant and/or his representatives by the United States mail.

E. Issuance

1. The City Clerk shall issue a variance or modify the order or determination appealed from.
2. Unless otherwise stated in the decision, any order or decision of the council shall become void if significant construction has not been undertaken within twelve (12) months.

F. Rehearing

1. 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 city council if from the record it shall appear that there has been no substantial change in facts, evidence or condition.

SECTION 18.05 DECISIONS. All actions of the city council pertaining to this ordinance shall require a simple majority of those members attending the official meeting.

ARTICLE 19
AGRICULTURAL DISTRICT

SECTION 19.01 **PURPOSE.** The Agricultural District (AG) is intended to preserve for a limited time those lands devoted to agricultural enterprises located within the city where urban expansion is planned to take place. In this manner, conflicts between agricultural and non-agricultural land uses shall be minimized. Its effect is to control the infiltration of urban development into areas generally devoted to agriculture until the city council determines that it is financially and economically feasible to provide public services and facilities, thereby promoting orderly urban development.

SECTION 19.02 **PERMITTED USES.** The following uses shall be permitted in the AG district:

- A. Agricultural crops
- B. Publicly owned parks, playgrounds and community buildings
- C. Single-family and two-family dwellings for resident land owners
- D. Home occupations
- E. Accessory buildings or structures and uses customarily incidental to any of the above listed uses when located on the same property.

SECTION 19.03 **CONDITIONAL USES.** The following uses may be permitted in the AG district upon approval of the city council.

- A. Livestock
- B. Game refuge and preserve areas
- C. Churches, chapels and similar places of worship
- D. Public schools and similar private education institutions
- E. Public utility buildings such as substations, transformer stations and regulatory stations without storage yards
- F. Cemeteries
- G. Temporary produce stands on premises used for agricultural purposes provided there is adequate off-street parking
- H. Commercial radio, television and telephone towers and transmitters
- I. Stables
- J. Veterinary and animal clinics
- K. Excavating and storage of sand, gravel and other aggregates
- L. Parks, campgrounds, golf courses, golf driving ranges, historical sites and museums
- M. Carnivals, outdoor circuses and migratory amusement enterprises
- N. Airports and landing fields
- O. Open Air Storage of crops
- P. Accessory buildings and structures and uses customarily incidental to any of the above listed uses when located on the same property

SECTION 19.04 **BULK REGULATIONS.** The following minimum requirements shall be observed:

- A. Lot area, width and yard requirements

LOT AREA SQ.FT.	FRONT YARD WIDTH	SIDE YARD	BLDG. SETBACK LINE	REAR YARD
1 acre	150'	25'each	25'	50'

B. Height restrictions. The following height restrictions shall be observed:

1. No residential building hereafter erected or altered shall exceed thirty-six (36) feet.
2. Public or semipublic buildings, churches, schools and similar uses may be erected to a height of sixty (60) feet.
3. Agricultural uses and accessory buildings shall be exempted from height requirements.

C. Building dimension requirements. The main exterior walls of each residential structure shall not be less than twenty (20) feet wide at the narrowest point of the structure.

D. All principal dwellings and principal structures shall be placed on a permanent foundation.

ARTICLE 20.
R-1 RESIDENTIAL DISTRICTS

SECTION 20.01 PURPOSE. The R-1 District is intended to provide for low density residential development with a limited number of institutional and recreational uses permitted. The district is designed to protect residential areas now developed and to regulate the efficient use and orderly development of vacant land designated for residential uses. The regulations are designed to promote a suitable environment for family life.

SECTION 20.02 PERMITTED USES. The following uses shall be permitted in the R-1 Residential Districts:

- A. Single-family dwellings
- B. Two-family dwellings
- C. Publicly owned parks and playgrounds
- D. Home occupations as regulated by this ordinance
- E. Accessory buildings or structures and uses customarily incidental to any of the above listed uses when located on the same property.

SECTION 20.03 CONDITIONAL USES. The following uses may be permitted in the R-1 Residential District upon approval of the city council.

- A. Churches, chapels and similar places of worship, parish homes, rectories and convents.
- B. Public schools and similar private education institutions
- C. Hospitals, medical clinics, nursing, rest or convalescent homes and similar institutions
- D. Public utility buildings such as substations, transformer stations and regulator stations without storage yards
- E. Day care or nursery schools
- F. Community buildings
- G. Golf and country clubs
- H. Bed and breakfast inns and regulated by this ordinance
- I. Other residential or government service uses determined by the city to be of the same general character as the permitted and conditional uses above and found not to be detrimental to existing uses and the general public health, safety and welfare.

SECTION 20.04 BULK REGULATIONS. The following minimum requirements shall be observed:

- A. Lot area, width and yard requirements

USE	LOT AREA SQ.FT.	LOT WIDTH	BUILDING SETBACK LINE	SIDE YARD	REAR YARD
One Family	5,000	50'	25'	5'	25'
Two Family	7,500	100'	25'	5'	25'
Three +	as determined By council		25'	5'	25'
Other Uses	as determined by council				

- B. **Building Height.** No residential building hereafter erected or altered shall exceed thirty-six (36) feet in height. Provided, however, public and semipublic buildings, churches, cathedrals, temples, hospitals, or schools may be erected to a height of sixty (60) 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-six (36) feet in height.
- C. **Corner lot, special requirements.** On any corner not or lot fronting on more than one street, no building or structure shall be placed or erected closer than forty (40) 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 above for one (1) and two (2) family dwellings.
- D. **The area of the lot covered by buildings or roofed areas, excluding permitted projecting eaves, shall not exceed thirty-five percent (35%)**
- E. **Building dimension requirements.** The main exterior walls of each residential structure shall not be less than twenty-four (24) feet wide at the narrowest point of the structure.
- F. **All principal dwellings and principal structures shall be placed on a permanent perimeter foundation.**
- G. **All principal dwellings shall have an earth covered, composition, shingled, tiled or colored, non-galvanized tin roof.**
- H. **All structures, either principal or accessory, shall be constructed in conformance with the Minnesota State Building Code or the applicable manufactured housing code.**
- I. **Unattached garages and parking spaces accessory to single and two family residential structures, may be located anywhere on the building area, except that garages may be located to within five (5) feet of an interior side lot line and to within eight (8) feet of a rear lot line. No unattached garage accessory to a residential structure on a corner lot or other similar situation shall be located outside a required buildable area abutting a street except by conditional use permit.**
- J. **Floor area per dwelling unit (square feet)**
 - 1. One and two-family homes (2 stories) 1,000
 - 2. One and two family homes (1 story) 1,200
- K. **Distance from a residential building.** The following structures shall be located not less than three hundred (300) feet from a structure on a zoning lot used for residential purposes.
 - 1. Mausoleums, crematories, columbarians
 - 2. Stadia, auditoriums and arenas

3. Radar installation and towers, telephone transmission equipment buildings and microwave relay towers and radio and television towers
4. Animal shelters and kennels

**ARTICLE 21
R-2 RESIDENTIAL DISTRICTS**

SECTION 21.01 PURPOSE. The R-2 district is intended to provide for high density residential development. It is designed to accommodate single-family and multiple family structures in an acceptable relationship with one another and to regulate the efficient use and orderly development of vacant land designated for such use. Mobile home parks and institutional uses which are compatible with residential areas are also permitted on parcels of adequate size to allow required parking and building needs.

SECTION 21.02 PERMITTED USES. The following uses shall be permitted in the R-2 Residential District:

- A. Any permitted use as permitted in the R-1 and R-2 Districts
- B. Dwellings in groups of not more than four (4) housekeeping units in any one (1) building.
- C. Accessory buildings or structures and uses customarily incidental to any of the above listed uses when located on the same property.

SECTION 21.03 CONDITIONAL USES. The following uses may be permitted in the R-2 district upon approval by the city council.

- A. Any conditional use permitted in the R-1 district
- B. Mobile home parks
- C. Institutions of a philanthropic or charitable nature
- D. Bed and breakfast inns
- E. Funeral homes and mortuaries with adequate parking
- F. Boarding and rooming houses for up to five (5) persons
- G. Dwellings in groups of five (5) or more housekeeping units in any one (1) building
- H. Accessory buildings and structures and uses customarily incidental to any of the above listed uses when located on the same property.

SECTION 21.04 BULK REGULATIONS. The following minimum requirements shall be observed:

USE	LOT AREA SQ.FT.	FRONT YARD WIDTH	BUILDING LINE WIDTH	BUILDING SETBACK LINE	SIDE YARD	REAR YARD
Dwellings:						
One-Family	12,000	100'	100'	25'	10'	25'
Two Family	16,000	100'	100'	25'	10'	25'
Three Family	Determined by Council			25'	10'	25'
Other Uses	Determined by Council			25'	10'	25'

- L. Building height. No building, hereafter erected or altered shall exceed four (4) stories or sixty (60) 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-six (36) feet in height.

- M. Corner lot. On any corner lot or lot fronting on more than one street, no building or structure shall be placed or erected closer than forty (40) feet to any property line abutting or 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 one (1) and two (2) family dwellings.
- N. The area of the lot and common area covered by buildings or roofed areas, excluding permitting projecting eaves, shall not exceed thirty-five percent (35%).

Ground Floor Area per dwelling unit minimums:

One and two-family homes (2 stories)	1,000
One and two-family homes (1 story)	1,200

Floor area per dwelling unit minimums:

Three (3) or more family homes (each unit)	
Efficiency	500 square feet
1 bedroom	600 square feet
2 bedroom	720 square feet

- O. With the exception of manufactured/mobile homes located within a mobile home park, all principal dwellings and principal structures shall be placed on a permanent perimeter foundation.
- P. With the exception of manufactured/mobile homes located within a mobile home park, all principal dwellings shall have an earth covered, composition, shingled or tiled roof.
- Q. All structures, either principal or accessory, shall be constructed in conformance with the Minnesota State Building Code or the applicable manufactured housing code.
- R. Building dimensions requirements. The main exterior walls of each residential structure shall not be less than twenty (20) feet wide at the narrowest point of the structure. These dimensions shall not apply to dwellings located within mobile home parks.
- S. Distance from a residential building. The following structures shall be located not less than three hundred (300) feet from a structure on a zoning lot used for residential purposes.
 - 1. Mausoleums, crematories and columbariums
 - 2. Radar installation and towers, telephone transmission equipment buildings and microwave relay towers and radio and television towers
 - 3. Animal shelters and kennels

ARTICLE 22
B-1 CENTRAL BUSINESS DISTRICT

SECTION 22.01 **PURPOSE.** The B-1 Central Business District is intended to provide for a wide variety of retail activities and could act as a banking and financial center, entertainment center, or as a center for business and professional offices. The district comprises the “downtown” section of the city. The use of land is intensive. It is the purpose of these regulations to encourage such functioning of the central business district.

SECTION 22.02 **USES PERMITTED.**

- A. Business services including banks, offices and postal stations
- B. Clothing services including dry cleaning and laundry establishments, laundromats, dressmaking, tailor shops and shoe repair shops
- C. Equipment services including radio and television shops, electrical appliances shops, show room 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
- E. Personal services including barber and beauty shops, reducing salons, photographic shops and funeral homes
- F. Retail services including drug stores, hardware stores, stationery and book stores, news shops, apparel shops, show room for articles to be sold at retail, and flower shops
- G. Buildings used for storage
- H. Any similar commercial establishment or professional service or commercial service
- I. Residence when included as an integral part of the principal building
- J. Rental residential units may be maintained above the ground floor but not on the main floor. Minimum apartment space shall be the following:

Efficiency unit	500 square feet
1-bedroom	600 square feet
2 or more bedroom	750 square feet

Residential garages or carports shall have a minimum setback five (5) feet from rear property lines and eight (8) feet from side yard.

- K. Buildings and uses customarily necessary to any of the above uses.

SECTION 22.03 **COMMERCIAL RESTRICTIONS.** The uses permitted shall be subject to the following conditions:

- A. Such businesses and sales or display or storage areas shall be confined within a building beyond normal business hours except that the city council, by resolution or by ordinance may allow an exception for city-wide promotions and activities.
- T. A public entrance to such business shall be from the principal street upon which the property abuts.

SECTION 22.04 **CONDITIONAL USES.** The following uses may be permitted upon approval of the city council:

- A. Automobile service including auto equipment sales, car wash services, new and used car sales lots, 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, night clubs and on and off sale liquor stores
- 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. Wholesale businesses
- G. Transportation terminals and distribution stations
- H. Buildings and uses customarily incidental to any of the uses listed in this section when located on the same property

SECTION 22.05 BUILDING HEIGHT. No building or structure hereafter erected or altered shall exceed sixty (60) feet in height or more than four (4) stories.

SECTION 22.06 LOT AREA, FRONTAGE, LOT COVERAGE, YARD SIZE AND LOADING SPACE. For allowed (non-residential) uses 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, parking and loading space shall be specified by the City Council.

ARTICLE 23
B-2 HIGHWAY BUSINESS DISTRICT

SECTION 23.01 **PURPOSE.** The B-2 Highway Business District is established to encourage the functional grouping of those commercial enterprises which cater primarily to either local or through motorists. Typical uses offer accommodations and services to motorists, specialized outlets and commercial amusement enterprises. The requirements of this district are developed to minimize traffic hazards and to create a pleasant and inviting impression of the community

SECTION 23.02 **USES PERMITTED.**

- A. Automobile services including auto equipment sales, car wash services, new and used car sales lots and trailer sales areas, gasoline service stations and auto repair garages. All businesses under this section shall have a principal building
- B. Business services including banks, offices and postal stations
- C. Clothing services including dry cleaning and laundry establishments, laundromats, dressmaking and tailor shops and shoe repair shops
- D. Equipment services including radio and television shops, electrical appliance shops and showrooms
- E. Medical services including clinics, hospitals and animal clinics
- F. Food services including grocery stores, fruit, vegetable and meat markets, supermarkets, restaurants, delicatessens, candy shops and bakeries
- G. Personal services including barber and beauty shops, reducing salons, photographic shops and funeral homes
- H. Retail services including drug stores, hardware stores, stationery and book stores, news shops, apparel shops, show rooms, flower shops and commercial greenhouses.
- I. Recreation services including theaters, bowling alleys, pool and billiard rooms, dancing academies and roller and ice skating rinks and miniature golf courses
- J. Motels, private clubs and lodges, wholesale establishments, night clubs, on and off sale liquor stores, sales rooms, public utility buildings and transformer stations without storage yards
- K. Residences 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

- M. Drive-in restaurants, drive-in banks and drive-in services or businesses not herein strictly prohibited
- N. Open air display areas for the sale of manufactured products such as garden furniture, hardware items and nursery stock, or rental of manufactured products or equipment
- O. Buildings used for storage, distributing stations, but not including fuel yards, junk yards or used automobile parts or wrecking establishments or businesses handling waste or junk and those businesses which are offensive by reason of sight, odor, noise, smoke or vibration to the surrounding neighborhood.
- P. Buildings and uses customarily necessary to any of the above permitted uses.
- Q. Buildings and uses customarily necessary to any of the above permitted uses, but which will not be detrimental either by reason of sight, odor, smoke, noise, dust or vibration to the surrounding neighborhood.
- R. Rental residential units may be maintained above the ground floor. In such buildings the ground floor must be commercial space only
- S. Lumber yards

SECTION 23.03 CONDITIONAL USES. The following may be permitted upon approval by the city council:

- A. Recreational camping areas
- B. Open sales lots
- C. Used auto parts
- D. Commercial kennel
- E. Broadcasting or reception towers or antenna over forty-five (45) feet in height

SECTION 23.04 BUILDING HEIGHT. No building or structure hereafter erected or altered shall exceed sixty (60) feet in height and a maximum of four (4) stories

SECTION 23.05 LOT AREA AND YARD REQUIREMENTS. The following minimum requirements shall apply:

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

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

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

ARTICLE 24
MANUFACTURING/INDUSTRIAL DISTRICT (M-1)

SECTION 24.01 PURPOSE. The M-1 Manufacturing Districts are intended to provide for areas for manufacturing, warehousing and related commercial operations. All activities in the district shall be carried on in a manner not injurious or offensive to the occupants of adjacent premises.

SECTION 24.02 PERMITTED PRINCIPAL USES. Within a M-1 District, unless otherwise provided by this ordinance, no uses are permitted except for the following:

- A. Manufacturing. Any light manufacturing or process including repairs, assembling, fabricating, altering, converting, finishing, processing, treating, testing, packaging or bottling; except any use or process hereinafter specifically excluded or which would not be in keeping with the purpose of the district as stated above. Such determination shall be made by the city council upon review of the building permit application. Manufacturing includes the storage of goods or materials related to the manufacturing process.
- B. Offices
- C. Office showroom buildings
- D. Warehousing, storage and wholesaling. The storage, handling, assembly and distribution of goods and materials for retail, wholesale or on-site use, except any hazardous combustible materials and/or flammable liquids or gases. This classification does not include truck terminals, which are defined as warehouse and distribution businesses specializing in the shipment of goods or materials and which generate significant numbers of semi-trailer trucks.
- E. Vocational and technical schools

SECTION 24.03 PERMITTED ACCESSORY USES. The following shall be permitted accessory uses within an M-1 District:

- A. Any accessory use, building or structure customarily incidental to a principal use permitted above and located on the same lot therewith.
- B. Specialized freight and yard equipment, private utility structures, secondary processing structures and similar specialized structures
- C. Parking and loading facilities
- D. Signs as regulated

SECTION 24.04 CONDITIONAL USES. The following uses may be permitted upon approval by the city council:

- A. Any production, processing, assembly, manufacturing, cleaning service, repair, testing or storage of goods or products excepting those which may be injurious or offensive to the occupants of adjacent premise by reason of the emission of or creation of noise, vibration, smoke, dust, odors or noxious materials.
- B. Motor vehicle body shops, dog kennels, open sales lots, building material sales, auto and truck washes, motor fuel stations and retail sales.
- C. Bulk storage of liquid, construction storage yards, open storage as a primary use, broadcasting or reception towers or antenna over forty-five (45) feet in height, contractors storage yards and grain and feed storage.
- E. Airports and heliports

SECTION 24.05 MANUFACTURING DISTRICT SPECIAL REQUIREMENTS

- A. Storage, auxiliary to the permitted use, is permitted in the open, but not within twenty (20) feet of the property lines.
- B. Open storage of lumber, metals, machinery or other materials shall be enclosed by a solid fence of dense hedge or shrub to a minimum of eight (8) feet in height.
- 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 grounds. Storage of waste materials must be in accordance with all applicable state and federal regulations and laws.
- D. Screening shall be provided at lot boundaries abutting a residential district, and may consist of solid fencing or dense hedge or shrub to a minimum of eight (8) feet in height.

SECTION 24.06 BULK REGULATIONS. The following requirements apply:

- A. Lot area, width and yard requirements

LOT AREA SQ.FT.	FRONT YARD WIDTH	BUILDING SETBACK	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.

- B. Height Restriction
 - 1. No building or structure hereafter erected or altered shall exceed sixty (60) feet in height.

C. Lot Depth

1. Minimum lot depth shall be one hundred twenty (120) feet.

APPENDIX A 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 and the plural includes the singular; the word "shall" is mandatory and not merely directory.

ABANDONMENT. To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

ABUTTING. Having a common border with, or being separated from such a common border by a right-of-way, alley or easement.

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

ACCESSORY USE. A use clearly and customarily subordinate and incidental to the principal permitted use of the premises.

AGRICULTURE. The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary uses for packing, treating, or storing the produce; provided however, that the operation of any such accessory uses shall be secondary to the normal agricultural activities.

AIRPORT. Any area of land or water designated and set aside for the landing and taking off of an aircraft, including all necessary facilities for the housing and maintenance of aircraft.

ALLEY. A public or private right-of-way primarily designed to serve as secondary access to land or structures on a property whose principal frontage is on a street.

ALTERATION. Any change, addition, or modification in construction or occupancy of an existing structure.

APARTMENT. A single room or set of rooms occupied as a dwelling unit which is part of a multiple family dwelling.

BASEMENT. That portion of a building which is one-half (1/2) or more below grade. If the height of the ceiling is five (5) feet or more above grade such basement shall be considered a story.

BED AND BREAKFAST INN. A house, or portion thereof, where short term lodging rooms and meals are provided. The owner or manager of the inn shall live on the premises.

BLOCK. A tract of land bounded by streets or a combination of streets and public parks, cemeteries, railroad rights of way, shorelines of waterways, municipal boundary lines, township lines or county lines.

BOARD, LODGING OR ROOMING HOUSE. Any residential building or portion thereof, containing lodging rooms which accommodate persons who are not members of the keeper's family. Lodging or meals or both are provided for compensation on a weekly or monthly basis. Motels, hotels, bed and breakfast inns or apartment hotels are not included in this category.

BUILDABLE AREA. The part of a lot not included within the yards required by this ordinance.

BUILDING. Any structure, permanently affixed to a lot, used for the support, shelter, protection or enclosure of persons, animals, equipment, machinery, materials or property of any kind. When any portion of a building is completely separated from every other part by division walls from the ground up and is without openings, each portion of such building shall be deemed as a separate building. The connection of two (2) buildings by means of an open porch, breezeway, passageway or other such open structure, with or without a roof, shall not be deemed to make them one (1) building.

BUILDING, DETACHED. A building surrounded by an open space on the same lot as another building.

BUILDING HEIGHT. The vertical distance from the average elevation of the adjoining ground level to the top of the highest point of the structure.

BUILDING, PRINCIPAL. A nonaccessory building in which a principal use of the lot on which it is located is conducted.

CHILD DAY CARE. Child day care means the provision of supplemental parental care and supervision:

1. For a nonrelated child or children;
2. On a regular basis;
3. For less than 24 hours a day; and
4. Under license by the Minnesota Dept. of Human Services

As used in this ordinance, the term is not intended to include babysitting services of a casual, nonrecurring nature or in the child's home. Likewise, the term is not intended to include cooperative, reciprocative child care by a group of parents in their respective domiciles.

CHILD DAY CARE FACILITY. A building or structure wherein an agency, person or persons regularly provides care for a group of children for periods of less than 24 hours a day. Child day care facilities include family day care homes, group family day care homes and child day care centers. They do not include preschools or nursery schools.

- A. "Family day care home" means a licensed family abode of a person or persons who regularly provides direct care of children during part of a 24-hour day. There may be no more than ten (10) children at one time, of which no more than six (6) are under school age, the licensed capacity must include all children of any caregiver when the children are present in the residence.

- B. “Group family day care home” means a licensed facility for no more than fourteen (14) children at any one time, of which no more than ten (10) are under school age. The total number of children includes all children of any caregiver when the children are present in the residence. The direct care of the children is for part of a 24-hour day.
- C. “Child care center” means a facility in which a child care program is operated when the facility is not excluded by Minnesota Statutes, Section 245A.03, Subd.2 and is not required to be licensed under parts 9502.0315 to 9502.0445 as a family or group family day care home.

CHURCH OR PLACE OF RELIGIOUS WORSHIP. A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

CLINIC. A public or proprietary institution providing diagnostic or preventative treatment for ambulatory patients by a group of doctors or dentists, or both, who have their offices in the same building.

CLUB OR LODGE. Structures and facilities owned and/or operated by an association of persons, for a social, educational or recreational purpose but not primarily for profit and not primarily to render a service which is customarily carried on as a business. Said persons shall be bona fide members paying annual dues and the use of such premises is restricted to members and their guests. It shall be permissible to serve food, meals, and beverages on such premises provided it is secondary and incidental to some other common objectives of the organization and all applicable local and state laws are complied with.

COMMERCIAL USE. The principal use of land or buildings for the sale, lease, rental or trade of products, goods and services.

CONDITIONAL USE. A use of such variable nature as to make control by rigid regulation impractical. After due consideration in each case, by the city council, approval of a conditional use may or may not be granted.

DEVELOPMENT. The division of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbances; and any use or extension of the use of land.

DOG KENNEL. See kennel

DRIVE IN RESTAURANT. Any place or premises used for sale, dispensing or serving of food, refreshments, or beverages in automobiles including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.

DWELLING. Any building or portion thereof, designed or used exclusively for residential occupancy but not including a tent, cabin, trailer, hotel or motel.

DWELLING, MULTIPLE FAMILY. A residence designed for or occupied by three (3) or more families, in separate dwelling units.

DWELLING, SINGLE FAMILY, ATTACHED (GROUP, ROW AND TOWNHOUSES).

One of two or more residential buildings having a common or party wall separating dwelling units.

DWELLING, SINGLE FAMILY, DETACHED. A residential building containing not more than one dwelling unit entirely surrounded by open space on the same lot.

DWELLING, TWO FAMILY. A residence designed for or occupied by two (2) families only, in separate dwelling units.

DWELLING UNIT. One (1) or more rooms which are arranged, designed or used as living quarters for one (1) family only. Independent cooking facilities, permanently installed and individual sanitary facilities shall always be included for each “dwelling unit”.

EASEMENT. A grant of one or more of the property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.

ESSENTIAL SERVICES. Utilities such as underground or overhead gas, electrical or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories reasonably necessary for the furnishing of adequate service by public utilities or governmental agencies or for the public health or safety or general welfare but not including buildings.

FAMILY. A family is any number of person 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.

FARMING. An area which is used for the growing of the usual farm products such as vegetables, fruits, grains and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals. The term farming includes the operating of such area for one (1) or more of the above uses with the necessary accessory uses for treating or storing the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activity.

FENCE. Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

FLOOD. The temporary overflowing of water onto land which is usually devoid of surface water.

FLOODPLAIN. Flood plain or flood-prone area means any land area susceptible to being inundated by water from any source.

FLOODWAY. The channel of a river or other water course and the adjacent land areas that must be reserved in order to reasonably carry and discharge the 100-year flood.

FLOODWAY FRINGE. All that land in a floodplain not lying within the delineated floodway. Land within a floodway fringe is subject to inundation by relatively low velocity flows and shallow water depths.

FLOOR AREA, GROSS. The sum of the areas of the several floors of a building, measured from the exterior faces of exterior walls. The term gross floor area shall include basements, elevator shafts; stairwells at each story; floor space used for mechanical equipment with structural headroom of seven feet, six inches or more; penthouses; attic space, whether or not a floor has actually been laid, providing structural headroom of six feet, six inches or more; interior balconies and mezzanines.

FLOOR AREA RATIO. Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

GARAGE, COMMUNITY. An accessory building or series of structures for the storage of motor vehicles by two (2) or more occupants of property or dwellings in the vicinity and having no public shop or service therein.

GARAGE, PRIVATE. An accessory building designed or used for the storage or shelter of vehicles by the occupants of the building to which it is accessory.

GARAGE, PUBLIC. A building, or portion thereof, other than a private customer and employee garage or private residential garage, used primarily for the parking and storage of vehicles and available to the general public.

GARAGE, REPAIR. A building or space for the repair or maintenance of motor vehicles but not including factory assembly of such vehicles, auto wrecking establishments or junkyards.

GLARE. A sensation of brightness within the visual field that causes annoyance, discomfort or loss in visual performance and visibility.

GRADE. The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

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 surrounding uses and the general public.

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.

HOTEL. A building in which lodging or boarding and lodging are provided and offered to the public for compensation and which is open to transient guests. Customary hotel services such as maid service, furnishing and laundering of linen, telephone and desk service, and the use and upkeep of furniture shall be provided.

INCOMPATIBLE USE. A use or service which is unsuitable for direct association with other uses because it is contradictory, incongruous or discordant with respect to sight, sound, odor, vibration or any other injurious or offensive variable.

INSTITUTION. A building or premises occupied by a non-profit corporation or establishment for public use.

JUNKYARD. Any open area of any lot or parcel where waste, discarded or scrap materials are bought, sold, exchanged, baled or packed, disassembled, kept, stored or handled, including scrap metals or scrap materials, or the abandonment or dismantling of machinery, motor vehicles or other vehicles, or parts thereof. A junkyard does not include uses established entirely within enclosed buildings.

KENNEL. Any lot or parcel of land where small animals are boarded for compensation or where dogs are bred or raised on a commercial scale.

LAND USE PERMIT. A permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this ordinance for the zone in which it is to be located.

LIVESTOCK. Cattle, horses, sheep, goats, poultry, swine and large wild and/or exotic animals.

LINEAR BLOCK. That property abutting one side of a street between the two nearest intersecting or intercepting streets, natural barrier, or between such cross-street and the end of a dead end or cul-de-sac. Where a street curves so that any adjacent 100 foot chords thereof form an angle of 120 degrees or less, measured on the lot side, such curve shall be construed as an intersecting street.

LOADING SPACE, OFF STREET. Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when off-street parking spaces are filled.

LOT. A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such yard and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street. In no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of the ordinance.

LOT AREA. The area of horizontal plane bounded by the front, side and rear lot lines, but not including any area occupied by the waters of a recorded lake or river.

LOT, CORNER. A lot situated at the intersection of two (2) streets with two (2) adjacent sides abutting a street for their full length.

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

LOT, DOUBLE FRONTAGE. A lot having two (2) opposite lot lines along two (2) more or less parallel public streets, and which is not a corner lot. On a double frontage lot both lot lines abutting the street shall be deemed front lot lines.

LOT, INTERIOR. Any lot which is not a corner lot.

LOT DEPTH. The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rear most points of the side lot lines in the rear.

LOT, THROUGH. A lot that has a pair of opposite lot lines along two substantially parallel streets and which is not a corner lot. On a through lot, both street lot lines shall be deemed front lot lines.

LOT LINE, FRONT. Any lot line which is along an existing or dedicated public street

LOT LINE, REAR. A lot line which is most distant from and is, or is most nearly, parallel to 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.

LOT LINE, SIDE. Any lot line not a front or rear lot line

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.

LOT WIDTH. The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

MINI-WAREHOUSE. A structure containing separate storage spaces of varying sizes leased or rented on an individual basis.

MOBILE HOME/MANUFACTURED HOME. A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the state of Minnesota and complies with the standards established under Minnesota Statutes, Chapter 327.

MOBILE HOME PARK. A lot, parcel or tract of land upon which two (2) or more occupied mobile homes are sited either free of charge or for revenue purposes, including any building, structure or enclosure used or intended for use as a part of the equipment of such mobile home park.

MOTEL. Any building or group of buildings containing guest room primarily for the temporary occupancy for use by transient guests. Such buildings or groups of buildings may include quarters for the use of the operating personnel.

MOTOR VEHICLE. Any passenger vehicle, truck, truck-trailer, trailer or semi-trailer propelled or drawn by mechanical power.

NON-CONFORMING BUILDING OR USE. Any building or use or building and use which does not comply with all of the regulations of this ordinance or of any amendment hereto for the zoning district in which it is located.

NURSING HOME. A building or structure having accommodations and where care is provided for invalid, infirmed, aged, convalescent or physically disabled or injured persons, in which three (3) or more persons not of the immediate family are received, kept and provided with food and shelter for compensation.

OFF-STREET LOADING SPACE. A space accessible from a street, alley or driveway for the use of trucks while loading or unloading merchandise or materials. Such space shall be of such size as to accommodate one truck of the type typically used in the particular business..

OPEN SALES LOT. Any land used or occupied for the purpose of buying and selling new or second hand passenger cars and/or trucks, motor cycles, motor scooters, farm and lawn equipment, boats, trailers, ATV's, golf carts, aircraft construction equipment and monuments and for the storage of same prior to sale. Open sales lots shall have a principal building.

OPEN SPACE. Land used for recreation, resource protection, amenity and/or buffers. In no event shall any area of a lot constituting the minimum lot area nor any part of an existing or future road or right-of-way be counted as constituting open space.

PARCEL. A continuous quantity of land in the possession of or owned by or recorded as the property of the same person or persons.

PARKING LOT. A parcel of land devoted to unenclosed parking spaces

PARKING SPACE. A graded and surfaced area of not less than two hundred (200) square feet plus necessary maneuvering space for the parking or storage of a motor vehicle, which affords satisfactory ingress and egress to a street or alley.

PARTY WALL. A common shared wall between two separate structures, buildings or dwelling units.

PERMITTED USE. A use which may be lawfully established in a particular zoning district provided it conforms with all applicable requirements and regulations of such district and this ordinance.

PRINCIPAL USE. The main use of land or structures as distinguished from an accessory use.

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.

PREMISES. A tract of land together with all structures hereon.

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.

PUBLIC USES. Municipal, county, school district, state, federal and other public uses.

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

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.
- D. 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.
- E. 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.
- F. Camping trailer means a folding structure mounted on wheels and designed for travel, recreation and vacation use.

RIGHT-OF-WAY. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electronic transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees or other special use.

ROADSIDE STAND. A temporary and unenclosed structure for the display and sale of agricultural products, produced or grown on the premises.

SERVICE STATION. Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune ups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting and body fender work are conducted.

SETBACK, BUILDING. The horizontal distance between the front line of a building or structure and the front lot line.

SITE PLAN. A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses and principal site development features proposed for a specific parcel of land.

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.

STREET. A public way which affords the principal access to abutting property excepting a public alley. The term street shall include road, avenue, highway, boulevard, drive, lane, circle, place, court, parkway or other similar designation.

STRUCTURE. Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, walks, fences, billboards and poster panels.

STRUCTURAL ALTERATION. Any replacement or changes in the type of construction or in the supporting members of a building such as bearing walls or partitions, columns, beams or

girders or any substantial change in the roof or exterior walls, beyond ordinary repairs and maintenance.

SWIMMING POOL. A water filled enclosure, permanently constructed or portable having a depth of more than eighteen (18) inches below the level of the surrounding land, or an above surface pool, having a depth of more than thirty (30) inches, designed, used and maintained for swimming and bathing.

TOWNHOUSE/ROWHOUSE. A building comprised of single-family dwelling units erected in a row as a single building on adjoining lots, each unit having its own front and rear access to the outside, separated from the adjoining unit or units by one or more common fire walls extending from the basement floor to the roof along the dividing lot line and having a yard space on the front, rear and both sides.

TRUCK STOP. A motor fuel station devoted principally to the needs of trucks and which shall include eating and/or sleeping facilities.

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.

USE, PERMITTED. A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards of such district.

USE, SPECIAL. See conditional use.

VARIANCE. A relaxation of the requirements of this ordinance regarding height, area, size of structure or size of yard. Establishment of expansion of a use otherwise prohibited shall not be allowed by variance. Variances are granted only by council approval.

WAREHOUSE. A building used primarily for the storage of goods and materials. See mini-warehouse.

WAREHOUSING. Terminal facilities for handling freight with or without maintenance facilities.

WHOLESALE. The selling of goods, equipment and materials by bulk to another business that in turn sells to the final customer.

YARD. A required open space not occupied by a building or buildings, open to the sky and on the same lot as the principal building. A yard extends along a lot line, and to a depth or width specified in the yard requirements for the applicable zoning district.

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.

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.

YARD, SIDE. A yard between the side lot line and a line at a distance therefrom as specified by the district regulations. Interior side yard is a side yard which is located adjacent to another lot. Street side yard is a side yard which adjoins to a public street.

ZONING DISTRICT. An area or areas within the limits of the city for which the regulations and requirements governing land use are uniform.

ZONING MAP. The areas comprising these zoning districts and boundaries of said districts as shown upon the map made a part of this ordinance with all proper notation, references and other information shown thereon.